



Tanggapan ng Katulong na Kalihim
Office of the Undersecretary

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MAY 06 2010

DepEd MEMORANDUM

No. 200, s. 2010

To: Regional Directors
Schools Division/City Superintendents

COMELEC Resolution No. 8837 (In the Matter of the General Instructions for the Conduct of a Random Manual Audit [RMA] for the May 10, 2010 National and Local Elections)

1. On **April 30, 2010**, the Commission on Elections (COMELEC) promulgated subject **COMELEC Resolution No. 8837** (In the Matter of the General Instructions for the Conduct of a Random Manual Audit [RMA] for the May 10, 2010 National and Local Elections). A copy of said COMELEC Resolution is hereto attached for your reference.
2. Article III, Section 16 of subject COMELEC Resolution No. 8837 provides, among others, that **"this resolution shall take effect on the seventh (7th) day after its publication in two (2) daily newspapers of general circulation in the Philippines."** (emphasis and underscoring supplied)
3. In the same COMELEC Resolution No. 8837, however, it is also provided under Article I, Section 1(f) thereof that **"the Department of Education (DepEd) shall submit a list of sixteen (16) proposed RMA members per legislative district not later than 3 May 2010. Fifteen (15) of the proposed RMA members per legislative district shall be pre-selected by the TWG-RMA to serve in the five (5) randomly selected clustered polling precincts per legislative district. The sixteenth (16th) proposed member shall serve as substitute, if the need for arises."** (emphasis and underscoring supplied)
4. Upon the initiative of the undersigned, in anticipation of the subsequent effectivity of subject COMELEC Resolution No. 8837 which will definitely

be beyond the May 3, 2010 deadline set forth in said COMELEC Resolution, this instant Memorandum is being issued.

5. Therefore, all DepEd Regional Directors are hereby **urgently** directed to instruct the different DepEd Division Offices within their respective jurisdictions to **immediately** comply with the provisions of subject **COMELEC Resolution No. 8837**, particularly **Article I, Section 1(f)** thereof on the **submission of lists of sixteen (16) proposed RMAT members per legislative district**.
6. The aforesaid lists of sixteen (16) proposed RMAT members per legislative district must be submitted by the different DepEd Division Offices to the corresponding COMELEC Regional Offices which have jurisdiction over them, copy furnished the Technical Working Group on Random Manual Audit (TWG-RMA) in COMELEC (Main) Intramuros, Manila, **not later than tomorrow, May 6, 2010**.
7. There will be a one-day training/orientation for the concerned RMAT members to be conducted by the COMELEC tentatively scheduled on **Saturday, May 8, 2010**.
8. For immediate dissemination and strict compliance.

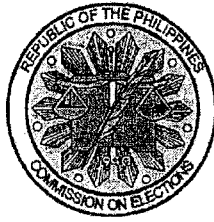

ATTY. FRANKLIN C. SUNIGA
Undersecretary

Encl.:
As stated

Reference:
DepEd Memorandum: No. 13, s. 2010

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

ELECTION
OFFICIALS



REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
Manila

IN THE MATTER OF
THE GENERAL
INSTRUCTIONS FOR
THE CONDUCT OF A
RANDOM MANUAL
AUDIT (RMA) FOR
THE MAY 10, 2010
NATIONAL & LOCAL
ELECTIONS

| | |
|--------------|------------------------|
| Chairman | Jose A. R. Melo |
| Commissioner | Rene V. Sarmiento |
| Commissioner | Nicodemo T. Ferrer |
| Commissioner | Lucenito N. Tagle |
| Commissioner | Armando C. Velasco |
| Commissioner | Elias R. Yusoph |
| Commissioner | Gregorio Y. Larrazabal |

