



Republic of the Philippines
Department of Education



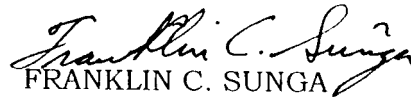
MAR 16 2007

DepED MEMORANDUM
No. 120, s. 2007

DISSEMINATION OF COMELEC RESOLUTION NO. 7797

To: Bureau Directors
Directors of Services/Centers and Heads of Units
Regional Directors
Schools Division/City Superintendents

1. For the information and guidance of all concerned, enclosed is a copy of Resolution No. 7797 dated January 5, 2007 from the Commission on Elections entitled "**Rules and Regulations on Local Absentee Voting in Connection With the May 14, 2007 National and Local Elections**".
2. Likewise, enclosed are Local Absentee Voting (LAV) Form No. 1- Request for Application Form/s for Local Absentee Voting; LAV Form No. 2 - Application for Local Absentee Voting; and LAV Form No. 3 - List of Registered Voters Who Will Avail of Local Absentee Voting.
3. Immediate dissemination of this Memorandum is desired.


FRANKLIN C. SUNGA
Undersecretary

Encls.: As stated
Reference: None
Allotment: 1- -(D.O. 50-97)
To be indicated in the Perpetual Index
under the following subjects:

ELECTIONS
LEGISLATIONS

Draft by: Maricar/DM-Resolution No. 7797
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COMMISSION ON ELECTIONS	
OFFICE OF COMM. F. A. TUASON, JR.	
RECEIVED	
DATE:	1/5/07
TIME:	1:30
BY:	LISSA SA/



Republic of the Philippines
COMMISSION ON ELECTIONS
 Manila

**RULES AND REGULATIONS
 ON LOCAL ABSENTEE
 VOTING IN CONNECTION
 WITH THE MAY 14, 2007
 NATIONAL AND LOCAL
 ELECTIONS.**

- | | |
|---------------------------|--------------|
| ABALOS, Benjamin S. | Chairman |
| BORRA, Resurreccion Z. | Commissioner |
| TUASON, Florentino Jr. A. | Commissioner |
| BRAWNER, Romeo A. | Commissioner |
| SARMIENTO, Rene V. | Commissioner |
| FERRER, Nicodemo T. | Commissioner |

Promulgated:
5 January 2007

RESOLUTION NO. 7797

The Commission on Elections, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, Republic Act No. 6646, Republic Act No. 7166, Executive Order No. 157 and other pertinent election laws, RESOLVED to promulgate, as it hereby promulgates, the following rules and regulations on local absentee voting.

SECTION 1. Local absentee voting, defined. - Local absentee voting, as provided for under Executive Order No. 157 and Republic Act No. 7166, refers to a system of voting whereby government officials and employees, including members of the Armed Forces of the Philippines (AFP), and the Philippine National Police (PNP), who are duly registered voters, are allowed to vote for the positions of President, Vice-President, Senators and Party-List Representatives in places where they are not registered voters but where they are temporarily assigned to perform election duties on election day.

SECTION 2. Who are entitled to avail of local absentee voting. - Local absentee voting shall be exercised by: a) government officials and employees; b) members of the AFP; and c) members of the PNP, who are duly registered voters and who, on election day, may temporarily be assigned to perform election duties in places where they are not registered voters.

absentee voters under Republic Act No. 9189, otherwise known as "The Overseas Absentee Voting Act of 2003".

SECTION 3. *Date and place of voting.* - Local absentee voters shall vote anytime from April 28 to April 30, 2007. For this purpose, the head of office/supervisor/commander shall designate the time and place of voting where the voters shall converge to vote.

SECTION 4. *Positions to be voted for.* - For purposes of the 2007 National and Local Elections, only the positions of Senators and Party-List Representatives shall be voted for under the local absentee voting.

SECTION 5. *Committee on Local Absentee Voting.* - There shall be created a Committee on Local Absentee Voting ("Committee") composed of the following:

Chairman: Commissioner-In-Charge/Chairman of the Committee on Overseas Absentee Voting

Vice-Chairman: Director IV of the Electoral Contests Adjudication Department (ECAD)

Members:

- (1) Director III, ECAD;
- (2) Ranking lawyer of the Law Department,
- (3) Executive Assistant V, Office of the CIC/Chairman of the Committee, and
- (4) Information Technology Officer III of the Information Technology Department

SECTION 6. *Powers and Functions of the Committee* - The Committee shall :

