

Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
Manila

**GENERAL INSTRUCTIONS FOR THE SPECIAL BOARD OF ELECTION INSPECTORS AND SPECIAL BALLOT RECEPTION AND CUSTODY GROUP IN THE CONDUCT OF MANUAL VOTING AND COUNTING 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.**

X-----  
-----X

<b>MELO, Jose A.R.,</b>	Chairman
<b>SARMIENTO, Rene</b>	Commissioner
<b>V.,</b>	Commissioner
<b>FERRER, Nicodemo</b>	Commissioner
<b>T.,</b>	Commissioner
<b>TAGLE, Lucenito N.,</b>	Commissioner
<b>VELASCO, Armando</b>	Commissioner
<b>C.,</b>	
<b>YUSOPH, Elias R.,</b>	
<b>LARRAZABAL,</b>	
<b>Gregorio Y.,</b>	

**PROMULGATED**  
**27 January**  
**2010\_\_\_\_\_**

**RESOLUTION NO. \_8750\_\_\_\_\_**

The Commission on Elections, pursuant to the authority vested in it by the Constitution, Republic Act No. 9189, (The Overseas Absentee Voting Act of 2003), Batas Pambansa Blg. 881 (Omnibus Election Code), Republic Act 9369 and other election laws, **RESOLVED** to promulgate, as it hereby promulgates, the following General Instructions for the Special Board of Election Inspectors and Special Ballot Reception and Custody Group in the conduct of manual voting and counting of votes.

**ARTICLE I**  
**DEFINITION OF TERMS**

**Section 1. *Meaning of words.*** - As used in this General Instructions, the following terms shall refer to:

- a) ***Approved Overseas Absentee Voter Registration Record*** - document containing the demographic and biometric information of an overseas absentee voter approved by the Resident Election Registration Board;
- b) ***Certified List of Overseas Absentee Voters (CLOAV or OAVF No. 2)*** - list of registered overseas absentee voters whose applications to vote *in absentia* have been approved by the Committee on Overseas Absentee Voting, through the Resident Election Registration Board on a country-by-country and post-by post basis. This list shall be prepared by the Committee on

Overseas Absentee Voting and approved by the Commission in an *en banc* resolution;

This shall be divided equitably among the SBEIs for posting outside the polling place at the start of the voting period.

- c) **Commission** – the Commission on Elections;
- d) **Committee on Overseas Absentee Voting (COAV)** – Committee created by the Commission to oversee and supervise the effective implementation of R.A. 9189;
- e) **Day of Election** – date of the elections in the Philippines which is May 10, 2010;
- f) **Department of Foreign Affairs-Overseas Absentee Voting Secretariat (DFA-OAVS)** – secretariat based at the Department of Foreign Affairs (DFA) home office tasked to direct, coordinate and oversee the Department’s participation in the implementation of R.A. 9189 through its embassies, consulates, and economic and cultural offices;
- g) **List of Overseas Absentee Voters with Voting Records (OAVF No. 2-A)** – list of overseas absentee voters with biometrics arranged alphabetically to vote *in absentia*, for use by each Special Board of Election Inspectors during the voting period;
- h) **National Registry of Overseas Absentee Voters (NROAV)** – consolidated list of overseas absentee voters whose applications for registration as absentee voters, including those registered voters under R.A. 8189 who have applied for certification as overseas absentee voters and whose applications have been approved by the Resident Election Registration Board. It shall indicate the Post where the overseas absentee voter is registered;
- i) **Overseas Absentee Voter** – a qualified citizen of the Philippines whose application for registration or for certification as absentee voter has been approved by the RERB, and who is abroad during the voting period;
- j) **Overseas Absentee Voting** – process by which qualified citizens of the Philippines abroad exercise their right to vote;
- k) **Overseas Absentee Voting Election Returns** – an election document prepared and authenticated by the Special Board of Election Inspectors for Counting, showing the date of the election, the country/post in which it is held, the number of overseas absentee voters, the number of voters who actually voted, the votes obtained by each candidate in the overseas absentee voting precinct and such other data as may be required by law;
- l) **Overseas Absentee Voting Precinct** – a country, Post or a

grouping of overseas absentee voters in a given country/Post, designated by the Commission for purposes of voting and counting taking into consideration the presence of consular offices and the number of overseas absentee voters under the jurisdiction of each consular office;

- m) **Personal Voting** - a mode of voting where the voters personally appear to cast their votes at the Posts or such other voting areas designated by the Commission;
- n) **Postal Voting** - a mode of voting where mailing packets, containing the official ballots and other election paraphernalia, are sent to the voters through the mail or are personally delivered to or picked-up by the voters at the Post. Whereupon, the voters either mail or personally deliver their accomplished ballots to the Post;
- o) **Posts** - *Philippine* embassies, consulates, foreign service establishments and other Philippine government agencies maintaining offices abroad, *e.g.*, the Philippine Overseas Labor Offices (POLO), having jurisdiction over the places where the overseas absentee voters temporarily reside. For purposes of overseas absentee voting, Posts shall also mean to include the three (3) Manila Economic & Cultural Offices (MECO) in Taiwan;
- p) **Representative of the Commission** - officials and employees of the foreign service corps, including Filipino contractual employees that the embassies, consulates and other foreign service establishments may locally hire at the host country and Filipino volunteers nominated by the Post and deputized by the Commission;
- q) **Seafarers** - ship officers and ratings manning ships, including offshore workers, service providers and fishermen, as defined in the Revised Rules on the Issuance of Seafarer's Identification and Record Book of the Maritime Industry Authority;
- r) **Special Ballot Reception and Custody Group (SBRCG)** - group deputized by the Commission in every Post to receive and take custody of all accountable and non-accountable election forms, supplies and paraphernalia sent by the COAV for issuance to the Special Boards of Election Inspectors and Special Boards of Canvassers;
- s) **Special Board of Election Inspectors (SBEI)** - body deputized by the Commission to conduct the voting and/or counting of votes;
- t) **Special Board of Canvassers (SBOC)** - body deputized by the Commission to canvass the votes in a particular country;
- u) **Supervisory Teams** - officials and employees of the Commission designated by the Commission to supervise and ensure the

implementation of the R.A. 9189 and these Rules. Such supervisory teams shall be headed by career officers or any lawyer of the Commission designated by the Chairman of the COAV;

- v) **Voting Period** – 30 days of voting of overseas absentee voters which includes the day of elections.

## **ARTICLE II SPECIAL BALLOT RECEPTION AND CUSTODY GROUP**

**Sec. 2. *Special Ballot Reception and Custody Group; Constitution.*** – The Commission shall, upon recommendation of the DFA-OAVS, constitute in every Post, not later than **February 11, 2010**, an SBRCG, which shall be composed of three (3) members.

The Commission may constitute additional SBRCG in Posts where the registered voters are more than forty thousand (40,000).

**Sec. 3. *Qualifications of members/substitutes of the SBRCG.*** – No person shall be appointed as chairman or member of the SBRCG, unless he:

- a) Is of good moral character and irreproachable reputation;
- b) Is a citizen of the Philippines residing abroad;
- c) Is from among the staff of the Posts;
- d) Has never been convicted of any election offense or of any other crime punishable by more than six (6) months of imprisonment, or has no pending case filed against him for any election offense; and
- e) Is able to speak and write English or Filipino.

In case there are not enough qualified staff of the Posts, citizens of the Philippines who are qualified to vote under R.A. 9189, and of known probity and competence, may be appointed as members of the SBRCG, provided that the chairman shall be a staff of the Posts. The representative of the Commission in the Post shall issue the Appointment of the Chairman/Poll Clerk/Members/Substitutes of the SBEI/SBRCG (OAVF No. 5)

In case of temporary vacancy in the SBRCG, the provision of Section 11, Article III hereof shall apply.

**Sec. 4. *Disqualification.*** – The members of the SBRCG or their spouses shall not be related within the fourth civil degree of consanguinity or affinity to any member of the same SBRCG or to any of the candidates for President, Vice-President, Senators and to any of the nominees for the party-list system of representation.

**Sec. 5. *Notice of disqualification.*** – Any member of the SBRCG who is disqualified for any of the above reasons shall notify the head of the Post in writing, who shall, in turn submit a replacement to the Commission through the COAV for appointment.

**Sec. 6. *Functions of the SBRCG.*** – The SBRCG shall perform the following duties and functions:

- a) Receive from the Commission through the COAV, all accountable and non-accountable election forms, supplies and paraphernalia to be used in voting, counting and canvassing;
- b) Verify, using the packing list, the quantity and serial numbers of all ballots, election returns and canvassing forms, and other accountable forms, received in the presence of the head of the Post or his/her authorized representative, watchers of political parties and representatives of the Filipino community, if available.
- c) Notify the COAV within twenty-four (24) hours after verification, of the receipt of accountable and non-accountable forms, condition thereof and discrepancy, if any, the quantity and serial numbers of the accountable forms;
- d) Store in a secured place all received forms and supplies; and
- e) Perform such other duties and functions as provided for in Article VIII hereof, in countries where postal voting is allowed.

### **ARTICLE III SPECIAL BOARDS OF ELECTION INSPECTORS**

**Sec. 7. *Special Board of Election Inspectors; constitution and appointment.*** -At least one (1) SBEI shall be constituted in every country/Post for purposes of voting and/or counting.

For purposes of voting, each SBEI shall handle not more than 4,000 voters. In excess of 4,000 voters, additional SBEIs may be constituted, upon approval by the COAV.

The SBEI shall be composed of a chairman who shall be a public officer posted abroad designated by the Commission, and two (2) members, who shall be citizens of the Philippines, qualified to vote under the R.A. 9189 deputized by the Commission, one of whom shall be designated as Poll Clerk and the other as Third Member.

The Commission shall constitute the SBEIs not later than **February 11, 2010** subject to substitution in case of ineligibility due to prohibited relationship to candidates after the filing of certificate of candidacy. The representative of the Commission in the Post shall issue the Appointment of the Chairman/Poll Clerk/Members/Substitutes of the SBEI/SBRCG (OAVF No. 5).

**Sec. 8. *Qualifications of members of the SBEI.*** - No person shall be appointed as chairman or member of the SBEI, whether regular or substitute, unless he:

- a) Is of good moral character and irreproachable reputation;
- b) Is qualified to vote under R.A. 9189;
- c) Has never been convicted of any election offense or of any other crime punishable by more than six (6) months of imprisonment, or has no pending case filed against him for any election offense; and

d) Is able to speak and write English or Pilipino.

In case there are not enough qualified staff of the Posts, citizens of the Philippines who are qualified to vote under R.A. 9189, and of known probity and competence, may be appointed as members of the SBEI, provided that the chairman shall be a staff of the Posts. The representative of the Commission in the Post shall issue the Appointment of the Chairman and members of the SBEI (OAVF No. 5)

**Sec. 9. *Disqualification.*** – No person shall serve as chairman or member of the SBEI if he or his spouse is related within the fourth civil degree of consanguinity or affinity to any member of the same SBEI or to any of the candidates for President, Vice-President, Senators and to any of the nominees for the party-list system of representation.

**Sec. 10. *Notice of disqualification.*** – Any member of the SBEI who is disqualified for any of the above reasons shall notify the head of the Post in writing, who shall, in turn submit a replacement to the Commission through the COAV for appointment.