Promulgated on: April 30, 2010

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RESOLUTION NO. 8837

WHEREAS, under Republic Act 9369 entitled "AN ACT AMENDING REPUBLIC ACT NO. 8436, ENTITLED 'AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN AUTOMATED ELECTION SYSTEM IN THE MAY 11, 1998 NATIONAL OR LOCAL ELECTIONS AND IN SUBSEQUENT NATIONAL OR LOCAL ELECTORAL EXERCISES, TO ENCOURAGE TRANSPARENCY, CREDIBILITY, FAIRNESS AND ACCURACY OF ELECTIONS, AMENDING FOR THE PURPOSE BATAS PAMBANSA BLG.881, AS AMENDED, REPUBLIC ACT NO. 7166 AND OTHER RELATED ELECTION LAWS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES", Section 24 provides:

A new Section 29 is hereby provided to read as follows:

"Section 29. Random Manual Audit - Where the AES is used, there shall be a random manual audit in one precinct per congressional district randomly chosen by the Commission in each province and city. Any difference between the automated and manual count will result in the determination of the root cause and initiate a manual count for those precincts affected by the computer or procedural error."

WHEREAS, On 10 November 2009, the Commission on Elections promulgated Minute Resolution No. 09-0765 entitled "*IN THE MATTER OF THE TECHNICAL WORKING GROUP ON RANDOM MANUAL AUDIT*" creating a Technical Working Group on Random Manual Audit (TWG-RMA) and directing the TWG-RMA "*to immediately convene to study and recommend procedures for the conduct of random manual audit in accordance with the provisions of R.A. 9369*" in coordination with the Steering Committee and Project Management Office;

WHEREAS, the TWG-RMA is composed of the following members:

1. Amb. Henrietta De Villa, Parish Pastoral Council for Responsible Voting and member Advisory Council – Chairperson;
2. Agnes Carreon, OIC, Internal Audit Office, Commission on Elections –Member;
and
3. A representative of the National Statistics Office.

NOW THEREFORE, the Commission on Elections resolved as it hereby resolves to promulgate the following General Instructions for the conduct of the Random Manual Audit:

Article I

Preparatory Activities

Section 1. COMPOSITION AND APPOINTMENT OF THE RANDOM MANUAL AUDIT TEAM (RMAT) TO CONDUCT THE RANDOM MANUAL AUDIT (RMA)

- a) The Commission on Elections, through the TWG-RMA, shall appoint one thousand one hundred forty five (1,145) Random Manual Audit Teams (RMAT), or a total of three thousand four hundred thirty five (3,435) RMAT members, specifically designated to conduct the Random Manual Audit (RMA).
- b) In addition to the foregoing, two hundred twenty nine (229) substitute members shall be appointed by the TWG-RMA.
- c) All RMAT members shall be under the direct control and supervision of the TWG-RMA. TWG-RMA will designate the Provincial Election Officers (PES) as representative for the conduct of the RMA.
- d) The RMAT shall be composed of three (3) members:
 - d.1. Chairman;
 - d.2. Secretary; and
 - d.3. Member.
- e) RMAT members shall be public school teachers, giving preference to those who served in the May 14, 2007 Elections but excluding those who are assigned to serve in the May 10, 2010 National and Local Elections.
- f) The Department of Education (DepEd) shall submit a list of sixteen

(16) proposed RMA members per legislative district not later than 3 May 2010. Fifteen (15) of the proposed RMA members per legislative district shall be pre-selected by the TWG-RMA to serve in the five (5) randomly selected clustered polling precincts per legislative district. The sixteenth (16th) proposed member shall serve as substitute, if the need for arises.

g) In case of absence or illness of an RMA member, the RMA members who are present shall call upon the substitute to perform the duties of the absent member.

g.1. If none is available, the RMA members present shall appoint any of the following listed below in the order of priority to temporarily fill said vacancy until the absent member appears, provided that the substitute member is qualified, non-partisan and a registered voter in the province concerned:

- f.1.1. Teachers in public schools;
- f.1.2. Teachers in private schools;
- f.1.3. Employees in the civil service; or
- f.1.4. Representative from the private or the church sector.

g.2. In case no substitution is made for the absent RMA member and no person is qualified to be a temporary member as provided for in the preceding section, the two (2) RMA members present shall proceed with the conduct of the RMA and shall decide only upon a unanimous vote.

h) As soon as the selection of RMA members are finalized, the TWG-RMA shall disseminate through the fastest means possible the corresponding appointment papers through the DepEd and the PES concerned.

i) All RMA members must accomplish their Appointment papers and take their Oath not later than 12:00 noon of May 10, 2010.