- a) Supervise the implementation of the local absentee voting;
- b) Receive applications for local absentee voting;
- c) Verify whether the applicants are eligible for local absentee voting; Prepare lists of all approved applications for local absentee voting per office/unit/battalion;
- d) Transmit to the concerned head of office/supervisor/commander the following:
 - (i) List of approved applications for local absentee voting, and
 - (ii) The exact number of local absentee ballots corresponding to the number of approved applications, inner and outer envelopes, and paper seals.

e) Receive and take custody

- g) Supervise the counting of ballots and canvassing of votes;
- h) Receive for safekeeping all ballot boxes containing the counted ballots and related election documents from the SBEIs and Special Board of Canvassers (SBOC) for local absentee voting.
- i) Send to all city/municipal Election Officers (EOs) concerned, before elections, a written notice of the voters who will avail of the local absentee voting and, after elections, a written notice of the voters who actually voted under the system of local absentee voting.
- j) Perform and exercise such other functions and powers as may be necessary for the proper implementation of the local absentee voting.

SECTION 7. *Procedures for filing of application for local absentee voting.*

– (a) Not later than March 14, 2007, the head of office/supervisor/commander concerned shall submit directly to the Committee the following:

- i) A sworn request that he be provided with application forms for local absentee voting; and
- ii) A sworn list of registered voters under his supervision or command availing of the local absentee voting indicating therein the city/municipality, barangay, precinct number where they are registered and the place of their assignment on election day, with a certification that the applicant/s will be re-assigned on election day to perform election-related duties.

Copies of the (1) Request for Application Form/s for Local Absentee Voting, (2) Application for Local Absentee Voting and (3) List of Registered Voters Who Will Avail of Local Absentee Voting are hereto attached as Annexes "A", "B" and "C" and made integral parts of this Resolution.

b) Immediately upon receipt of the sworn Request for Application Form and sworn List of Registered Voters, the Committee shall issue such number of application forms corresponding to the number of applicants to the head of office/supervisor/commander concerned or his duly authorized representative. The Committee shall keep a record of the different government offices/AFP units/PNP stations to which the application forms were sent and the number of forms sent.

c) The head of office/supervisor/commander shall distribute the application forms to their respective personnel.

d) The accomplished application forms for local absentee voting shall be returned immediately by the applicant-voter to the head of office/supervisor/commander who shall in turn transmit the same directly to the Committee, c/o The Electoral Contests Adjudication Department (ECAD), Commission on Elections, 8th Floor, Palacio del Gobernador, Intramuros, Manila, immediately upon receipt thereof but not later than the date of the election.

SECTION 8. *Verification of applicants for local absentee voting.* - Upon receipt of the list of registered voters applying for local absentee voting from the head of office/supervisor/commander concerned, the Committee shall forward the list to the Information and Technology Department (ITD) of the Commission for verification from the national database of voters whether the applicants are registered voters. The ITD shall then report the result of the verification in writing to the Committee immediately thereafter.

Only the applications of those whose names are in the national data base of voters shall be approved by the Committee and shall be included in the list of applicants who are qualified to vote *under the local absentee voting system.*

The Committee shall send to all City/Municipal EOs concerned a written notice of the voters whose applications for absentee voting have been approved with a directive to indicate in the list of voters with voting records on the space opposite the names of the said absentee voters, the following annotation: **"voting thru local absentee voting"**, in order to prevent substitute voting.

SECTION 9. *Transmittal of list of qualified local absentee voters, local absentee ballots and other election paraphernalia from the Committee.* - The Committee shall transmit immediately but not later than April 21, 2007, to the head of office/supervisor/commander concerned, the list of qualified local absentee voters, the exact number of local absentee ballots, inner and outer envelopes, and paper seals corresponding to the number of approved applications and thumbprint takers.

SECTION 10. *Security envelopes for local absentee ballots.* - There shall be two (2) security envelopes for each local absentee ballot, namely: an outer envelope which shall contain a serial number and an inner envelope. The outer envelope where the detached coupon shall be placed, shall contain space for the name of the voter and his voter's registration record number (VRRN).

The inner envelope where the accomplished ballot shall be placed, shall contain no other mark except an indication that it is a special envelope for a local absentee ballot.

SECTION 11. *Distribution of local absentee ballots, envelopes and paper seals.* - On any day from April 28 to 30, 2007, the head of office/supervisor/commander concerned, shall distribute the local absentee ballots, inner and outer envelopes, and paper seals to the qualified local absentee voters. During the distribution, he shall:

- a) Require each voter to affix his signature opposite his name in the list of qualified voters prepared by the Committee under Section 8 hereof;
- b) Detach one ballot from the pad of ballots and retain the stubs where the serial number of each ballot appears;
- c) Write the serial numbers of the ballot, outer envelope, and paper seals.

