



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF EDUCATION, CULTURE AND SPORTS
Marcelino A. Dela Cruz, Secretary

OFFICE OF THE SECRETARY

February 16, 1998

DECS ORDER
No. 17, s. 1998

COMELEC RESOLUTIONS NOS. 2973, 2975, 2946-A AND 2962

To: Undersecretaries
Assistant Secretaries
Regional Directors
Schools Superintendents
District Supervisors

1. Inclosed are reproduced copies of COMELEC Resolutions Nos. 2973, 2975, 2946-A and 2962 promulgated January 12, 1998 and January 13, 1998, respectively, for information and guidance.
2. Particular attention is invited to the specific duties of the DECS relative to the conduct of the elections, for strict compliance.
3. Everyone is enjoined to support the Commission in ensuring an honest, credible and peaceful elections.
4. Widest dissemination of this Order is requested.


ERLINDA C. PEFIANCO
Secretary

Incls.

As stated.

Reference:

DECS Memorandum No. 426, s. 1997

Allotment: 1-3—(T.O. 50-97)

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

ELECTIONS
RULES & REGULATIONS

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COMMISSION ON ELECTIONS
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Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

Ateneo 1/5/98
12 January 1998

ENFORCEMENT OF THE
PROHIBITIONS AGAINST
APPOINTMENT OR HIRING OF NEW
EMPLOYEES; CREATION OR
FILLING UP OF NEW POSITIONS;
GIVING SALARY INCREASES;
TRANSFERRING/DETAILING CIVIL
SERVICE EMPLOYEES; AND
SUSPENSION OF ELECTIVE LOCAL
OFFICIALS, IN CONNECTION WITH
THE MAY 11, 1998 ELECTIONS.

PRESENT:

PARDO, Bernardo P.
MAAMBONG, Regalado E.
FERNANDO, Remedios A. S.
GOROSPE, Manolo B.
DESAMITO, Julio F.
FLORES, Teresita D.L.
GUIANI, Japel M.

Chairman
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Promulgated: 12 January 1998

RESOLUTION NO. 2973

Whereas, Sec. 261 of the Omnibus Election Code of the Philippines provides:

x x x - The following shall be guilty of an election offense:
x x x x x x

(g) Appointment of new employees, creation of new position, promotion, or giving salary increases. - During the period of forty five days before 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 positions, 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 approval of the Commission. (Underlining supplied)

x x x x x x x x x

"(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 provision of this section shall be inapplicable."

WHEREAS, to enforce effectively the foregoing provisions, there is need to promulgate the necessary rules for the guidance of all concerned;

NOW, THEREFORE, the Commission on Elections, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, Republic Acts Nos. 6646, 7168 and other election laws, has

RESOLVED to promulgate, as it hereby promulgates, the following rules to implement the provisions of Section 261, subsections (g), (h) and (x) of the Omnibus Election Code:

Section 1. Prohibited acts. - (a) During the election period from January 11, 1998 until June 10, 1998, no public official shall make or cause any transfer/detail whatsoever of any officer or employee in the civil service, including public school teachers, or suspend elective provincial, city, municipal or barangay official, except upon prior written approval of the Commission.

Transfer is defined as a movement from one position to another without break in service involving an issuance of an appointment. It may be from one agency to another from one organizational unit to another in the same agency.

(b) Beginning March 27, 1998 until May 11, 1998, no head official or appointing officer of any national or local government office, agency or instrumentality, including government-owned or controlled corporations, shall: (1) appoint or hire any new employee, whether permanent, provisional, temporary or casual; or (2) create and fill any new position, except upon prior authority of the Commission.

(c) During the same period no government official shall promote or give any increase of salary or remuneration or privilege to any government official or employee, including those in government-owned or controlled corporations.

SEC. 2. Request for authority of the Commission. - Any request for authority to make or cause any transfer or detail of any officer or employee in the civil service, including public school teachers, shall be submitted in writing to the Commission thru the

Law Department indicating therein the office and place to which the officer or employee is proposed to be transferred/detailed or otherwise moved and stating the reasons therefor.

Any request for authority to suspend an elective provincial, city, municipal or barangay officer shall be supported by a copy of a formal complaint executed under oath and containing the specific charges thereon.