Section. 2 QUALIFICATIONS OF THE RMA

The Chairman, Secretary or Member of the RMA, whether regular, substitute or temporary, must:

- a) be of good moral character and of irreproachable reputation;
- b) be a registered voter in the province where he or she is to serve;
- c) not be related up to the 4th degree of consanguinity and affinity to any candidate, to any member of the regular BEI who conducted the polls in the same precinct, or and to the other members of the RMA of which he/she is a part of;
- d) never been convicted of any election offense or of any other crime punishable by more than six (6) months imprisonment;

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- e) have no pending case against him/her filed in Commission on Elections or court for any election offense; and
- f) speak, read and write English or Filipino and the local dialect.

Section. 3 POWERS AND FUNCTIONS OF THE RMAT

- a) Conduct the RMA in the randomly selected clustered polling precincts.
- b) Act as deputies of the TWG-RMA in the conduct, supervision and control of the RMA.
- c) During the conduct of the RMA, maintain peace and order within the randomly selected clustered polling precinct and its premises, keep access thereto open and unobstructed, and enforce obedience to its lawful orders. If any person refuses to obey the lawful orders of the RMAT, or conducts himself/herself in a disorderly manner in its presence or within its proceedings, or interrupts or disturbs the same, RMAT may issue an order in writing directing any peace officer to take such person into custody until adjournment of the RMA.
- d) Perform such other functions prescribed by the TWG-RMA, or under the Omnibus Election Code or by any other rules and regulations promulgated by the Commission on Elections.

Section. 4 PROCEEDINGS OF THE RMAT

- a) On May 10, 2010, after the clustered polling precincts have been randomly selected and the affected municipalities identified, the PES exercising jurisdiction therein shall distribute the appointment papers and the RMA Kits containing all RMA paraphernalia.
- b) The PES shall be responsible for the speedy distribution of the appointment papers and RMA Kits to the RMAT members within his/her jurisdiction, after he is informed of the randomly selected clustered polling precincts.
- c) The RMAT shall proceed to its assigned randomly selected clustered polling precinct as soon as it receives its appointment papers and RMA Kit. The RMAT, however, shall remain in a separate holding room. In no case shall it be allowed to witness the electronic canvassing of the ballots conducted by the BEI or to inform itself of its results.
- d) After the BEI has accomplished all of its duties and responsibilities as provided for in Resolution No. 8786, save for the delivery of the ballot boxes to the Municipal Treasurer, the BEI of the randomly selected clustered polling precinct who conducted the polls shall endorse the locked Ballot Box to the RMAT.
- e) The meetings of the RMAT shall be public and shall be held in their respective randomly selected clustered polling precincts.
- f) The RMAT shall act through its Chairman and shall decide without

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delay, by majority vote, all questions which may arise in the performance of its duties or in the conduct of the RMA.

- g) Lawyers, poll watchers or representatives of political parties and/or candidates shall have no involvement in the proceedings of the RMA except as observers.
- h) The security personnel deployed at the randomly selected clustered polling precinct where the RMA will be conducted shall extend their services until the RMA is finished and shall ensure the safety and security of the RMA and its proceedings.
- i) The RMA shall be conducted continuously until terminated. The RMA may however take occasional fifteen (15) to thirty (30) minute recess for meals and bathroom breaks.