SECTION 12. *Manner of voting.* - The local absentee voter shall:

- a) Fill up the ballot secretly;
- b) Imprint his thumbmark on the proper space in the detachable coupon of the ballot;
- c) Detach the coupon from the ballot and place the same inside the outer envelope;
- d) Place the accomplished ballot inside the inner envelope, close and seal the envelope with a paper seal;
- e) Place the sealed inner envelope inside the outer envelope, which shall likewise be sealed with a paper seal;
- f) Write his name on the space provided for in the outer envelope; and
- g) Submit the sealed envelope to the head of office/supervisor/commander.

SECTION 13. *Transmittal of local absentee ballots and other election documents to the Committee.* - The head of office/supervisor/commander shall, after he has collected all the accomplished ballots from the local absentee voters, immediately transmit said ballots together with the list of qualified voters with signatures referred to in Section 11(a) to the Committee by the fastest means available c/o The Electoral Contests Adjudication Department, 8th Floor, Palacio del Gobernador, Intramuros, Manila, so that the ballots are received in the Commission not later than 3:00 o'clock in the afternoon of May 14, 2007. The head of office/supervisor/commander concerned shall prepare in two (2) copies a transmittal letter containing a certification on the number of accomplished ballots collected by him. He shall submit to the Committee one (1) copy and retain the other copy for his file.

Unused official ballots shall be torn in half at the end of the voting period and shall likewise be transmitted to the Committee.

After the elections, the Committee shall send to all City/Municipal EOs concerned a written notice of the voters who actually voted under the system of local absentee voting with a directive to indicate in the list of voters with voting records on the space opposite the names of the said absentee voters, the following annotation: "**voted thru local absentee voting**", in order to prevent the deactivation of their registration records.

SECTION 14. *Special Board of Election Inspectors.* - The Commission may constitute as many SBEIs for local absentee voting as may be deemed necessary to count the local absentee ballots. The members thereof shall be chosen and appointed by the Chairman of the Committee from among the personnel of the Commission in the Main Office, Manila not later than April 30, 2007.

SECTION 15. *Oath of members of SBEI.* - Before assuming their office, the chairman and members of the SBEI shall take and sign an oath before an officer authorized to administer oaths.

and shall not adjourn until the counting is completed. All proceedings of the SBEI shall be public. It shall act through its chairman and all questions presented before it shall be decided without delay by a majority vote of the members. During its meetings, not more than one member shall be absent at a time, and in no case shall such absence be for more than twenty (20) minutes.

SECTION 17. *Preliminaries to counting.* – The Committee shall constitute a Reception and Verification Unit which shall:

- a) Receive the envelopes containing the accomplished absentee ballots and the list of local absentee voters prepared by the head of office/supervisor/commander under Section 13 hereof.
- b) Verify whether the number of envelopes containing the accomplished ballots is equal to the number of signatures affixed in the list submitted by the head of office/supervisor/commander concerned.

If there are more envelopes containing the accomplished ballot than the signatures affixed on the list, set aside the envelope of the voter whose signature does not appear in the list and place the same in a separate ballot box intended for the purpose. Such fact shall be indicated in a report to be submitted to the Committee. Said ballots shall not be counted.

If there are more signatures affixed in the list than the number of envelopes received, such fact shall likewise be indicated in the report to be submitted to the Committee. The report shall indicate the names of the voters whose signatures appear in the list but without corresponding envelopes. In this case, the Committee shall direct the head of office/supervisor/commander concerned to transmit the envelopes of said voters.

- c) Place the envelopes containing the accomplished ballots inside ballot boxes at the rate of 400 ballots per ballot box.
- d) Transmit to the Committee each ballot box immediately after 400 envelopes containing the accomplished ballots are deposited therein.

In all instances, the ballot boxes, prior to the submission to the Committee and distribution to the BEIs, should be stored in a safe and secured place.

At 3:00 pm of May 14, 2007, the Committee shall distribute one ballot box containing the local absentee ballots each to the SBEI for counting. Should there be a ballot box containing less than 300 envelopes, the Committee shall equitably distribute said envelopes to the SBEIs.

- a) Retrieve the special envelopes from the ballot box;
- b) Open each outer envelope, retrieve the inner envelope and the detached coupon;
- c) Place the coupons in the compartment for spoiled ballots of the ballot box;
- d) Open the inner envelope and retrieve the ballot found therein;
- e) Pile the ballots in bundles of one hundred (100) each;
- f) The chairman of the SBEI shall take the ballots of the first pile one by one and read the names of the candidates voted for and the offices for which they were voted as well as the name of the party, organization or coalition voted for under the party-list system, in the order in which they appear thereon.