Any request for authority to appoint or hire new employees, or to create and fill new positions shall be submitted in writing to the Commission, state all the necessary data and reasons for the same. The Commission shall not grant the authority unless it is satisfied that the position to be filled is essential to the proper functioning of the office or agency concerned, that the filling of such position shall not in any manner influence the election.

SEC. 3. Urgent need to appoint new employees. - Where there is urgent need to appoint or hire new employees, the same may be allowed provided that within three (3) days from the date of the appointment or hiring, the Commission shall be notified in writing, stating therein the reason/s for said appointment or hiring and all the necessary data or information regarding the same. Failure to give notice as herein required shall render the appointment null and void.

SEC. 4. Total ban on promotion, salary increases, grant of privileges. - Promotion, or giving any increase of salary or remuneration, or privilege to any government official or employee, including those in government-owned or controlled corporations, is strictly prohibited without any exception whatsoever.

SEC. 5. Injunction. - The Civil Service Commission (CSC), including all its field offices, is hereby enjoined not to approve the

appointment of new employees where no prior written approval of the Commission is presented by the appointing authority of a government agency or instrumentality.

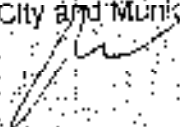
The Department of Budget and Management and the Commission on Audit, including all their field offices shall not release or authorize the release of any appropriation, or pass in audit payments or expenditures of public funds that may directly or indirectly be used in violation of the foregoing prohibitions.

All field offices of the CSC, including its deputized agencies and citizens arms, are directed to submit immediately to the Commission a written report on any violation of said provisions of the Omnibus Election Code.

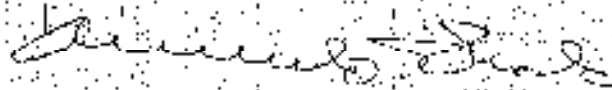
SEC. 6. Penalty. - Any violation of the provisions of this Resolution shall, consistent with Sec. 251 and 264 of the Omnibus Election Code, constitute an election offense and shall be punishable by imprisonment of not less than one (1) year but not more than six (6) years, among other penalties as provided by law.

SEC. 7. Effectivity. - This resolution shall take effect on the seventh day after its publication in two (2) newspapers of general circulation.


SEC. 8. Dissemination. - The Education and Information Department shall cause the publication of this resolution in two (2) daily newspapers of general circulation, and shall furnish copies thereof to all Departments, Constitutional Commissions, Offices, Provincial Governors and City and Municipal Mayors and government




agencies including government-owned or controlled corporations, and
all field offices of the Commission.




BERNARDO P. PARDO
Chairman



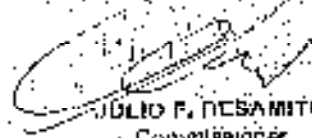
REGALADO E. MAMBONG
Commissioner




REMEDIOS A. SALAZAR-FERNANDO
Commissioner




MANOLO B. GORTOSPE
Commissioner



JULIO P. DESAMITO
Commissioner



TERESITA D. L. FLORES
Commissioner



JATAL N. GUIANG
Commissioner

Secretary



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

RULES AND REGULATIONS GOVERNING PUBLIC WORKS BAN AND RELEASE DISBURSEMENT AND EXPENDITURES OF PUBLIC FUNDS IN CONNECTION WITH THE MAY 11, 1998 ELECTIONS	P R E S E N T FARDO, Beniarob P., MAAMBONG, Rogalado E., FERNANDO, Remedios A.S., GOROSPE, Minolo B., DESAMITO, Jose F., FLORES, Teodisa D.L., GUANI, Japel M.,	Chairman Commissioner Commissioner Commissioner Commissioner Commissioner
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Promulgated, 13 January 1998

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RESOLUTION NO. 2075

The Commission on Elections (Commission), pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, Republic Acts No. 8646, 7106 and other election laws, has RESOLVED to promulgate as it hereby promulgates the following rules to enforce the provisions of Section 201, subsections (y) and (w) of the Omnibus Election Code:

Section 1. Prohibition on release, disbursement or expenditures of public funds. - Effective March 27, 1998 until May 11, 1998, no public official or employee including barangay officials and those of government-owned or -controlled corporations and their subsidiaries shall release, disburse or expend any public funds for:

(2) 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 (45) 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 forty-five (45) days.