**Sec. 11. *Temporary vacancies in the SBEI/SBRCG.*** – If at the time of the meeting of the SBEI/SBRCG, any member is absent or the office is still vacant, the members present shall call upon any substitute taken from the pool of substitutes, to perform the duties of the absent member. If the substitute cannot be found, the Head of the Post shall appoint any available official or employee of the Foreign Service corps or non-partisan registered voter not otherwise disqualified to temporarily fill said vacancy until the absent member appears or the vacancy is filled.

The fact of substitution shall be entered in Part V of the Minutes of Personal Voting (OAVF 11).

For this purpose, the Posts shall constitute a pool of substitutes for the SBEI/SBRCG which will likewise be deputized by the Commission.

**Sec. 12. *Oath of members of the SBEI/SBRCG.*** – The members of the SBEI/SBRCG shall, before assuming their office, take an oath by accomplishing the Oath of SBEI/SBRCG (OAVF No.5-A) before an officer authorized to administer oaths or, in the absence thereof, before any other member of the SBEI/SBRCG present or, in case no other member is present, before any overseas absentee voter. The accomplished Oaths of SBEI/SBRCG shall be submitted to the SBRCG.

**Sec. 13. *Powers and functions of the SBEI.*** – The SBEI shall have the following powers and functions:

- a) Conduct the voting and/or counting of votes in personal voting, and the counting of votes in postal voting in countries where the same has been authorized by the Commission;
- b) Act as deputies of the Commission in the supervision and control of the election in the polling place where they are assigned;
- c) Maintain order within the polling place and its premises, to keep access thereto open and unobstructed, and to enforce obedience to its lawful orders. If any person refuses to obey its lawful order, or conducts himself in a disorderly manner in its presence or within its hearing and thereby interrupts or disturbs its proceeding, the SBEI

may call upon the security force of the Post, if any, or its deputized peace officer to take such person into custody until the adjournment of the meeting, but such order shall not be executed as to prevent the person from voting; and,

- d) Perform such other functions as may hereinafter be prescribed by the Commission.

**Sec. 14. *Proceedings of the SBEI.*** – The meeting of the SBEI shall be public and held in the polling place designated by the Commission. The SBEI shall act through its Chairman and shall decide, without delay, by a majority vote, questions which may arise in the performance of its duties.

**Sec. 15. *Minutes of Personal Voting.*** – The SBEI shall accomplish in two (2) copies the Minutes of Personal Voting (OAVF No. 11) and record the act or data required therein as they occur or become available during the voting. Copies of the OAVF No. 11 shall be sealed in separate envelopes to be distributed as follows:

- a) First copy to the Commission; and
- b) Second copy to be deposited inside the ballot box.

**Sec. 16. *Prohibition against political activity.*** – No member of the SBEI/ SBRCG shall engage in any partisan political activity or take part in the elections except to vote and discharge his duties such as rendering assistance in accordance with usual protocol courtesies normally extended to visiting officials on official business.

**Sec. 17. *Supervision by heads of Posts.***– All foreign service personnel and representatives of attached agencies duly deputized by the Commission shall be under the direct supervision of the Heads of Posts insofar as the One Country Team Approach is concerned.

## **ARTICLE IV WATCHERS**

**Sec. 18. *Watchers.*** – Every registered political party or coalition of political parties fielding candidates, accredited political parties, sectoral party/organization or coalition thereof participating in the party-list system of representation, every candidate, accredited citizens' arms and accredited OFW organizations shall be entitled to one (1) watcher at any given time during the voting and counting of votes.

For this purpose, registered political parties, coalition of political parties and every candidate, associations or organizations participating in the party-list system representation, accredited citizens' arms and accredited OFW organizations shall submit to the Posts, copy furnished the COAV, its list of watchers per SBEI not later than five (5) days before the start of voting period.

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) watcher for the accredited citizens' arm, one (1) common watcher for accredited OFW organizations, and one (1) common watcher for the independent candidates.

**Sec. 19. *Qualifications of watchers.*** – No person shall be appointed watcher unless he:

- a) Is an overseas absentee voter in the Post where he is assigned;
- b) Is of good reputation;
- c) Has not been convicted of any election offense or any crime;
- d) Knows how to write and read English or Filipino; and
- e) Is not related within the fourth civil degree of consanguinity or affinity to the chairman or to any member of the SBEI in the Post where he seeks appointment as watcher.

**Sec. 20. *Rights and duties of watchers.*** – Upon entering the polling place, the watchers shall present and deliver to the chairman of the SBEI their appointments and forthwith, their names shall be recorded in Part VI of OAVF No. 11 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 parties who appointed them or of organizations authorized by the Commission. For this purpose, registered political parties, organizations or coalitions authorized by the Commission, accredited citizens' arms and OFW organizations, shall provide the COAV with the names and signatures of their representatives authorized to appoint watchers in each Post not later than March 26, 2010. The COAV will furnish the DFA-OAVS with the said names and signatures.

The watchers shall have the right to:

- a) Witness and inform themselves of the proceedings of the SBEI;
- b) Take note of what they see or hear;
- c) Take photograph of the proceedings and incidents, if any, during the counting of votes, as well as of the election returns, tally board and ballot boxes/receptacles;
- d) File a protest against any irregularity or violation of law which they believe may have been committed by the SBEI or by any of its members or by any person;
- e) Obtain from the SBEI a certificate as to the filing of such protest and/or resolution thereon;
- f) Read each ballot after it is read by the chairman, as well as the election returns after it is accomplished and signed by the members of the SBEI without touching such documents; and
- g) Be furnished, upon request, with a Certificate of Votes (OAVF No.13) cast for the candidates, duly signed and thumb marked by the chairman and all members of the SBEI.

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



**ARTICLE V**  
**ELECTION FORMS AND SUPPLIES**

**Sec. 21. Election forms, documents and supplies.** – The SBRCG shall receive from the Commission through the COAV election forms, documents and supplies for its use and for distribution to the SBEIs. Except when authorized to do so earlier by the Commission, the SBEIs shall get the forms, documents and supplies early in the morning of each voting day. The allocation of the forms, documents and supplies shall be according to the following:

OAVF NO.	DESCRIPTION	RATE OF DISTRIBUTION	
ELECTION FORMS (VOTING)			
2	Certified List of Overseas Absentee Voters	1	Set
2-A	List of Voters with Voting Records	1	Set
2-B	Certified List of Seafarer-Voters	1	Copy
4	Certified List of Candidates for President, Vice-President, Senators, and List of Parties, Sectoral Organizations or Coalitions Participating under the Party-List System	12	Copies
5	Appointment of SBEI/SBRCG	9	Pieces
5-A	Oath of Office of SBEI/SBRCG	9	Pieces
6	Official Ballots	1	Piece per Voter
11	Minutes of Voting	1	Set of 2 pieces
12	Paper seals	5	Pieces
14	Certificate of Receipt of Forms and Supplies for voting by the SBEI	2	Pieces
16	Envelope for Torn Half of Unused Official Ballots, Other Half of Torn Unused Official Ballots and Official Ballots	3	Pieces
18	Envelope for Minutes of Voting	1	Set of 2 pieces
30	Temporary appointment of Chairman/Poll Clerk/ Third Member of SBEI/SBRCG	3	Pieces
33	Certificate of Challenge or Protest and Decision of the Board	3	Pieces
33-A	Record of Challenge/Protest	10	Pieces
39	Oath of Voter Challenged for Illegal Acts	10	Pieces
40	Oath of Identification of Witness of Challenged Voter	10	Pieces
40-A	Oath of Identification of Challenged Voter	12	Pieces
41	Summons Re: Identity of Challenged Voter	3	Pieces
SUPPLIES			
	Ballot Secrecy Folders	12	Pieces
	Ball pens	12	Pieces
	Thumbprint Takers	5	Pieces
	Collapsible Ballot Box	1	Piece
	Security Seals for Ballot Box	60	Pieces
	Ballot Box Tape	8	Pieces
	Ballot Receptacle	1	Piece
ELECTION FORMS (COUNTING)			
	Collapsible Ballot Box to Contain Ballots to be counted	1	Piece

9	Election Returns	1	Set
10	Tally Board	1	Set
11-A	Minutes of Counting	1	Set of 2 pieces
13	Certificate of Votes	10	Pieces
14-A	Certificate of Receipt of Forms and Supplies for Counting	1	Set of 2 Pieces
16	Envelope for Counted, Excess, Marked, Spoiled, and Invalid Official Ballots	5	Pieces
17, 17-A to- F	Envelopes for Election Returns	1	Set of 8 pieces
18	Minutes of Counting	1	Set of 2 Pieces
18-A	Envelope for Minutes of Counting of Votes	1	Set of 2 Pieces
27, 27-A to - D	Official Receipt of Election Returns	1	Set of 5 Pieces
<b>SUPPLIES</b>			
	Ball pen	3	Pieces
	Rubber Band	8	Pieces
	Bond Paper (Long)	30	Pieces
	Carbon Paper	5	Sheets

**Sec. 22. Official ballot.** - The official ballot shall be of uniform size and color, printed on security paper with distinctive, clear and legible watermarks that will readily distinguish the ballot paper from ordinary paper.

It shall contain a stub and detachable ballot coupon, both of which shall bear the same serial number of the ballot, with space for the thumb mark of the voter on the detachable ballot coupon.

It shall bear the coat-of-arms of the Republic of the Philippines, the words “Official Ballot”, the name of the Post and country in which the election is to be held, the date of the election and the following notice in English: *Fill out this ballot secretly using a ballot secrecy folder. Do not put any distinctive mark on any part of this ballot.*

It shall contain the appropriate spaces for President, Vice-President, Senator and accredited political parties, sectoral party/organization or coalition thereof participating in the party-list system of representation.

### ARTICLE VI CASTING OF VOTES

**Sec. 23. Who are allowed to vote.** - All overseas absentee voters may vote for President, Vice-President, Senators and accredited political party/organization or coalition thereof participating under the party-list system of representation.

**Sec. 24. Period for casting of votes.** - Casting of votes shall be for a period of **thirty (30) calendar days** beginning at **8:00 o’clock in the morning of April 10, 2010, local time of the host country** until **6:00 o’clock in the evening of May 10, 2010, Philippine time**. The period shall include all established holidays in the Philippines and such other holidays in the host countries.

Except on **April 10, 2010** where all Posts are required to open at **8:00**

**o'clock in the morning, local time of the host country**, the Post may adopt a flexible schedule for the operation of the various SBEIs; provided it is continuous and it will not be less than eight (8) hours a day, taking into account the availability of voters and the primary responsibilities and functions of the members of the SBEIs.

If at **6:00 o'clock in the evening of May 10, 2010, Philippine time**, there are still voters within thirty (30) meters in front of the polling place who have not yet cast their votes, the voting shall continue to allow said voters to cast their votes without interruption. The Poll Clerk shall, without delay, list the names of said voters. 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 who is not present when called shall not be permitted to vote at any later time.

**Sec. 25. Manner of casting of votes.** – All overseas absentee voters shall cast their votes either personally at the Post, or by mail in countries where postal voting has been authorized by the Commission.

## **ARTICLE VII PERSONAL VOTING**

**Sec. 26. Place of voting.** – In case of personal voting, casting of votes shall be done in the designated voting area within the premises of the Posts and other voting areas as may be determined by the Commission.