During the counting:

- g) 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 election returns and tally board being simultaneously accomplished by the poll clerk and the third member, respectively.
- h) The watchers and the public shall not touch any of the said election documents. The table shall be cleared of all unnecessary writing paraphernalia. Any violation hereof shall constitute an election offense.
- i) The poll clerk and the third member shall record simultaneously in the election returns and in the tally board, respectively, each vote as it is read. Each vote shall be recorded by a vertical line, except every fifth vote which shall be recorded by a diagonal line crossing the previous four vertical lines.
- j) The same procedure shall be followed with the succeeding piles of ballots; and
- k) The sub-total of votes in figures obtained by each candidate and party list candidates shall be recorded in the election return and tally board after each pile of 100 ballots are read.

After all the ballots have been read:

- l) 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 in the tally board.
- m) Close the entries by affixing their initials immediately after the last vote recorded or immediately after the name of the candidate and party-list candidates who did not receive any vote;
- n) The poll clerk and the third member shall record in the election returns and in the tally board, respectively, the total number of votes obtained by each candidate and party-list candidates, in words and figures;
- o) Accomplish the certification.

- q) Ensure that the entries on the first copy of the election returns are clearly impressed on the other copies; and
- r) Deposit the tally board in the ballot box compartment for valid ballots. The tally board as accomplished and certified by the SBEI shall not be changed or destroyed.

The proceedings of the SBEI shall be recorded in the Minutes of Counting, copies of which shall be sealed in separate envelopes to be distributed as follows:

- a) The first copy, to the Election Records and Statistics Department; and
- b) The second copy, to be deposited inside the compartment of the ballot box for valid ballots.

A copy of the Minutes of Counting is hereto attached as Annex "D"

SECTION 19. *Election Returns.* - The election returns shall be prepared in seven (7) copies and distributed as follows;

- a) The first copy to be submitted to the Special Board of Canvassers for local absentee voting;
- b) The second copy, to the Commission to be submitted to the Election Records and Statistics Department (ERSD);
- c) The third copy which is intended for the Provincial Board of Canvassers shall be submitted to the Chairman of the Committee;
- d) The fourth copy to the dominant majority party as determined by the Commission;
- e) The fifth copy to the dominant minority party determined by the Commission;
- f) The sixth copy to the accredited citizens' arm of the Commission; and
- g) The seventh copy to be deposited inside the compartment for valid ballots of the ballot box.

SECTION 20. *Post counting procedure.* - Upon termination of the counting of votes, the SBEI shall:

- a) Place the counted official absentee ballots in the envelope for counted ballots;
- b) Seal the envelope with paper seal and affix their signatures on the said paper seal;
- c) Deposit the envelope properly sealed inside the compartment for valid ballots of the ballot box;
- d) Bundle the inner envelopes used for the filled-out ballots and deposit the same inside the compartment for valid ballots of the ballot box;
- e) Place the seventh copy of the election returns inside the compartment for valid ballots;
- f) Close the

- i) Distribute the election returns in accordance with Section 19 hereof.

SECTION 21. *Special Board of Canvassers.* - There is hereby constituted a Special Board of Canvassers (SBOC) for local absentee voting to be composed of ranking lawyers of the Commission, to be designated by the Chairman of the Committee.

SECTION 22. *Notice of canvass.* - The chairman of the SBOC shall give notice of canvass to its members, senatorial candidates, political parties, organizations, associations, sectors or coalitions participating under the party-list system of the time, date and place of canvass at least five (5) days before May 14, 2007.

SECTION 23. *Tabulation Group.* - The Board shall constitute a Tabulation Group which shall be under the direct supervision and control of the Board.

The Tabulation Group shall compute the subtotal of the Statement of Votes prepared by the Board. The names of each tabulator and the Statement of Votes assigned to them for tabulation shall be properly recorded in the minutes of the proceedings.

The tabulators shall affix their signatures above their printed names, and imprint their thumbmarks on the certification portion of the Statement of Votes.

SECTION 24. *Meeting of the SBOC.* - The SBOC shall meet not later than 6:00 o'clock in the evening of May 14, 2007 in the designated office in the Commission, Intramuros, Manila, and proceed with the canvass of the election returns submitted to it by the SBEIs. It shall not adjourn until the canvass is completed.