(b) Work undertaken by contract through public bidding held, or by negotiated contract awarded, before the forty-five (45) day period before election. Provided, That work for the purpose of this section undertaken under the so-called "takay" or "paqiao" 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 the five days before the date of election to laborers who have rendered services in

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 such projects being undertaken by them and provided for under Sec. 3 of this resolution.

(2) The Department of Social Welfare and Development and other office in other departments of the government performing functions similar to said department, 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 departments and offices of other departments shall be turned over to, and administered and disbursed by, the Philippine National Red Cross, subject to the supervision of the Commission on Audit (COA) or its representative, 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 Human and Urban Development Coordinating Council and any other office in any other department of the government performing functions similar to said department, except for salaries of personnel and for such other necessary administrative or other expenses as the Commission may authorize after due notice and hearing.

Sec. 2. Prohibition against construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices. Effective March 27, 1998, no person shall

(1) undertake the construction of any public works, except for projects or works exempted in the preceding section, or

(2) issue, use, or avail of treasury warrants or any device underwriting future delivery of money, goods, or other things of value chargeable against public funds.

Sec. 3. Submission to the Commission of lists of authorized public works projects. - On or before March 27, 1995, the Secretary of Public Works and Highways, the provincial governors, city/municipal mayors and punong barangays in relation to national, provincial, city/municipal and barangay public works as the case may be shall submit to the Commission in Manila thru the regional election directors/provincial election supervisors/election officers concerned certified lists of (a) all on-going public works projects commenced before March 25, 1993; (b) similar projects under foreign agreements; and (c) all public works undertaken by contract through public bidding held or negotiated contract awarded before March 25, 1993 together with a copy of each of said contracts.

Any public works not included in the list herein required to be submitted by the Secretary of Public Works and Highways, the provincial governors, city/municipal mayors, and punong barangays are among the exceptions under Sec. 25 (c) subsection (v), shall be considered as falling under the public works ban.

Sec. 4. Immediate payment of labor is required. - Any laborer who may have worked on public works projects which have to be suspended or halted in the following (45) day ban on public works shall be paid immediately the complete earned wage upon the suspension of the public works project. In no case shall the earned wage or any portion thereof be retained to be paid only within five days before or on the day of

projects authorized under any of subparagraphs (a) to (d) of Sec. 1 hereof shall be paid his complete earned wage every regular pay day and in no case shall said wage or any part thereof be retained or its payment deferred.

Sec. 5. Injunction. - The Department of Budget and Management and the COA, including all its field offices, are hereby enjoined not to release or authorize the release of any appropriation, or to pass in audit payments or expenditures of public funds that may directly or indirectly be used in violation of the prohibitions contained in Sec. 261, sub-sections (v) and (w) of the Omnibus Election Code or Sections 1 and 2 hereof.

All field offices of the Commission, including those of its deputized agencies and citizens arms, are directed to monitor compliance with the requirements under Sec. 3 hereof by the local executive officers in their respective jurisdictions and submit immediately to the Commission a written report on any violation of said provision of the Omnibus Election Code.

Sec. 6. Penalty. - Any violation of the provisions of this resolution shall, consistent with Sections 261 and 264 of the Omnibus Election Code, constitute an election offense and shall be punishable by imprisonment of not less than one year but not more than six years, among other penalties provided for by law.

Sec. 7. Effectivity. - This resolution shall take effect on the seventh day after its publication in two (2) newspapers of general circulation.

Sec. 8. **Dissemination.** - The Education and Information Department shall cause the publication of this resolution in two (2) newspapers of general circulation, immediately after promulgation hereof, and shall furnish the Executive Secretary, the Chairman of the Commission on Audit, heads of all departments, and national offices, provincial governors, city/municipal mayors and pinong barangays and other agencies of the government, including government-owned or -controlled corporations, all registered political parties and all field offices of the Commission copies hereof.