Section. 5 MINUTES AND AUDIT RETURNS OF RMA

Minutes of the RMA:

- a) The Chairman shall accomplish three (3) copies of the Minutes of the RMA, accurately entering therein all data required as they become available and all acts or events as they occur.
- b) Copies of the minutes shall be signed by all RMA members and sealed in separate clearly labeled envelopes for distribution, as follows:
 - b.1. The original copy shall be deposited inside the ballot box.
 - b.2. One (1) intended for the Commission on Elections shall be delivered to the PES who shall forward the same to the Records and Statistics Division (RSD) of the Election Records and Statistics Department (ERSD), COMELEC, Intramuros, Manila.
 - b.3. One (1) intended for the TWG-RMA shall be delivered to the PES who shall forward the same to the Records and Statistics Division (RSD) of the Election Records and Statistics Department (ERSD), COMELEC, Intramuros, Manila. ERSD shall then forward the same to the command center of TWG-RMA.

Audit Returns:

- a) The Secretary shall accomplish six (6) copies of the Audit Returns accurately entering therein all data required as they become available and all acts or events as they occur.
- b) Copies of the Audit Return shall be signed by all RMA members and sealed in separate clearly labeled envelopes for distribution, as follows:
 - b.1. The original copy shall be deposited inside the ballot box

- b.2. One (1) intended for the Commission shall be delivered to the PES who shall forward the same to the Records and Statistics Division (RSD) of the Election Records and Statistics Department (ERSD), COMELEC, Intramuros, Manila.
- b.3. One (1) intended for the TWG-RMA shall be delivered to the PES who shall forward the same to the Records and Statistics Division (RSD) of the Election Records and Statistics Department (ERSD), COMELEC, Intramuros, Manila. ERSD shall then forward the same to the command center of TWG-RMA.
- b.4. One (1) copy for the Dominant Majority Political Party.
- b.5. One (1) copy for the Dominant Minority Political Party.
- b.6. One (1) copy for the Kapisanan ng mga Brodkaster ng Pilipinas (KBP).

Section. 6 HONORARIA OF THE RMAT MEMBERS

The honorarium for each RMAT member shall be Two Thousand Pesos (Php 2,000.00) which shall cover their remuneration for services rendered in performing the RMA, their meal allowance and their transportation allowance.

Section. 7 SELECTION PROCESS OF AREAS TO BE AUDITED

- a) Random selection of the clustered polling precincts to be audited will be done at the Philippine International Convention Center on May 10, 2010 starting at 12:00 noon by the TWG-RMA.
- b) Five (5) clustered polling precincts per legislative district will be drawn randomly using a *tambolo*, with numbered balls corresponding to the precincts.
- c) Guests may be invited to draw the clustered polling precincts from the *tambolo*. The selection of the clustered polling precinct will be open to the media, political parties and other election stakeholders to ensure speedy dissemination of information and for transparency.
- d) The TWG-RMA shall inform all concerned PES having jurisdiction over the clustered polling precincts randomly selected for the RMA.

Article II

Random Manual Audit Proper

Section. 8 DATE, TIME and PLACE of RMA

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- a) The RMA shall take place in the randomly selected clustered polling precinct.
- b) The RMA shall be conducted on May 10, 2010, immediately after the shut down of the PCOS machine after completion of all its functions.
- c) The RMA shall be conducted in the presence of poll watchers, political parties, citizen's arm, media and the public.
- d) Upon commencement of the RMA until the same is terminated, the regular BEI shall not be allowed inside the randomly selected clustered polling precinct or to communicate with RMAT in whatever manner.

Section. 9 PROCEDURE FOR THE RANDOM MANUAL AUDIT (RMA)

The RMAT upon arrival at the assigned randomly selected clustered polling precinct shall proceed to the BEI and inform the same of the clustered polling precincts selection for the RMA. The RMAT members shall exhibit their appointment papers as proof of the clustered precincts selection for RMA.

The RMAT shall then proceed to the separate holding room and wait for the closing of the polls and shut down of the PCOS machine after completion of its functions.