**Sec. 27. Prohibitions on personal voting.** – The voter shall not:

- 1) Be accompanied by anybody in accomplishing his ballot, except in the case of an illiterate or disabled voter;
- 2) Speak with anyone while accomplishing his ballot;
- 3) Intentionally tear, deface, or erase any printing on the ballot or put thereon any distinguishing mark;
- 4) Use carbon paper, paraffin paper, camera, or other means for making a copy of the ballot, or make use of any other means to identify his vote;
- 5) Prepare the ballot without the use of a ballot secrecy folder, or exhibit its contents to any person; or
- 6) Bring the ballot outside the designated polling place.

**Sec. 28. Rules to be observed during the voting.** – During the voting, the SBEI shall ensure that:

- a) No watcher enters the designated voting area for the voters and the area designated for the SBEI, or to mingle and talk with the voters;
- b) No voter exhibits the contents of his ballot to any person;
- c) No ballot is brought outside the designated polling place;
- d) No person enters the designated voting area in premises of the Posts carrying any firearm or any deadly weapon, except those

expressly authorized by the Commission;

- e) The voters cast their ballots in the order of their arrival in the polling place; and
- f) There is no crowding of voters and disorderly behaviour inside the designated polling place.

**Sec. 29. Preparation of ballots for illiterate and physically disabled voters. -**

- a) No voter shall be allowed to vote as illiterate or physically disabled unless such fact is so indicated in the OAVF No. 2-A or such condition of physical disability is apparent;
- b) A voter who is illiterate or physically unable to prepare the ballot by himself may be assisted in the preparation of his ballot by a relative within the fourth civil degree of consanguinity or affinity, or by any person of his confidence who belongs to the same household, or by any member of the SBEI;
- c) No person shall assist an illiterate or physically disabled voter more than three (3) times except the members of the SBEI. The Third Member shall enter in Part IV of OAVF No. 11, the names of the persons each member assisted. At the end of each voting day, the Third Member shall indicate on Part IV of OAVF No. 11 the total number of times each member of the SBEI assisted an illiterate or physically disabled voter;
- d) The assistor shall accomplish the ballot for the illiterate or physically disabled voter using a ballot secrecy folder in the presence of the latter; and
- e) The assistor shall, by affixing his signature in the appropriate space in Part IV of OAVF No. 11, bind himself in writing and under oath to accomplish the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot.

**Sec. 30. Challenge of illegal voters. -** Any voter or watcher may challenge a voter for:

- a) Not being a registered overseas absentee voter;
- b) Using the name of another; or
- c) Suffering from an existing disqualification.

In such a case, the SBEI shall satisfy itself as to whether or not the ground for the challenge is true by requiring proof of registration, identity or qualification.

**Sec. 31. Challenge based on certain illegal acts. -** Any voter or watcher may challenge any voter on the ground that:

- a) The challenged person has received or expects to receive money

or anything of value as consideration for his vote, has paid, offered or promised to pay, has contributed, offered or promised to contribute money or anything of value as consideration for the vote of another;

- b) The challenged person has made or received a promise to influence the giving or withholding of any such vote; or
- c) The challenged person has 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 SBEI that he has not committed any of the acts alleged in the challenge and accomplish the Oath of Voter Challenged for Illegal Acts (OAVF No. 39). Upon taking such oath, the challenge shall be dismissed and the voter shall be allowed to vote. In case the voter refuses to take such oath, the challenge shall be sustained and the voter shall not be allowed to vote.

**Sec. 32. Record of challenges and oaths.** – The Third Member of the SBEI shall record in Part VII of OAVF No. 11 all challenges and oaths taken in connection therewith and the decision of the SBEI in each case.

**Sec. 33. Prohibition on premature announcement of voting.** – No member of the SBEI shall, before the termination of the voting, make any announcement as to whether a certain registered voter has already voted or not, as to how many have already voted or how many so far have failed to vote, or any other fact tending to show or showing the state of the polls, nor shall he make any statement at any time, except as witness before a court or body as to how any person voted.

**Sec. 34. Duties of the SBRCG. – A. Before the start of the voting period:** \_

- 1) Divide the CLOAV and OAVF No. 2-A equitably among the SBEIs and issue the same to each SBEI;
- 2) Allocate to each SBEI the official ballots and other forms and supplies based on the rate of distribution indicated in the Certificate of Receipt of Forms and Supplies for Voting by the SBEI (OAVF No. 14) and accomplish the blank columns thereof;
- 3) Assign a corresponding identification number for each SBEI, if there are more than one (1) SBEI in the Post;
- 4) Place inside the Ballot Receptacle to be assigned to the SBEI the forms and supplies listed in OAVF No. 14; and
- 5) Issue the Ballot Receptacle and assigned accomplished OAVF No. 14 to the SBEI.

**B. Before the start of each voting day:**

- 1) Issue to the SBEI its Ballot Receptacle and an unassembled ballot box, if needed; and
- 2) Require SBEI to acknowledge receipt of the Ballot Receptacle and the ballot box using a logbook maintained for the purpose.

**Sec. 35. Duties of the SBEI. - A. Before *the start of the voting period*:** \_

- 1) Obtain from the SBRCG the Ballot Receptacle and accomplished OAVF No. 14;
- 2) Remove all the contents of the Ballot Receptacle to ascertain if the actual quantity of ballots received is equal to the number of voters assigned to it based on the CLOAV;
  - 2.1) If more than the number of voters, return the excess ballots to the SBRCG;
  - 2.2) If less, obtain from the SBRCG additional ballots;
- 3) Examine the quantity and serial numbers of official ballots and other accountable forms and supplies to determine if they are the same as those recorded in the accomplished OAVF No. 14;
  - 3.1) If the same, sign the Acknowledgment Receipt on OAVF No.14;
  - 3.2) If not, refer the matter to the SBRCG who shall report to the COAV;
- 4) Accomplish Part I of OAVF No. 11;
- 5) Return all forms and supplies issued inside the Ballot Receptacle;
- 6) Seal the lid/flap of the Ballot Receptacle with a masking tape and affix their signatures thereon;
- 7) Deliver the sealed Ballot Receptacle to the SBRCG for safekeeping;
- 8) Submit one copy of OAVF No. 14 to the SBRCG and retain the other for filing;
- 9) Require the SBRCG to acknowledge receipt of the Ballot Receptacle by accomplishing the logbook maintained for the purpose;
- 10)Position the CLOAV in a conspicuous place within the premises of the polling place; and
- 11)Provide Ballot Secrecy Folders inside the voting area.

***B. Before the start of each voting day in the presence of the SBRCG.***

- 1) Indicate in Part I of OAVF No. 11 the serial number of the ballot box issued by the SBRCG;
- 2) Break the Ballot Receptacle seal;
- 3) Open the Ballot Receptacle;
- 4) Retrieve, determine and segregate the number of pads of ballots, and other forms and supplies to be used for the day. The pads of ballots

shall be placed in the Envelope for Official Ballots, Counted Official Ballots, Excess Ballots, Spoiled Ballots, Torn Half of Unused Ballots, Other Half of Unused Ballots and Invalid Ballots (OAVF No. 16) and sealed with a paper seal. Thereafter, return the remaining ballots, forms and supplies inside the Ballot Receptacle;

- 5) Seal the lid/flap of the Ballot Receptacle again with a masking tape and affix your signatures thereon;
- 6) Deposit the Ballot Receptacle with SBRCG for safekeeping;
- 7) Require the SBRCG to acknowledge receipt of the Ballot Receptacle using the logbook maintained for the purpose; and
- 8) Proceed to the polling place.

### ***C. Before the start of voting proper***

- 1) Record the names of the watchers present, date and time of arrival, and the party or candidate they represent on Part VI of OAVF No. 11 and require them to affix their signatures;
- 2) Show to the public and watchers of political parties and candidates, that the seal of the envelope containing the official ballots is intact;
- 3) Assemble the ballot box;
- 4) Exhibit the ballot box to show that it is empty;
- 5) Affix the security seals on all side openings of the ballot box in such a way that no ballot may be removed from or placed inside the ballot box without breaking the seal. The ballot box shall remain sealed until the start of counting;
- 6) Indicate on the ballot box the SBEI number assigned by the SBRCG; and
- 7) Accomplish Part II.A of OAVF No. 11.

In succeeding days, before the start of voting, show to the public that the security seals of the ballot box are intact.

### ***Sec. 36. Manner of obtaining ballots. -***

- 1) The person wanting to vote approaches the Poll Clerk and gives his name and address together with other data concerning his person.
- 2) The Poll Clerk shall verify from the OAVF No. 2-A if his name is included therein.
  - 2.1) If his name is included, the Poll Clerk shall ascertain the voter's identity through his photo in OAVF No. 2-A. In the absence of the voter's photo, require the voter to present his valid passport or any identification card bearing his photograph and signature.

In the absence of any identification documents, any

member of the SBEI can identify the voter by accomplishing the Oath of an SBEI Member Identifying a Voter (OAVF No. 40-B). Such fact shall be entered in Part V of the Minutes and the accomplished OAVF No. 40-B shall be attached thereto.

If his identity still cannot be ascertained by any of the foregoing means, the person shall not be allowed to vote and he will be asked to leave the polling place.

- 2.2) If the identity of the voter has been ascertained or has not been challenged or having been challenged the question has been decided in his favor, direct the voter to approach the Chairman for issuance of his official ballot.

3) Before issuing the official ballot, the Chairman shall:

- 3.1) Announce the serial number of the ballot;
- 3.2) Enter in the OAVF No. 2-A, opposite the name of the voter, the serial number of the ballot;
- 3.3) Authenticate the ballot by affixing his signature at the back of the ballot;

**Failure to authenticate the ballot shall not invalidate the ballot but the Chairman shall be liable for an election offense;**

- 3.4) Require the voter to affix his signature in OAVF No. 2-A; and
- 3.5) Fold the ballot in such a manner that only the portion where the serial number of the ballot appears, and give the ballot to the voter.

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

**Sec. 37. Manner of voting.** – Voting shall be conducted in the following manner:

- 1) The voter shall, using a ballot secrecy folder, fill his ballot by writing the names of the candidates/party of his choice;
- 2) After accomplishing the ballot, the voter shall fold it in the same manner as when he received the same;
- 3) The voter returns the ballot to the Third Member;
- 4) The Third Member, without seeing the contents of the ballot and within the view of the voter and the Chairman, verifies the serial number of the ballot coupon against the number previously entered in OAVF No. 2-A;
- 5) If the serial number of the ballot coupon is the same as that previously issued to him, the voter shall affix his right thumb mark in the



corresponding space in the ballot coupon and in OAVF No. 2-A;

- 6) The Third Member shall detach the ballot coupon, deposit it in the ballot box compartment for spoiled ballots, and return the ballot to the voter;
- 7) The voter shall deposit the ballot inside the ballot box compartment for valid ballots; and
- 8) The voter shall then leave.

If during the voting, the contents of the ballot box reach 500 ballots, the SBEI shall:

- a) Seal the ballot box slits;
- b) Indicate on top of the ballot box the number of ballots contained;
- c) Submit the ballot box to the SBRCG;
- d) Request additional ballot box from the SBRCG; and
- e) Accomplish Parts II.E. and II. F. of OAVF No. 11.