BERNARDO P. PARIDO
Chairman

REGALADO E. MAMBONG
Commissioner

REMEDIOS A. SALAZAR-FERNANDO
Commissioner

MANDLO B. GOROSPE
Commissioner

JULIO P. DESAMITO
Commissioner

TERESITA D.L. FLORES
Commissioner

JAPAR M. CUIANI
Commissioner



REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
MANILA

<p>AMENDED CALENDAR OF ACTIVITIES AND PROHIBITED ACTS IN CONNECTION WITH THE MAY 11, 1998 NATIONAL AND LOCAL ELECTIONS</p>	<p>PRESENTING PARDO, Bernardo P. MAYAMBA-ONG, Regalado E. FERNANDO, Remedios A.S. GOROSPE, Manolo B. DESAMENO, Julio F. FLORES, Teresita D.L. GUANI, Juan M.</p>	<p>Chairman Commissioner Commissioner Commissioner Commissioner Commissioner</p>
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Proulgated: 6 January 1998

RESOLUTION NO. 2916-A

Pursuant to the powers vested in it by the Constitution of the Republic of the Philippines, the Omnibus Election Code (B.P. Blg. 897), Republic Act Nos. 6646, 7166, 8189, 8436 and other pertinent laws, the Commission RESOLVES to prescribe, as it hereby prescribes, the following periods of activities and prohibited acts for the May 11, 1998 national and local elections.

DATE/PERIOD	ACTIVITIES	PROHIBITED ACTS
Ongoing up to February 9, 1998 (Monday)	Nomination of official candidates for President, Vice-President and Senators, and for Members, House of Representatives, and local officials in the Autonomous Region in Muslim Mindanao (ARMM). (Sec. 6, R.A. 7166 in relation to R.A. 8436)	
January 10, 1998 (Saturday)	Last day to file territory of an election precinct or to establish a new precinct (Sec. 5, R.A. 8189)	

DATE/PERIOD	ACTIVITIES	PROHIBITED ACTS
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January 11, 1998 (Sunday)	Last day for appointment of members of the Boards of Election Inspectors subject to changes on account of lack of public school teachers and disqualifications due to relationships to candidates (Sec. 164, OEC, in relation to Sec. 31, R.A. 8189).	
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January 11, 1998 (Sunday)	Start of period for filing certificates of candidacy for all elective positions (Sec. 75, OEC).	
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January 11, 1998 (Sunday) to June 10, 1998 (Wednesday) (120 days before election and thirty (30) days thereafter)	ELECTION PERIOD	Alteration of territory of a precinct or establishment of a new precinct (sec. 5, R.A. 8160).
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Carrying of firearms/ deadly weapons, including wearing of uniforms, insignias, etc (Sec. 261 (p), (q), (s) OEC, as amended by Sec. 32, R.A. 9166).

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

Organizing or maintaining reaction / strike forces (Sec. 261 (v) OEC).

Use of security personnel or bodyguards by candidates, whether or not such bodyguards are regular members or officers of the PNP or AFP or other law

DATE PERIOD	ACTIVITIES	PROHIBITED ACTS
January 11, 1998 (Sunday) to June 12, 1998 (Wednesday) (120 days before election and party list days thereafter)	Filing of petitions for inclusion of qualified voters in the List with the proper Municipal or Metropolitan Tribunal Courts for those whose applications for registration have been disapproved by the Board or whose names have been stricken out from the list (Sec. 31, R.A. 8189).	(Sec. 261 (f), OEC, as amended by Sec. 33, R.A. 7166). Suspension of any elective provincial, city, municipal or barangay officials (Sec. 261 (x), OEC)
Not later than January 25, 1998 (Sunday)	Filing of petitions for exclusion of non-qualified voters (Sec. 35, R.A. 8189)	
January 26, 1998 (Monday) to February 9, 1998 (Friday) 75-day period before start of campaign period for President, Vice-President and Senators	Notice of instruction and verification of completeness of the VRRs for each precinct compiled in the book of voters, and conduct of verification and inspection of completeness of book of voters (Sec. 31, R.A. 8189 as implemented by Sec. 46, Congress Resolution No. 2904, dated 14 March 1997)	
February 9, 1998 (Monday)	Last day for filing certificates of candidates for President, Vice- President, Senators, candidates under the Party List System, and for local elective positions in the Autonomous Region in Muslim Mindanao (ARMM) (Sec. 11, R.A. 8189)	
	Last day to file manifestation to participate under the Party List System (Sec. 11, R.A. 8189)	
February 20, 1998 (Tuesday)	Closing of certified list of voters	