At the start of the RMA, the Chairman shall:

- a) Announce the commencement of the RMA and determine the presence of a quorum. In case of an absence or illness of an RMAT member, the members present shall summon the substitute member. The RMAT shall proceed with the RMA while waiting for the substitute, provided a quorum is present. The presence of two (2) members shall suffice to constitute a quorum.
- b) Proceed with the RMA by presenting the ballot box to all those who are present;
- c) Verify the condition of the following items to check if the integrity is maintained:
 - c.1. Ballot box;
 - c.2. Fixed-length seals attached to the ballot box; and
 - c.3. Padlocks of the ballot box.
- d) Break the fixed-length seal, unlock the padlocks and open the ballot box.
- e) Retrieve sealed envelope containing the Minutes of Voting and Counting from the ballot box.
- f) Break the security seal and open the envelope containing the Minutes of Voting and Counting.
- g) Verify if serial numbers of the fixed-length seals attached to ballot box is the same as that indicated in the minutes. The results of such

verification or any discrepancy whatsoever shall be recorded in the minutes.

- h) Ensure every event is recorded in the RMA minutes.

Thereafter, the Secretary shall:

- i) Retrieve the ballots from the ballot box, perform a physical count of the ballots and compare if the number of ballots found inside the ballot box is equal to the number of votes cast as indicated in the Minutes of Voting and Counting.

The Member shall:

- j) Do a recount if the total number of ballots contained inside the ballot box does not match the number of votes cast indicated in the Minutes of Voting and Counting as found by the Secretary, to confirm such finding.

In case the number of ballots counted by the RMAT do not match the number of votes found in the Minutes of Voting and Counting:

- k) The Chairman shall record such discrepancy in the RMA minutes.
- l) The Member shall refer to the Minutes of Voting and Counting for any possible reason for such discrepancy. (i.e. rejected or spoiled ballots).
- m) In the event the number of ballots exceeds the number of votes cast indicated in the Minutes of Voting and Counting, all the ballots shall be returned to the ballot box and thoroughly mixed by the Chairman.
- n) Without looking at the ballots, the Chairman shall randomly take out from the ballot box the number of ballots equal to the excess, and place them in the RMA envelope for excess ballots. The Chairman shall proceed to seal the envelope.
- o) The RMAT shall proceed with the counting of votes for the following positions: President, Vice-President, Member House of Representatives, Governor and Mayor.

Section. 10 GUIDELINES ON READING THE BALLOTS

The Chairman, prior to reading the votes cast, shall:

- a) Check for over-voting in each position subject to RMA. An over-vote is a situation where a voter selects more than the allowed number of candidate/s for a particular position.
- b) In case there is an over-vote, such fact shall be recorded in the minutes by the Chairman but the vote shall not be counted for any candidate for that particular position. However, the fact of over-voting in any particular position will not invalidate the entire ballot. It shall remain valid and votes for other positions (that are not over-voted) shall be counted.

- c) In case an oval is not shaded properly or contains other marks (such as checks or crosses), the vote corresponding to the said candidate shall be counted but such fact shall be recorded in the minutes. The subject ballot shall then be placed in an RMA envelope for Ballots with Ambiguous Marks.
- d) The rules on appreciation of ballots in manual system of counting shall not apply for purposes of the RMA.

Section. 11 MANNER OF COUNTING OF VOTES

- a) The Chairman shall form separate piles of one hundred (100) ballots each.
- b) The Chairman shall take the ballots of the first pile one by one and read first the number assigned to the candidate followed by the candidate's name.
- c) For every ballot, the Chairman shall first announce the vote cast for President, Vice-President, Member House of Representatives, Governor and finally the Mayor.
- d) The Secretary and the Member shall simultaneously record each vote read by the Chairman in the Audit Return and in the Tally Board, respectively. 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 (4) vertical lines (*Taras*).
- e) After each pile of one hundred (100) ballots have been read, the votes obtained by each candidate shall be added and the sum recorded on the space immediately after the last vote recorded.
- f) The same procedure shall be followed with the succeeding piles of ballots.
- g) After all the ballots have been read, the Secretary and the member shall record, in words and figures, the total number of votes obtained by each candidate in the Audit Return and the Tally Board, respectively.
- h) The Chairman shall accomplish the Minutes and enter the RMA and AES results for President, Vice-President, Member House of Representatives, Governor and Mayor. The AES result shall be based on the Minutes of Voting and Counting.
- i) The RMAT shall note down the variance and the probable reasons for such variance.