**Sec. 38. *Spoiled Ballots.*** – A ballot shall be considered spoiled in the following instances:

- 1) The serial number of the ballot coupon is not the same as previously issued to the voter; or
- 2) The ballot coupon has been detached not in presence of any member of SBEI; or
- 3) The ballot is accidentally defaced by the voter such that it can no longer be possibly used.

**Sec. 39. *Procedures for spoiled ballots.*** – The Chairman shall:

- 1) Without unfolding the ballot, write the word “SPOILED” at the back thereof;
- 2) Affix his signature below the word “SPOILED”;
- 3) Deposit the spoiled ballot inside the ballot box compartment for spoiled ballots;
- 4) Indicate the word “SPOILED” in the OAVF No. 2-A opposite the name of the voter;
- 5) Record the serial number of spoiled ballot in Part II d.2, D, of the OAVF No. 11;and
- 6) Issue another authenticated ballot to the voter only when the ballot was accidentally defaced by the voter, after announcing the serial number of the second ballot and recording the same in any portion within the space provided for the voter’s name and ballot serial

number in OAVF No. 2-A.

**Sec. 40. *Post voting procedures.* - A. At the end of every voting day,**

**I. The SBEI shall:**

- 1) Seal the ballot box slits;
- 2) Accomplish Parts II.B and II.D, of OAVF No. 11;
- 3) Place the unused ballots inside the envelope for official ballots;
- 4) Secure from the SBRCG the Ballot Receptacle assigned to it;
- 5) Remove the seal of the Ballot Receptacle and deposit therein OAVF No. 11 (two copies), the envelope containing the unused ballots and other forms and supplies;
- 6) Seal the lid/flap of the Ballot Receptacle again with a masking tape and affix your signatures thereon;
- 7) Submit to the SBRCG for safekeeping, the Ballot Receptacle, sealed ballot box containing the accomplished and spoiled ballots, if any, and OAVF No. 2-A; and
- 8) Require the SBRCG to acknowledge receipt using the logbook maintained for the purpose.

**II. The SBRCG shall:**

- 1) Ensure that the ballot box slits and the Ballot Receptacle are properly sealed; and
- 2) Keep the Ballot Receptacle and the ballot box containing the accomplished ballots in a secured place for issuance the next day.

**III. After voting on the last day of the voting period, the SBEI Chairman shall:**

- 1) Seal the ballot box slits;
- 2) Indicate on top of the ballot box the number of ballots contained therein;
- 3) Obtain from the SBRCG the Ballot Receptacle;
- 4) Retrieve from the Ballot Receptacle all remaining unused ballots and accomplish Part III. C.;
- 5) Tear the unused ballots in half lengthwise in the presence of the other members of SBEI and watchers, if any, and accomplish Part III. D.;
- 6) Place one half of the torn ballots inside OAVF No. 16 and the other half in another OAVF No. 16;
- 7) Seal both envelopes with paper seals. They shall remain sealed unless

the Commission orders otherwise;

- 8) Require the Third Member to accomplish Parts III. A. and III. B. of OAVF No. 11 and place the same in corresponding envelopes. Seal the envelope containing the OAVF No. 11 copy for the ballot box. The OAVF No. 11 (copy for the Commission) shall not be sealed.
- 9) Submit, together with the other members of the SBEI, the following to the SBRCG:
  - 9.1) Sealed ballot box with accomplished ballots;
  - 9.2) CLOAV;
  - 9.3) OAVF No. 2-A;
  - 9.4) OAVF No. 11 (Copy for the Commission);
  - 9.5) Ballot Receptacle containing the following:
    - OAUF No. 16;
    - OAUF No. 11 (Copy for the Ballot Box); and
    - Other election forms, supplies and paraphernalia.

## **ARTICLE VIII POSTAL VOTING**

**Sec. 41. *Preliminaries to postal voting.*** - The COAV shall:

- 1) Advise the political parties and the citizen's arm duly accredited by the Commission to appoint their official watchers to witness the preparation of mailing packets.
- 2) Prepare at the OAV Mailing Center all mailing packets containing the following:
  - 2.1) Official Ballot (OAVF No. 6);
  - 2.2) List of Candidates;
  - 2.3) Instructions to Voters;
  - 2.4) Official Ballot Envelope (OAVF No. 45); and
  - 2.5) Paper Seals (OAVF No. 12).
- 3) Prepare the mailing lists where the serial numbers of the ballots, paper seal and official ballot envelope assigned to the individual voter are reflected.
- 4) Ensure that the mailing packets are sent not later than **March 10, 2010** either directly to the voters or through the Posts.
- 5) Send to the Posts, via e-mail, not later than **March 10, 2010**, copy

of the following:

- 5.1) OAVF No. 2-A which contains the names of voters and the serial numbers of the ballots assigned to them; and
  - 5.2) Scanned copy of the application form of the voter concerned where his signature appears, in the absence of the signature of said voter in OAVF No. 2-A.
- 6) Send to DFA-OAVS compact discs containing copies of the documents in 5.1 and 5.2 hereof for distribution to the Post.

**Sec. 42. Procedures for sending mailing packets to the voters by the Post.** - Upon receipt of the mailing packets, the SBRCG shall:

- 1) Make an inventory of all the mailing packets;
- 2) Immediately verify the addresses of the voters;
- 3) Inform the voter that his mailed ballot is available for pick-up and post in conspicuous places in the embassy/consulate and in the website of the Post, the names of voters with instructions as to when, where and how they can claim their mailed ballots; or
- 4) Send the ballots directly to the voter.

**Sec. 43. Procedures for postal voting** - The voter shall:

- 1) Accomplish personally the ballot by writing the names of the candidates and sectoral party/organization or coalition participating in the party-list system of representation;
- 2) Affix his right thumb mark on the ballot coupon which is located on the lower portion of the official ballot;
- 3) Detach the ballot coupon and place it inside the Ballot Envelope;
- 4) Fold the official ballot in such a way that its contents will not be seen and seal it with a paper seal;
- 5) Place the accomplished ballot inside the Ballot Envelope and seal the same;
- 6) Write his name and affix his signature on the upper left-hand corner of the Ballot Envelope;

**Failure to affix his signature shall invalidate his ballot.**

- 7) Return the sealed Ballot Envelope personally or by mail to the Post on or before **May 10, 2010**. If mailed or delivered personally on **May 10, 2010**, it should be received by the Post on or before **6:00 o'clock in the evening, Philippine time** on the same date.

**Sec. 44. Reception and Verification of the Ballot Envelopes.** - The SBRCG shall:

**A. Reception procedures**

- 1) Assign a receptacle each for valid ballots, invalid ballots and questionable ballots;
- 2) Receive and stamp on the face of the Ballot Envelope and opposite the name of the voter in the OAVF No. 2-A, the date and time of receipt thereof, as it is delivered:
  - 2.1) If the Ballot Envelope is received at any time before **May 10, 2010**, proceed to the verification procedures.
  - 2.2) If the Envelope is received on **May 10, 2010**:
    - 2.2.1) Before 6:00 o'clock in the evening Philippine time, proceed to the verification process; or
    - 2.2.2) After 6:00 o'clock in the evening Philippine time, place the Ballot Envelope inside the receptacle for "Invalid Ballots".

**B. Verification procedures**

**1) Ballot Envelope**

- 1.1) Verify if the Ballot Envelope is the official envelope provided by the COAV. If not, place it in the receptacle for "Invalid Ballots". If so, verify the signature appearing thereon.

**2) Signature**

- 2.1) If there is no signature, place the Ballot Envelope inside the receptacle for "Invalid Ballots";
- 2.2) If there is a signature but it is not identical to that appearing in OAVF No. 2-A, indicate such fact on the Ballot Envelope and place the same inside the receptacle for "Questionable Ballots";
- 2.3) If there is a signature on the envelope but there is none in OAVF No. 2-A, compare the signature with that appearing in the scanned application form of the voter. If it is not identical indicate such fact on the ballot envelope and place the same inside the receptacle for "Questionable Ballots";
- 2.4) If the signature appearing thereon is identical to that appearing in OAVF No.2-A, or in the scanned application form of the voter, open the Ballot Envelope to determine whether it contains the ballot coupon and the official ballot.

**3) Ballot Coupon**

- 3.1) If the ballot coupon is not inside, indicate such fact on the Ballot Envelope, and place it inside the receptacle for "Questionable Ballots";
- 3.2) If the ballot coupon is inside the Ballot Envelope, verify

if its serial number is the same as that indicated in the OAVF No. 2-A. If so, return the ballot coupon inside the Ballot Envelope and place the same in the receptacle for "Valid Ballots". If not, indicate such fact on the Ballot Envelope, return the ballot coupon inside said Ballot Envelope, and place the same in the receptacle for "Invalid Ballots".

- 3) Close and seal each receptacle at the end of each voting day;
- 4) On a daily basis during the entire voting period, keep a daily record of the number of Ballot Envelopes received and deposited in each receptacle;
- 5) Once the number of ballot envelope in each receptacle for valid and questionable ballots reaches 250, close and seal the receptacle and indicate thereon such number for issuance to the SBEI for counting.
- 6) At **6:00 o'clock in the evening of May 10, 2010**,
  - 5.1) Place a line across the boxes intended for the date and time of receipt of Ballot Envelopes in OAVF No. 2-A;
  - 5.2) Affix their signatures at the bottom of each page of the OAVF No. 2-A;
  - 5.3) Request watchers, if available, to affix their signatures thereon;

**Sec. 45. Invalid ballots.** - The following constitute invalid ballots and shall not be included in the counting:

- 1) Those not contained in the Ballot Envelopes provided by the Commission;
- 2) Those contained in the Ballot Envelopes but received after 6:00 o'clock in the evening Philippine time of May 10, 2010;
- 3) Those contained in the Ballot Envelopes but do not bear the names and signatures of the voters; or
- 4) Those contained in the Ballot Envelopes where the serial numbers of the ballot coupons are different from the assigned numbers as indicated in OAVF No. 2-A.

**Sec. 46. Returned Mails.** - In case of failure of delivery of the mailed ballots to the voter by the Postal Office of the foreign country, they will be forwarded as "Returned Mails" to the Posts where the voters are registered. In such case, the SBRCG shall:

**During the Voting Period:**

- 1) Prepare, upon receipt of the "Returned Mails", a list of names of the voters whose mailed ballots have been returned to the Posts, and immediately inform the Commission thereof.

- 2) Post in conspicuous places in the embassy/consulate and in the website of the Post the aforesaid list with the instructions as to when, where and how they can claim their returned mailed ballots.
- 3) Exert efforts to communicate with/locate the voters concerned and if possible, forward the ballots to them. For this purpose, mailing fees incurred by the Posts are chargeable to the Commission's account.
- 4) Take into custody the returned mails and keep an inventory thereof until such time the voters concerned claim the same.

#### **After the Voting Period:**

In the event that the ballots remain unclaimed after the close of voting on **May 10, 2010 at 6:00 o'clock in the evening Philippine time**, the names of these voters, including the names of voters with returned mails received after the voting period, must be reported to the Commission for appropriate action.

The Commission shall request the Philpost to advise the postal offices of countries where postal voting is adopted to immediately turn-over to the Philippine embassies/consulates, all ballots which remain undelivered as of May 01, 2010.

For this purpose, all Posts adopting postal voting should coordinate with the postal offices in the host country on the matter of retrieving the undelivered ballots.