SECTION 25. *Certificate of Canvass.* - The SBOC shall prepare the Certificate of Canvass in six (6) copies for distribution as follows:

- a) The first copy to the Commission, sitting as the National Board of Canvassers for use in the canvass of the election results for Senators and Party-List representatives;
- b) The second copy to be retained by the chairman of the SBOC;
- c) The third copy to the citizens' arm designated by the Commission to conduct a media-based unofficial count; and
- d) The fourth, fifth, and sixth copies to the three (3) accredited major political parties.

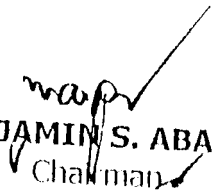
SECTION 26. *Watchers.* - In every meeting of the SBEI and the SBOC, each candidate for Senator, each duly registered political party, or coalition of political parties which has nominated candidates for Senator, sectors and organization participating under the party-list system, and one duly accredited citizens' arm of the Commission of national constituency, shall be entitled to appoint in writing two (2) watch-


SECTION 27. *Applicability of Other Comelec Rules.* - Rules and regulations promulgated by the Commission for the 2007 National and Local Elections are herein adopted, incorporated and made integral parts of this resolution insofar as they are applicable and not inconsistent with the provisions hereof.

SECTION 28. *Effectivity.* - This Resolution shall take effect after seven (7) days from its publication in two (2) daily newspapers of general circulation in the Philippines.

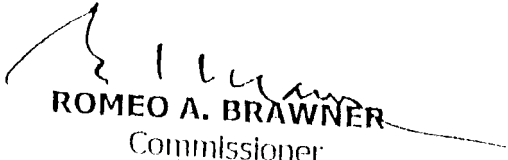
SECTION 29. *Dissemination.* - Let the Education and Information Department, this Commission, cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines, and immediately furnish copies thereof to the Department of Foreign Affairs, the Chief of Staff of the Armed Forces of the Philippines, the Director General of the Philippine National Police and all deputized departments and agencies or instrumentalities of the national government and all field offices of the Commission.


SO ORDERED.


BENJAMIN S. ABALOS
Chairman


RESURRECCION Z. BORRA
Commissioner


FLORENTINO A. TUASON, JR.
Commissioner


ROMEO A. BRAWNER
Commissioner


RENE V. SARMIENTO
Commissioner


NICODEMO T. FERRER
Commissioner

(Enclosure No. 2 to DepED Memorandum No. 120, s. 2007)

LAV Form No. 01- *Request for Application Form/s for Local Absentee Voting*

(Date)

Commissioner Florentino A. Tuason, Jr.
Chairman, Committee on Local Absentee Voting
8th Floor, Palacio del Gobernador
Intramuros, Manila

Dear Commissioner Tuason:

In connection with the implementation of local absentee voting for the 14 May 2007 National and Local Elections, the undersigned would like to request that he be furnished with _____ copy/copies of application form/s for local absentee voting to be distributed to the employees/members of _____ (name of government office, unit or station), who were re-assigned to perform election duties and functions in places other than their place of registration, and who desire to exercise their right to vote, pursuant to Executive Order No. 157, as amended, and COMELEC Resolution No. 7797 dated 5 January 2007.

Signature over printed name

Position: _____

Office/Unit/Station: _____

Office Address: _____

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 200____, here at _____, Philippines.

Administering Officer

(Enclosure No. 3 to DepED Memorandum No. 120, s. 2007)

LAV Form No. 02

(To be accomplished in duplicate)

NOTE: Any false information will subject the applicant to criminal prosecution.

APPLICATION FOR LOCAL ABSENTEE VOTING
May 14, 2007 NATIONAL AND LOCAL ELECTIONS

1. PERSONAL DATA:

(a) Name

(Surname)

(Given)

(Middle)

(b) Sex: Male

(c) Status: Single

Female

Married

(d) If married, name of spouse:

Widow/er

(e) Date of Birth:

Place of Birth:

2. I AM A REGISTERED VOTER OF:

(f)

(Precinct No./Barangay)

(City/Municipality)

(Province)

(g) Voter's Registration Record Number (VRRN):

(h) Voter's Identification Number (VIN):

3. I WANT TO AVAIL OF LOCAL ABSENTEE VOTING BECAUSE I AM ASSIGNED ON ELECTION DAY OUTSIDE THE PLACE WHERE I AM A REGISTERED VOTER. I AM

(Check one):

(i) A government official/employee

1. Government office
2. Position
3. Place of Assignment
4. Head of Office/Supervisor

(j) A member of the Armed Forces of the Philippines

1. Rank
2. Unit
3. Serial Number
4. Place of Assignment
5. Commanding Officer

(k) A member of the Philippine National Police

1. Position/ Rank
2. Place of Assignment
3. Station Commander/Supervisor

I hereby certify that the above declarations are true and correct.