During the counting, the Chairman, Secretary and 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 Audit Return and Tally Boards being simultaneously accomplished by the Secretary and Member, respectively.

The lawyers, poll watchers or representatives of political parties and/or,

candidates and the public shall not touch any RMA documents/ paraphernalia. The table used by the RMAT shall be cleared of all unnecessary things. Any violation hereof shall constitute an election offense and shall be penalized in accordance with BP Blg. 881.

Upon conclusion of the RMA, all RMAT members shall affix their signatures on the Minutes attesting to the contents thereof. Poll watchers shall witness the recording of entries and affixing of signatures of the RMAT members. The Chairman shall immediately notify the PES of the results of the RMA, who in turn, shall report the same to the TWG-RMA.

Section. 12 EFFECTS OF DISCREPANCY BETWEEN AES AND RMA

- a. In the event the results of the AES exceed the allowable margin of variance, Section 24 of RA 9369 shall apply.
- b. In no way shall the results of the RMA delay the proclamation of the winning candidates based on the results reached by the AES.

Article III

Post Random Manual Audit

Section. 14 POST-AUDIT PROCEDURES

The following Post-Audit Procedures shall be observed:

- a) RMAT shall return the ballots in the ballot box.
- b) All BEI reports, documents, forms, original minutes previously opened shall be resealed using the seals provided in the RMA Kit.
- c) One (1) copy of Audit Return and the tally board used during the conduct of RMA shall be sealed in a clearly labeled envelope and placed inside the ballot box.
- d) Chairman shall lock the ballot box.
- e) Chairman shall turn over the ballot box to the City/Municipal Treasurer for safekeeping. Retrieval of the ballot box shall be under the custody and responsibility of the City/ Municipal Treasurer and shall form part of the retrieval operations of the Treasurer's Office.

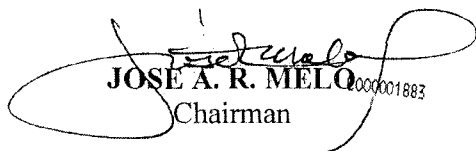
Section. 16 EFFECTIVITY AND DISSEMINATION

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

The Education and Information Department shall cause the publication of this Resolution and shall furnish copies thereof to all Regional Election

Directors, Provincial Election Supervisors and Election Officers.

SO ORDERED.

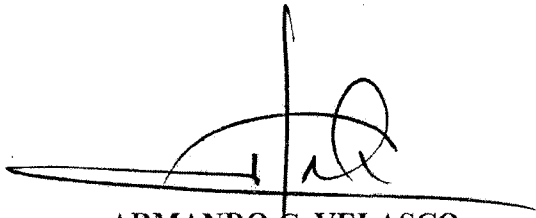

JOSE A. R. MELO 000001883
Chairman

*Com. Sarmiento earlier voted for
this resolution but had to leave when res was
finalized.
July 4/30*

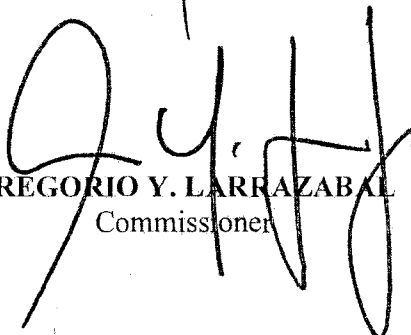
RENE V. SARMIENTO
Commissioner


NICODEMO T. FERRER
Commissioner


LUCENITO N. TAGLE
Commissioner


ARMANDO C. VELASCO
Commissioner


ELIAS R. GUSOPH
Commissioner


GREGORIO Y. LARRAZABAL
Commissioner