### **ARTICLE IX VOTING BY SEAFARERS**

**Sec. 47. Procedures.** – The following voting procedures for seafarers shall be observed:

- 1) During the voting period, seafarers may vote at any Post adopting personal voting. However, in case of postal voting, they may vote only in Posts with international seaports as identified and recommended by the DFA-OAVS.
- 2) In Posts where personal voting is adopted, the Post shall assign a specific SBEI to conduct the voting for seafarers in addition to its regular land-based voters. For this purpose, said SBEI shall manage two (2) OAVF No. 2.
- 3) In Posts where postal voting is adopted, ballots for seafarers shall be apportioned proportionately. These ballots shall be in the custody of the SBRCG of the Post for the entire voting period. The seafarer shall:
  - 3.1) Personally claim a mailing packet at the Post;
  - 3.2) Accomplish the official ballot contained therein; and
  - 3.3) Submit the accomplished ballot to the SBRCG which shall then dispose the ballot in accordance with the procedures on postal voting.

- 4) COAV shall give each Post conducting personal voting, and those conducting postal voting with identified international seaports, a soft copy of the CLOAV and OAVF No. 2-A for seafarers.
- 5) For purposes of monitoring and recording:

The SBEI/SBRCG shall, as the case may be, at the end of each voting day:

  - 5.1) Prepare a list of the names of the seafarers who cast their votes; and
  - 5.2) E-mail the same to COAV.
- 6) The COAV shall, on a daily basis:
  - 6.1) Update its file on seafarers who already voted; and,
  - 6.2) E-mail the updates to all Posts.
- 7) The Posts upon receipt of the updates from the COAV, indicate opposite the name of the seafarer in the OAVF No. 2-A the date and place where he voted.

## **ARTICLE X COMMON PROVISIONS ON COUNTING**

**Sec 48. *Counting site.*** – The counting of votes shall be conducted on site in the country where the votes were actually cast within the premises of the Posts, or in such other places as may be designated by the Commission.

**Sec. 49. *Determination of number of SBEIs to conduct the counting of votes.*** – On the basis of total number of voters who actually voted, the head of Post or his duly authorized representative, shall determine the number of SBEIs which will conduct the counting of votes at the rate of one (1) SBEI for every five hundred (500) ballots.

The SBEIs for voting shall also act as SBEIs for counting.

The Post shall, if necessary, activate additional SBEIs for counting not later than May 5, 2010 and immediately submit to the Commission, through the COAV, the membership of the additional SBEIs for issuance of appointments and grant of honoraria.

**Sec. 50. *Manner of counting.*** – The counting of votes shall be conducted publicly and without interruption. Unless otherwise ordered by the Commission, the SBEI shall not adjourn or postpone or delay the counting until it has been fully completed.

**Sec. 51. *Start of counting.*** – The counting of votes shall start immediately after the close of voting at **6:00 o'clock in the evening** of **May 10, 2010**, Philippine time.

**Sec. 52. *Minutes of Counting of Votes.*** – The SBEI shall accomplish in two (2) copies the Minutes of Counting (OAVF No. 11-A) and record the act or



data required therein as they occur or become available during the counting.

Copies of the OAVF No. 11-A must be signed, sealed in separate envelopes and distributed as follows:

- a) First copy to the Commission; and
- b) Second copy to be deposited inside the ballot box.

## **ARTICLE XI PRELIMINARIES TO COUNTING**

**Sec. 53. *For personal voting.*** – The following procedures shall be observed by the SBRCG and the SBEI in the presence of representatives/watchers of political parties and Filipino communities, if available, before the counting of votes:

A. The SBRCG shall:

- 1) Assign precinct number to the SBEI.
- 2) Allocate, in accordance with the rate of distribution indicated in OAVF No. 14-A, the accountable forms and supplies to be used in counting.
- 3) Record, using OAVF No. 14-A, the quantity and serial numbers of accountable forms and supplies to be issued to the SBEI.
- 4) Issue to the SBEI :
  - 4.1) The ballot box/es containing the accomplished ballots; and,
  - 4.2) All forms and supplies indicated in OAVF No. 14-A.

B. The SBEI shall:

- 1) Sign OAVF No. 14-A after verifying the quantity and serial numbers of accountable forms received from the SBRCG;
- 2) Verify whether the physical condition of the ballot box containing the ballots to be counted has been preserved and note such fact in Part A. a. of OAVF No.11-A;
- 3) Proceed to the room where counting will be conducted and open the ballot box by removing the security tape;
- 4) Take out from the ballot box the accomplished ballots;
- 5) Count the ballots and compare the total number with the number indicated outside of the ballot box;

If the number of ballots exceeds the total number indicated outside of the ballot box, return all the ballots into the ballot box and thoroughly mix the same. The Poll Clerk, with his back to the ballot box, shall publicly draw out as many ballots equal to the excess, place them in the OAVF No. 16 and note such fact on Part A.a.2 of OAVF No.11-A.

If the number of ballots is less than the total number indicated outside the ballot box, note such fact in Part D of OAVF No.11-A.

- 6) Take out the spoiled ballots if any, and the ballot coupons found inside ballot box compartment for valid ballots and place them inside OAVF No. 16, and note such facts in Part A.a.1 of OAVF No.11-A;

- 7) Examine the ballots, whether there are:

**Ballots with undetached ballot coupons.** The ballot coupons shall be removed and placed inside OAVF No. 16. The number of ballots with undetached coupons should be indicated in Part A.a.3 of OAVF No. 11-A. The ballots shall be included in the pile of valid ballots.

- 8) Unfold the ballots face down, and form separate piles of one hundred (100) ballots each, held together by rubber bands and proceed to count the ballots in the manner prescribed under Article XII hereunder provided.

#### **Sec. 54. *For postal voting.* –**

##### **A. In the presence of representatives/watchers of political parties and Filipino communities, if any, the SBRCG shall:**

- 1) Allocate in accordance with the rate of distribution indicated in OAVF No. 14-A, the accountable forms and supplies to be used by each SBEI in counting.
- 2) Record using OAVF No. 14-A the quantity and serial numbers of accountable forms and supplies to be issued to the SBEI.
- 3) Assign precinct number to each SBEI.
- 4) Open the receptacles for “Valid Ballots” and “Questionable Ballots” and retrieve the ballot envelopes contained therein.
- 5) Allocate the ballot envelopes containing “Valid Ballots” and “Questionable Ballots” equitably among the SBEIs.
- 6) Place the ballot envelopes in separate ballot boxes, one for “Valid Ballots” and another for “Questionable Ballots”.
- 7) Indicate in the ballot box, the number of ballots inside each ballot box.
- 8) Issue to the SBEI:
  - 8.1) Ballot boxes containing “Valid Ballots” and “Questionable Ballot Envelopes”;
  - 8.2) OAVF No.2-A; and,
  - 8.3) All forms and supplies indicated in OAVF No. 14-A.

##### **B. The SBEI upon receipt of the ballot boxes shall:**

- 1) Proceed to the room where counting will be conducted;
- 2) Open first the ballot box containing the “Questionable Ballots”;

- 3) Take out all the envelopes and segregate them according to the type of "Questionable Ballots" as indicated by the SBRCG;
- 4) Count the envelopes and compare the total number with the number indicated outside of the ballot box.

If the number of envelopes exceeds the total number indicated outside of the ballot box, return all the envelopes containing the ballots into the ballot box and thoroughly mix the same. The Poll Clerk, with his back to the ballot box, shall publicly draw out as many envelopes equal to the excess, place them in the Envelope for Excess Ballots, and note such fact in the OAVF No.11-A.

If the number of envelopes is less than the total number indicated outside the ballot box, note such fact in the OAVF No.11-A.

- 5) Proceed to the Verification Process for Questionable Ballots;

**A. Where the signature of the voter does not appear to be identical with that of OAVF No.2-A.**

Determine whether the signature in OAVF No. 45 is in fact not identical to the signature appearing in OAVF No. 2-A or Application Form as the case may be, of the concerned voter. In which case, the word "Invalid" shall be indicated on the face of the Envelope, which shall in turn be placed inside OAVF No. 16.

However, if the signature is found to be identical, verify the ballot coupon.

**B. Where the ballot coupon is not inside the Envelope**

Open the accomplished ballot to determine whether the ballot coupon is still attached. In case the ballot coupon is still attached to the ballot, remove the ballot coupon, and follow the procedure in verifying its serial number.

Where the serial number of the ballot coupon attached to the ballot is different from the assigned serial number as indicated in OAVF No. 2-A write the word "INVALID" diagonally across the face of the ballot and return the same inside the Envelope which shall in turn be placed inside OAVF No. 16.

If the ballot coupon is not attached to the ballot, write the word "spoiled" diagonally across the face of the ballot. Return the ballot to the Envelope, which shall in turn be placed inside OAVF No. 16.

**Spoiled ballots will not be counted.**

OAVF No. 16 shall be sealed and signed by the members of the SBEI, for submission to the SBRCG after the counting.

- 6) After the verification process, open the ballot box containing the valid Envelopes;
- 7) Retrieve the Envelopes from the ballot box.

- 8) Count the Envelopes and compare the total number with the number indicated outside of the ballot box.

If the number of Envelopes exceeds the total number indicated outside of the ballot box, return all the envelopes containing the ballots into the ballot box and thoroughly mixed therein. The Poll Clerk, with his/her back to the ballot box, shall publicly draw out as many Envelopes equal to the excess, place them in OAVF No. 16 and note such fact in the OAVF No.11-A.

If the number of Envelopes is less than the total number indicated outside the ballot box, note such fact in the OAVF No.11-A.

- 9) Open the Envelopes and withdraw therefrom the official ballots;
- 10)Unfold the ballots face down and form separate piles of one hundred (100) ballots each, held together by rubber bands; and
- 11)Proceed with the counting of ballots.

## **ARTICLE XII PROCEDURE FOR COUNTING**

**Sec. 55. *Manner of counting.*** - The SBEI shall:

- 1) Clear the tables to be used for counting of all unnecessary writing paraphernalia;
- 2) The Chairman, the Poll Clerk and the Third Member shall position themselves in such a way as to give the watchers and the public an unimpeded view of the ballot being read by the Chairman, as well as of the Overseas Absentee Voting Election Returns (OAVF No. 9) and Tally Board (OAVF No. 10) being simultaneously accomplished by the Poll Clerk and the Third Member, respectively. The watchers and the public shall not touch any of the said election documents;
- 3) The Chairman shall take the ballots from the first pile one by one and read the names of the candidates voted for and the offices for which they are voted as well as the name of the party, organization or coalition voted for under the party-list system of representation, in the order in which they appear thereon;
- 4) The Poll Clerk and the Third Member shall record by a vertical line in the election returns and in the tally board, every vote obtained by each candidate and party, organization or coalition participating under the party-list system of representation, as it is read.

Every fifth vote shall be recorded by a diagonal line crossing the previous four vertical lines.

The SBEI shall ensure that the entries on the first copy of the election returns are clearly impressed on the other copies.

- 5) After finishing the first pile of ballots, add and record the sum of votes obtained by each candidate and the party, organization or coalition participating under the party-list system of representation, immediately after the last tara on the election returns and on the tally board. In case of discrepancy between the election returns and the tally board, a recount shall be made. The ballots shall again be grouped together as before;
- 6) The same procedure shall be followed with the succeeding piles of ballots.
- 7) After all the ballots have been counted:
  - 7.1) The members shall affix their initials after the last vote recorded or immediately after the name of the candidates or party, sectoral organization or coalition participating in the party-list system of representation who did not receive any votes;
  - 7.2) Add all the sub-totals; and
  - 7.3) Record, in words and in figures, the total number of votes obtained by each candidate and by each party, organization or coalition, participating under the party-list system, both in the election returns and the tally board.
- 8) The members shall accomplish the certification portion of the election returns and tally board.
- 9) The watchers, if any, shall affix their signatures on every page of the election returns and the imprint of their right thumbmarks on the last page thereof.
- 10) The Chairman shall publicly announce the total number of votes received by each candidate for President, Vice-President, Senator and party, sectoral organization or coalition participating in the party-list system of representation
- 11) The Poll Clerk shall then immediately announce the posting of the second copy of the said election returns on a wall with sufficient lighting within the premises of the polling place and proceed to post the same in the presence of the other members of the board, the watchers and those present in the polling center.

The copy of the election returns 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 election returns by means of any data capturing device such as, but not limited to cameras, at any time of the day for forty-eight (48) hours following its posting.

After the prescribed period for posting, the Chairman of the SBEI shall collect the posted election returns and keep the same in his 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.

- 12)The SBEI shall fold each copy of the election returns, seal with a serially numbered paper seal, and place in its corresponding envelope.
- 13)The counted ballots shall be placed inside OAVF No. 16 which shall be closed, signed, and sealed. The tally board as accomplished and certified by the SBEI shall not be changed or destroyed but shall be placed inside a ballot box/receptacle before submission to the SBRCG.
- 14)Distribute the envelopes containing the election returns in accordance with Section 58 hereof.

**Sec. 56. Rules for the appreciation of ballots.** – In the reading and appreciation of ballots, every ballot shall be presumed to be valid unless there is clear and good reason to justify its rejection. The SBEI shall observe the following rules, bearing in mind that the object of the election is to obtain the expression of the voter's will:

- a)Where only the first name of a candidate or only his/her surname 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.

Where the name of a party-list participant is incompletely written or not in the proper order as appearing in the certified list of parties, the vote for such party, if identifiable, is valid if there is no other party using the same.

- b) Where only the first name of a candidate is written on the ballot which when read, has 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 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 votes 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 or more words are written on the same line on the ballot, all of which are the surnames of two or more candidates, the same shall not be counted for any of them, unless one is surname of an incumbent who has served for at least one year in which case it shall be counted in favor of the latter.

When two or more words are written on different lines on the ballot all of which are the surnames of two 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 votes 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/her

opponent, the vote shall be counted in favor of the latter.

- f) When two words are written on the ballot, one of which is the first name of a candidate and the other is the surname of his/her opponent, the vote shall not be counted for either.
- 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 his/her favor.

A name incorrectly written which, when read, has a sound similar to the name of a party-list participant, when correctly written shall be counted in its favor.

- 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/her 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.

When the name of a party appears in a space of the ballot for an office other than for the party list, it shall be considered stray but it shall not invalidate the whole ballot except when it is used as a means to identify the voter, in which case, the whole ballot shall be void.

If the word or words written on the appropriate blank on the ballot is the identical name or surname or full name, as the case may be, of two or more candidates for the same office none of whom is an incumbent, the vote shall be counted in favor of that candidate to whose ticket belong all the other candidates voted for in the same ballot for the same constituency.

- i) When in a space in the ballot there appears a name of a candidate or party 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 candidates 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 "Sr.", "Mr.", "Datu", "Ginoo", "Hon.", "Gob.", or suffixes like "Hijo", "Jr.", "Segundo", are valid.
- m) The use of the 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 said candidate if there is no other 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.

The initials of a party-list participant shall be considered valid, provided, that they are the same initials as appearing in the certified list of party-list participants.

- 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 in ink, wholly or in part, shall be valid.
- q) Where there are two or more candidates/parties 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 space 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.

A vote cast for a party-list participant not entitled to be voted for shall not be counted.

- t) Ballots containing the name of a candidate or party-list participant printed and pasted on a blank space of the ballot or affixed thereto through any mechanical process are 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/her 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 ballot, traces of the letter "T", "J" and other



similar ones, the first letters or syllables or names which the voter does not continue, the use of two 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 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 or party 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 SBEI 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 ballot coupon from a ballot does not annul such ballot.

**Sec. 55. *Preparation of overseas absentee voting election returns and tally board.* -**

- 1) The SBEIs shall prepare in their own handwriting the election returns and the tally board simultaneously with the counting of the votes in their respective counting areas. The election returns shall be prepared in seven (7) copies.
- 2) The Chairman shall strictly ensure that all the following data are entered in the election returns:
  - 2.1) Name of country/ies where the embassy, consulate or foreign service establishment have consular jurisdiction; and
  - 2.2) Total number of:
    - 2.2.1) Ballots received;
    - 2.2.2) Ballots found in the ballot box; and
    - 2.2.3) Spoiled ballots.

**Sec. 56. *Alteration and correction in the overseas absentee voting election returns.*** - Before the announcement of the results of the election, the SBEI may, on its own, make any correction or alteration in the election returns, provided, that all the members thereof duly initial the corrections or alterations.

After announcement of the results of the election in the polling place, the SBEI shall not make any alteration or amendment in any of the copies of the election returns.

**ARTICLE XIII  
POST COUNTING PROCEDURES**

**Sec. 57. *Distribution of overseas absentee voting election returns.*** – The copies of the election returns contained in each corresponding envelope shall be distributed as follows:

- a) The first copy shall be delivered to the Special Board of Canvassers;
- b) The second copy, to the Congress;
- c) The third copy, to the Commission through the ERSD;
- d) The fourth copy to the dominant majority party as determined by the Commission in accordance with law;
- e) The fifth copy to the dominant minority party as determined by the Commission in accordance with law;
- f) The sixth copy, to a citizens' arm authorized by the Commission to conduct an unofficial count;
- g) The seventh copy to be posted on a wall within the premises of the polling place; and
- h) The eighth copy shall be deposited inside the compartment of the ballot box for valid ballots.

The Chairman of the SBEI shall submit personally the first, second and third copies of the election returns to the Chairman of the SBOC who will in turn submit personally the second and third copies to the Congress and the Commission, respectively.

The fourth, fifth and sixth copies intended for the dominant majority, dominant minority party and the citizens' arm authorized by the Commission to conduct unofficial quick count, shall be given to their respective representatives. In the absence of such representative, the copies shall be given to the SBRCG who shall keep the same until claimed by the parties concerned.

**Sec. 58. *Certificate of votes.***– After the announcement of the results of the election, the SBEI shall, as a matter of policy, issue upon request to interested parties a Certificate of Votes (OAVF No. 13) duly signed by all the members of the SBEI.

**Sec. 59. *Disposition of ballots and other documents.*** – Upon the termination of the counting of votes and the accomplishment of election returns for the precinct -

**A. The SBEI shall:**

- 1) Assemble the collapsible ballot box.
- 2) Place the following documents inside the ballot box:
  - 2.1) Envelope containing the election returns, (Copy for the Ballot Box);
  - 2.2) Envelopes containing counted official ballots, excess/invalid/

spoiled/torn half of unused official ballots;

- 2.3) Envelope containing the Minutes of Voting (Copy for the Ballot Box);
  - 2.4) Envelope containing the Minutes of Counting (Copy for the Ballot Box);
  - 2.5) Tally Board; and
  - 2.6) Envelopes used for postal voting
- 3) Seal the ballot box; and
- 4) Deposit it with the SBRCG together with the envelopes containing Minutes of Voting and Minutes of Counting (Copies for the Commission).

**B. The SBRCG shall:**

- 1) Keep in a secured place the ballot boxes together with envelopes containing Minutes of Voting and Minutes of Counting (Copies for the Commission) until further instructions from the Commission.
- 2) After completion of the counting of votes, keep and retain at the Posts all used and unused forms, supplies and paraphernalia as submitted by the SBEIs including unclaimed ballots and returned mails for postal voting, until further instructions from the Commission.

**ARTICLE XIV  
PRINTING AND TRANSMITTAL  
OF BALLOTS AND OTHER ELECTION FORMS**

**Sec. 60. *Printing of ballots and other election forms.*** - The COAV shall, through the Committee on Printing of the Commission, cause the printing of all accountable forms including the official ballots for the overseas absentee voters not later than **January 31, 2010**. Non-accountable forms may be downloadable from the COAV website for reproduction purposes.

Security markings shall be used in the printing of the official ballots and the quantity to be printed shall be based on the total number of registered overseas absentee voter.

The accredited major political parties, citizens' arms and accredited Overseas Filipino Workers (OFW) organizations shall be entitled to one representative/watcher at any given time in all phases of printing, preparation of all mailing packets, transmittal thereof, and casting of ballots abroad.

**ARTICLE XV  
ELECTION OFFENSES/PROHIBITED ACTS**

**Sec. 61. Election Offenses/ *Prohibited acts.***-

**I. Under Sec. 261 of B.P. 881**

a) Vote-buying and vote-selling. -

1) Any person who gives, offers or promises money or anything of value, gives or promises any office or employment, franchise or grant, public or private, or makes or offers to make an expenditure, directly or indirectly, or cause an expenditure to be made to any person, association, corporation, entity, or community in order to induce anyone or the public in general to vote for or against any candidate or withhold his vote in the election, or to vote for or against any aspirant for the nomination or choice of a candidate in a convention or similar selection process of a political party.

2) Any person, association, corporation, group or community who solicits or receives, directly or indirectly, any expenditure or promise of any office or employment, public or private, for any of the foregoing considerations.

b) Conspiracy to bribe voters. - Two or more persons, whether candidates or not, who come to an agreement concerning the commission of any violation of paragraph (a) of this section and decide to commit it.

c) Wagering upon result of election. - Any person who bets or wagers upon the outcome of, or any contingency connected with an election. Any money or thing of value or deposit of money or thing of value situated anywhere in the Philippines put as such bet or wager shall be forfeited to the government.

d) Coercion of subordinates. -

1) Any public officer, or any officer of any public or private corporation or association, or any head, superior, or administrator of any religious organization, or any employer or land-owner who coerces or intimidates or compels, or in any manner influence, directly or indirectly, any of his subordinates or members or parishioners or employees or house helpers, tenants, overseers, farm helpers, tillers, or lease holders to aid, campaign or vote for or against any candidate or any aspirant for the nomination or selection of candidates.

2) Any public officer or any officer of any commercial, industrial, agricultural, economic or social enterprise or public or private corporation or association, or any head, superior or administrator of any religious organization, or any employer or landowner who dismisses or threatens to dismiss, punishes or threatens to punish by reducing his salary, wage or compensation, or by demotion, transfer, suspension, separation, excommunication, ejection, or causing him annoyance in the performance of his job or in his membership, any subordinate member or affiliate, parishioner, employee or house helper, tenant, overseer, farm helper, tiller, or lease holder, for disobeying or not complying with any of the acts

ordered by the former to aid, campaign or vote for or against any candidate, or any aspirant for the nomination or selection of candidates.

e) Threats, intimidation, terrorism, use of fraudulent device or other forms of coercion. - Any person who, directly or indirectly, threatens, intimidates or actually causes, inflicts or produces any violence, injury, punishment, damage, loss or disadvantage upon any person or persons or that of the immediate members of his family, his honor or property, or uses any fraudulent device or scheme to compel or induce the registration or refraining from registration of any voter, or the participation in a campaign or refraining or desistance from any campaign, or the casting of any vote or omission to vote, or any promise of such registration, campaign, vote, or omission therefrom.

f) Coercion of election officials and employees. - Any person who, directly or indirectly, threatens, intimidates, terrorizes or coerces any election official or employee in the performance of his election functions or duties.

g) Appointment of new employees, creation of new position, promotion, or giving salary increases. - During the period of forty-five days before a regular election and thirty days before a special election,

1) Any head, official or appointing officer of a government office, agency or instrumentality, whether national or local, including government-owned or controlled corporations, who appoints or hires any new employee, whether provisional, temporary or casual, or creates and fills any new position, except upon prior authority of the Commission. The Commission shall not grant the authority sought unless, it is satisfied that the position to be filled is essential to the proper functioning of the office or agency concerned, and that the position shall not be filled in a manner that may influence the election.

As an exception to the foregoing provisions, a new employee may be appointed in case of urgent need: Provided, however, That notice of the appointment shall be given to the Commission within three days from the date of the appointment. Any appointment or hiring in violation of this provision shall be null and void.

2) Any government official who promotes, or gives any increase of salary or remuneration or privilege to any government official or employee, including those in government-owned or controlled corporations.

h) Transfer of officers and employees in the civil service. - Any public official who makes or causes any transfer or detail whatever of any officer or employee in the civil service including public school teachers, within the election period except upon prior approval of the Commission.

- i) Intervention of public officers and employees. - Any officer or employee in the civil service, except those holding political offices; any officer, employee, or member of the Armed Forces of the Philippines, or any police force, special forces, home defense forces, barangay self-defense units and all other para-military units that now exist or which may hereafter be organized who, directly or indirectly, intervenes in any election campaign or engages in any partisan political activity, except to vote or to preserve public order, if he is a peace officer.
- j) Undue influence. - It is unlawful for any person to promise any office or employment, public or private, or to make or offer to make an expenditure, directly or indirectly, or to cause an expenditure to be made to any person, association, corporation or entity, which may induce anyone or the public in general either to vote or withhold his vote, or to vote for or against any candidate in any election or any aspirant for the nomination or selection of an official candidate in a convention of a political party. It is likewise unlawful for any person, association, corporation or community, to solicit or receive, directly or indirectly, any expenditure or promise or any office, or employment, public or private, for any of the foregoing considerations.
- k) Unlawful electioneering. - It is unlawful to solicit votes or undertake any propaganda on the day of registration before the board of election inspectors and on the day of election, for or against any candidate or any political party within the polling place and with a radius of thirty meters thereof.
- l) Prohibition against dismissal of employees, laborers, or tenants. - No employee or laborer shall be dismissed, nor a tenant be ejected from his landholdings for refusing or failing to vote for any candidate of his employer or landowner. Any employee, laborer or tenant so dismissed or ejected shall be reinstated and the salary or wage of the employee or laborer, or the share of the harvest of the tenant, shall be restored to the aggrieved party upon application to the proper court.
- m) Appointment or use of special policemen, special agents, confidential agents or the like. - During the campaign period, on the day before and on election day, any appointing authority who appoints or any person who utilizes the services of special policemen, special agents, confidential agents or persons performing similar functions; persons previously appointed as special policemen, special agents, confidential agents or persons performing similar functions who continue acting as such, and those who fail to turn over their firearms, uniforms, insignias and other badges of authority to the proper officer who issued the same.

At the start of the aforementioned period, the barangay chairman, municipal mayor, city mayor, provincial governor, or any appointing authority shall submit to the Commission a complete list of all special policemen, special agents, confidential agents or persons performing similar functions in the employ of their respective political subdivisions, with such particulars as the Commission may require.

n) Illegal release of prisoners before and after election. - The Director of the Bureau of Prisons, any provincial warden, the keeper of the jail or the person or persons required by law to keep prisoners in their custody who illegally orders or allows any prisoner detained in the national penitentiary, or the provincial, city or municipal jail to leave the premises thereof sixty days before and thirty days after the election. The municipal or city warden, the provincial warden, the keeper of the jail or the person or persons required by law to keep prisoners in their custody shall post in three conspicuous public places a list of the prisoners or detention prisoners under their care. Detention prisoners must be categorized as such.

o) Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign. - Any person who uses under any guise whatsoever, directly or indirectly, 1) public funds or money deposited with, or held in trust by, public financing institutions or by government offices, banks, or agencies; 2) any printing press, radio, or television station or audio-visual equipment operated by the Government or by its divisions, sub-divisions, agencies or instrumentalities, including government-owned or controlled corporations, or by the Armed Forces of the Philippines; or 3) any equipment, vehicle, facility, apparatus, or paraphernalia owned by the government or by its political subdivisions, agencies including government-owned or controlled corporations, or by the Armed Forces of the Philippines for any election campaign or for any partisan political activity.

p) Deadly weapons. - Any person who carries any deadly weapon in the polling place and within a radius of one hundred meters thereof during the days and hours fixed by law for the registration of voters in the polling place, voting, counting of votes, or preparation of the election returns. However, in cases of affray, turmoil, or disorder, any peace officer or public officer authorized by the Commission to supervise the election is entitled to carry firearms or any other weapon for the purpose of preserving order and enforcing the law.

q) Carrying firearms outside residence or place of business. - Any person who, although possessing a permit to carry firearms, carries any firearms outside his residence or place of business during the election period, unless authorized in writing by the Commission: Provided, That a motor vehicle, water or air craft shall not be considered a residence or place of business or extension hereof.

This prohibition shall not apply to cashiers and disbursing officers while in the performance of their duties or to persons who by nature of their official duties, profession, business or occupation habitually carry large sums of money or valuables.

r) Use of armored land, water or air craft. - Any person who uses during the campaign period, on the day before and on election day, any armored land, water or air craft, provided with any temporary or

permanent equipment or any other device or contraption for the mounting or installation of cannons, machine guns and other similar high caliber firearms, including military type tanks, half trucks, scout trucks, armored trucks, of any make or model, whether new, reconditioned, rebuilt or remodelled: Provided, That banking or financial institutions and all business firms may use not more than two armored vehicles strictly for, and limited to, the purpose of transporting cash, gold bullion or other valuables in connection with their business from and to their place of business, upon previous authority of the Commission.

s) Wearing of uniforms and bearing arms. - During the campaign period, on the day before and on election day, any member of security or police organization of government agencies, commissions, councils, bureaus, offices, or government-owned or controlled corporations, or privately-owned or operated security, investigative, protective or intelligence agencies, who wears his uniform or uses his insignia, decorations or regalia, or bears arms outside the immediate vicinity of his place of work: Provided, That this prohibition shall not apply when said member is in pursuit of a person who has committed or is committing a crime in the premises he is guarding; or when escorting or providing security for the transport of payrolls, deposits, or other valuables; or when guarding the residence of private persons or when guarding private residences, buildings or offices: Provided, further, That in the last case prior written approval of the Commission shall be obtained. The Commission shall decide all applications for authority under this paragraph within fifteen days from the date of the filing of such application.

During the same period, and ending thirty days thereafter any member of the Armed Forces of the Philippines, special, forces, home defense forces, barangay self-defense units and all other para-military units that now exist or which may hereafter be organized who wears his uniform or bears arms outside the camp, garrison or barracks to which he is assigned or detailed or outside their homes, in case of members of para-military units, unless 1) the President of the Philippines shall have given previous authority therefor, and the Commission notified thereof in writing, or 2) the Commission authorizes him to do so, which authority it shall give only when necessary to assist it in maintaining free, orderly and honest elections, and only after notice and hearing. All personnel of the Armed Forces authorized by the President or the Commission to bear arms or wear their uniforms outside their camps and all police and peace officers shall bear their true name, rank and serial number, if any, stitched in block letters on a white background on the left breast of their uniform, in letters and numbers of a clearly legible design at least two centimeters tall, which shall at all times remain visible and uncovered.

During the election period, whenever the Commission finds it necessary for the promotion of free, orderly, honest and peaceful



elections in a specific area, it shall confiscate or order the confiscation of firearms of any member or members of the Armed Forces of the Philippines, police forces, home defense forces, barangay self-defense units, and all other para-military units that now exist, or which may hereafter be organized, or any member or members of the security or police organization, government ministries, commissions, councils, bureaus, offices, instrumentalities, or government-owned or controlled corporations and other subsidiaries, or of any member or members of privately owned or operated security, investigative, protective or intelligence agencies performing identical or similar functions.

t) Policemen and provincial guards acting as bodyguards or security guards. - During the campaign period, on the day before and on election day, any member of the city or municipal police force, any provincial or sub-provincial guard, any member of the Armed Forces of the Philippines, special forces, home defense forces, barangay self-defense units and all other para-military units that now exist or which may hereafter be organized who acts as bodyguard or security guard of any public official, candidate or any other person, and any of the latter who utilizes the services of the former as bodyguard or security guard: Provided, That, after due notice and hearing, when the life and security of a candidate is in jeopardy, the Commission is empowered to assign at the candidate's choice, any member of the Philippine Constabulary or the police force of any municipality within the province to act as his bodyguard or security guard in a number to be determined by the Commission but not to exceed three per candidate: Provided, however, That when the circumstances require immediate action, the Commission may issue a temporary order allowing the assignment of any member of the Philippine Constabulary or the local police force to act as bodyguard or security guard of the candidate, subject to confirmation or revocation.

u) Organization or maintenance of reaction forces, strike forces, or other similar forces. - Any person who organizes or maintains a reaction force, strike force or similar force during the election period.

The heads of all reaction forces, strike forces, or similar forces shall, not later than forty-five days before the election, submit to the Commission a complete list of all members thereof with such particulars as the Commission may require.

v) Prohibition against release, disbursement or expenditure of public funds. - Any public official or employee including barangay officials and those of government-owned or controlled corporations and their subsidiaries, who, during forty-five days before a regular election and thirty days before a special election, releases, disburses or expends any public funds for:

- 1) Any and all kinds of public works, except the following:

a) Maintenance of existing and/or completed public works project: Provided, That not more than the average number of laborers or employees already employed therein during the six-month period immediately prior to the beginning of the forty-five day period before election day shall be permitted to work during such time: Provided, further, That no additional laborers shall be employed for maintenance work within the said period of forty-five days;

b) Work undertaken by contract through public bidding held, or by negotiated contract awarded, before the forty-five day period before election: Provided, That work for the purpose of this section undertaken under the so-called "takay" or "paquiao" system shall not be considered as work by contract;

c) Payment for the usual cost of preparation for working drawings, specifications, bills of materials, estimates, and other procedures preparatory to actual construction including the purchase of materials and equipment, and all incidental expenses for wages of watchmen and other laborers employed for such work in the central office and field storehouses before the beginning of such period: Provided, That the number of such laborers shall not be increased over the number hired when the project or projects were commenced; and

d) Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility.

No payment shall be made within five days before the date of election to laborers who have rendered services in projects or works except those falling under subparagraphs a), b), c), and d), of this paragraph.

This prohibition shall not apply to ongoing public works projects commenced before the campaign period or similar projects under foreign agreements. For purposes of this provision, it shall be the duty of the government officials or agencies concerned to report to the Commission the list of all such projects being undertaken by them.

2) The Ministry of Social Services and Development and any other office in other ministries of the government performing functions similar to said ministry, except for salaries of personnel, and for such other routine and normal expenses, and for such other expenses as the Commission may authorize after due notice and hearing. Should a calamity or disaster occur, all releases normally or usually coursed through the said ministries and offices of other ministries shall be turned over to, and administered and disbursed by, the Philippine National Red Cross, subject to the supervision of the Commission on Audit or its representatives, and no candidate or

his or her spouse or member of his family within the second civil degree of affinity or consanguinity shall participate, directly or indirectly, in the distribution of any relief or other goods to the victims of the calamity or disaster; and

3) The Ministry of Human Settlements and any other office in any other ministry of the government performing functions similar to said ministry, except for salaries of personnel and for such other necessary administrative or other expenses as the Commission may authorize after due notice and hearing.

w) Prohibition against construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices. - During the period of forty-five days preceding a regular election and thirty days before a special election, any person who a) undertakes the construction of any public works, except for projects or works exempted in the preceding paragraph; or b) issues, uses or avails of treasury warrants or any device undertaking future delivery of money, goods or other things of value chargeable against public funds.

x) Suspension of elective provincial, city, municipal or barangay officer. - The provisions of law to the contrary notwithstanding during the election period, any public official who suspends, without prior approval of the Commission, any elective provincial, city, municipal or barangay officer, unless said suspension will be for purposes of applying the "Anti-Graft and Corrupt Practices Act" in relation to the suspension and removal of elective officials; in which case the provisions of this section shall be inapplicable.

z) On voting:

1) Any person who votes more than once in the same election, or who, not being a registered voter, votes in an election.

2) Any person who votes in substitution for another whether with or without the latter's knowledge and/or consent.

3) Any person who, not being illiterate or physically disabled, allows his ballot to be prepared by another, or any person who prepares the ballot of another who is not illiterate or physically disabled, with or without the latter's knowledge and/or consent.

4) Any person who avails himself of any means or scheme to discover the contents of the ballot of a voter who is preparing or casting his vote or who has just voted.

5) Any voter who, in the course of voting, uses a ballot other than the one given by the board of election inspectors or has in his possession more than one official ballot.

6) Any person who places under arrest or detains a voter without lawful cause, or molests him in such a manner as to obstruct or prevent him from going to the polling place to cast his vote or from returning home after casting his vote, or to compel him to reveal how he voted.

7) Any member of the board of election inspectors charged with the duty of reading the ballot during the counting of votes who deliberately omits to read the vote duly written on the ballot, or misreads the vote actually written thereon or reads the name of a candidate where no name is written on the ballot.

8) Any member of the board of election inspectors charged with the duty of tallying the votes in the tally board or sheet, election returns or other prescribed form who deliberately fails to record a vote therein or records erroneously the votes as read, or records a vote where no such vote has been read by the chairman.

9) Any member of a board of election inspectors who has made possible the casting of more votes than there are registered voters.

10) Any person who, for the purpose of disrupting or obstructing the election process or causing confusion among the voters, propagates false and alarming reports or information or transmits or circulates false orders, directives or messages regarding any matter relating to the printing of official ballots, the postponement of the election, the transfer of polling place or the general conduct of the election.

11) Any person who, without legal authority, destroys, substitutes or takes 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.

12) Any person having legal custody of the ballot box containing the official ballots used in the election who opens or destroys said box or removes or destroys its contents without or against the order of the Commission or who, through his negligence, enables any person to commit any of the aforementioned acts, or takes away said ballot box from his custody.

13) Any member of the board of election inspectors who knowingly uses ballots other than the official ballots, except in those cases where the use of emergency ballots is authorized.

14) Any public official who neglects or fails to properly preserve or account for any ballot box, documents and forms received by him and kept under his custody.

15) Any person who reveals the contents of the ballot of an illiterate or disabled voter whom he assisted in preparing a ballot.

16) Any person who, without authority, transfers the location of a polling place.

17) Any person who, without authority, prints or causes the printing of any ballot or election returns that appears as official ballots or election returns or who distributes or causes the same to be distributed for use in the election, whether or not they are actually used.

18) Any person who, without authority, keeps, uses or carries out or causes to be kept, used or carried out, any official ballot or election returns or printed proof thereof, type-form mould, electro-type printing plates and any other plate, numbering machines and other printing paraphernalia being used in connection with the printing of official ballots or election returns.

19) Any official or employee of any printing establishment or of the Commission or any member of the committee in charge of the printing of official ballots or election returns who causes official ballots or election returns to be printed in quantities exceeding those authorized by the Commission or who distributes, delivers, or in any manner disposes of or causes to be distributed, delivered, or disposed of, any official ballot or election returns to any person or persons not authorized by law or by the Commission to receive or keep official ballots or election returns or who sends or causes them to be sent to any place not designated by law or by the Commission.

20) Any person who, through any act, means or device, violates the integrity of any official ballot or election returns before or after they are used in the election.

21) Any person who removes, tears, defaces or destroys any certified list of candidates posted inside the voting booths during the hours of voting.

22) Any person who holds or causes the holding of an election on any other day than that fixed by law or by the Commission, or stops any election being legally held.

23) Any person who deliberately blurs his fingerprint in the voting record.

aa) On Canvassing:

1) Any chairman of the board of canvassers who fails to give due notice of the date, time and place of the meeting

of said board to the candidates, political parties and/or members of the board.

2) Any member of the board of canvassers who proceeds with the canvass of the votes and/or proclamation of any candidate which was suspended or annulled by the Commission.

3) Any member of the board of canvassers who proceeds with the canvass of votes and/or proclamation of any candidate in the absence of quorum, or without giving due notice of the date, time and place of the meeting of the board to the candidates, political parties, and/or other members of the board.

4) Any member of the board of canvassers who, without authority of the Commission, uses in the canvass of votes and/or proclamation of any candidate any document other than the official copy of the election returns.

bb) Common to all boards of election inspectors and boards of canvassers:

1) Any member of any board of election inspectors or board of canvassers who deliberately absents himself from the meetings of said body for the purpose of obstructing or delaying the performance of its duties or functions.

2) Any member of any board of election inspectors or board of canvassers who, without justifiable reason, refuses to sign and certify any election form required by this Code or prescribed by the Commission although he was present during the meeting of the said body.

3) Any person who, being ineligible for appointment as member of any board of election inspectors or board of canvassers, accepts an appointment to said body, assumes office, and actually serves as a member thereof, or any of public officer or any person acting in his behalf who appoints such ineligible person knowing him to be ineligible.

4) Any person who, in the presence or within the hearing of any board of election inspectors or board of canvassers during any of its meetings, conducts himself in such a disorderly manner as to interrupt or disrupt the work or proceedings to the end of preventing said body from performing its functions, either partly or totally.

5) Any public official or person acting in his behalf who relieves any member of any board of election inspectors or

board of canvassers or who changes or causes the change of the assignments of any member of said board of election inspectors or board of canvassers without authority of the Commission.

cc) On candidacy and campaign:

- 1) Any political party which holds political conventions or meetings to nominate its official candidates earlier than the period fixed in this Code.
- 2) Any person who abstracts, destroys or cancels any certificate of candidacy duly filed and which has not been cancelled upon order of the Commission.
- 3) Any person who misleads the board of election inspectors by submitting any false or spurious certificate of candidacy or document to the prejudice of a candidate.
- 4) Any person who, being authorized to receive certificates of candidacy, receives any certificate of candidacy outside the period for filing the same and makes it appear that said certificate of candidacy was filed on time; or any person who, by means of fraud, threat, intimidation, terrorism or coercion, causes or compels the commission of said act.
- 5) Any person who, by any device or means, jams, obstructs or interferes with a radio or television broadcast of any lawful political program.
- 6) Any person who solicits votes or undertakes any propaganda, on the day of election, for or against any candidate or any political party within the polling place or within a radius of thirty meters thereof.

dd) Other prohibitions:

- 1) Any person who sells, furnishes, offers, buys, serves or takes intoxicating liquor on the days fixed by law for the registration of voters in the polling place, or on the day before the election or on election day: Provided, That hotels and other establishments duly certified by the Ministry of Tourism as tourist oriented and habitually in the business of catering to foreign tourists may be exempted for justifiable reasons upon prior authority of the Commission: Provided, further, That foreign tourists taking intoxicating liquor in said authorized hotels or establishments are exempted from the provisions of this subparagraph.

2) Any person who opens in any polling place or within a radius of thirty meters thereof on election day and during the counting of votes, booths or stalls of any kind for the sale, dispensing or display of wares, merchandise or refreshments, whether solid or liquid, or for any other purposes.

3) Any person who holds on election day, fairs, cockfights, boxing, horse races, jai-alai or any other similar sports.

4) Refusal to carry election mail matter. - Any operator or employee of a public utility or transportation company operating under a certificate of public convenience, including government-owned or controlled postal service or its employees or deputized agents who refuse to carry official election mail matters free of charge during the election period. In addition to the penalty prescribed herein, such refusal shall constitute a ground for cancellation or revocation of certificate of public convenience or franchise.

5) Prohibition against discrimination in the sale of air time. - Any person who operates a radio or television station who without justifiable cause discriminates against any political party, coalition or aggroupment of parties or any candidate in the sale of air time. In addition to the penalty prescribed herein, such refusal shall constitute a ground for cancellation or revocation of the franchise.

## **II. Under R.A. 9189, “Overseas Absentee Voting Act of 2003”**

- 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 person who, being ineligible for appointment as member of the SBRCG, accepts an appointment to said Group, assumes office, and actually serves as member thereof, or any public officer or any person acting in his behalf who appoints such ineligible person knowing him to be ineligible.
- 6) 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.
- 7) Failure to the Chairman of the SBEI to authenticate the ballot;
- 8) 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.
- 9) 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.
- 10) 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;
- 11) 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

### **III. Under R.A. 9369, An Act Amending R.A. 8436, Authorizing the Commission on Elections to use Automated Election System.**

- 1) Any person who removes the certificate of canvass 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 certificate of canvass or statement of votes, or a print or digital copy thereof;
- 3) Any person who simulates the certification of a certificate of canvass or statement of votes;

- 4) The Chairman or any member of the Board of canvassers who, during the prescribed period of posting, removes the certificate of canvass or its supporting statement of votes 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 certificate of canvass or its supporting statement of votes 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 certificate of canvass or statement of votes 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:

**IV. ELECTORAL SABOTAGE: The act or offense committed in any of the following instances shall fall under the category of electoral sabotage:**

- 1) 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;
- 2) 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
- 3) 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. 62. *Penalties.*** -Any person found guilty of committing any of the prohibited acts enumerated in the immediately preceding article, except those enumerated in paragraphs II.B, 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".

For offenses committed under paragraph II. B of the preceding paragraph as 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.

## **ARTICLE XVI ROLE OF GOVERNMENT AGENCIES**

**Sec. 63. *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 the 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 XVII CONCLUDING PROVISIONS**

**Sec. 64. *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. 65. *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. 66. *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 shall remain in full force, and shall have suppletory application of these Rules.

**Sec. 67. *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. 68. *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 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 Filipinos overseas.

**Sec. 69. *Effectivity.*** – These General Instructions shall take effect immediately after publication in two (2) newspapers of general circulation in the Philippines.

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