DATE/PERIOD	ACTIVITIES	PROHIBITED ACTS
(90 days before election)	(Sec. 30, R.A. 8189)	
February 10, 1998 (Tuesday) to May 9, 1998 (Saturday)	Campaign period for Presidents, Vice-Presidents and Senators (Sec. 2, R.A. 7166)	
February 10, 1998 (Tuesday) to May 3, 1998 (Saturday)	Campaign period for parties, organizations, or coalitions participating under the Party-List System (Committee Resolution No. 37-3308 dated December 4, 1997)	
February 10, 1998 (Tuesday) to May 11, 1998)		Giving of donation or gift in cash or in kind, etc. (Sec. 104, OEC).
February 25, 1998 (Wednesday)	Start of nomination of official candidates for members of the House of Representatives and elective provincial, city and municipal officials nationwide, except in the AFMM (Sec. 5 (b), R.A. 7166 in relation to R.A. 8496)	
	Last day to prepare certified list of parties, organizations or coalitions participating under the Party-List System (Sec. 7, Committee Resolution No. 2067 dated June 25, 1998)	
March 12, 1998 (Thursday) to June 10, 1998 (Wednesday) (60 days before election and thirty (30) days thereafter)		Illegal release of prisoners. (Sec. 261 (n), OEC).
March 27, 1998 (Friday)	Last day for filing certificates of candidacy for Members of Representatives and local elective positions nationwide except in the AFMM (Sec. 4, R.A. 8496)	
	Last day for submission of list of nominees for party list representatives (Sec. 6, R.A. 7501)	
	Last day for bands of subjection forces, police forces, or similar	

DATE/PERIOD	ACTIVITIES	PROHIBITED ACTS
March 27, 1998 (Friday) to May 10, 1998 (Sunday) (45-day period before election)	forces to submit to the Commission a complete list of all members thereof with such particulars as the Commission may require (Sec. 261 (u) OEC)	Appointment or hiring of new employees (Sec. 261 (g), OEC). Creation or filling of new positions (Sec. 261 (g), OEC).
March 27, 1998 (Friday) to May 10, 1998 (Sunday) (45-day period before election)		Promotions or giving of salary increases, remuneration, or privilege (Sec. 261 (g), OEC).
		Releases, disbursements or expenditures of public funds for public works and social services and development (Sec. 261 (v), OEC).
		Construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices (Sec. 261 (w), OEC).
March 28, 1998 (Saturday) to May 9, 1998 (Saturday)	Campaign period for members of the House of Representatives and elective provincial, city and municipal officials (Sec. 8, OEC) and Sec. 11, R. A. 8495).	
April 9, 1998 (Monday Thursday) to April 10, 1998 (Good Friday)		Campaigning.

DATE/PERIOD	ACTIVITIES	PROHIBITED ACTS
April 11, 1998 (Saturday) (30 days before election)	Last day to close and seal the book of voters (Sec. 45, Article Resolution No. 2904 dated March 14, 1997).	
	Last day to furnish every registered voter with an official sample ballot, voters information sheet (VIS) and list of all national, provincial and city candidates to be voted in the election (Sec. 1, R.A. 7904).	
May 9, 1998 (Saturday)	Last day of campaigning for all positions.	
May 10, 1998 (Sunday) EYE OF ELECTION DAY		Campaigning (Sec. 3, OEC)
		Selling, furnishing, offering, buying, serving or taking intoxicating liquor (Sec. 261, (d) (1), OEC).
		Giving, accepting, free transportation, food, drinks and things of value (Sec. 89, OEC).
May 11, 1998 (Monday)	ELECTION DAY	Campaigning (Sec. 5, OEC)
		Selling, furnishing, offering, buying, serving or taking intoxicating liquor (Sec. 261 (d) (1), OEC).
		Giving, accepting, free transportation, food, drinks and things of value (Sec. 89, OEC)

DATE/PERIOD	ACTIVITIES	PROHIBITED ACTS
May 11, 1998 (Monday)	CASING OF NOTES	Voting more than once or in substitution of another (Sec. 261 (z) (2) and (3) OEC).
May 11, 1998 (Monday) (7:00 A.M. TO 3:00 P.M.)	Convening of City/Municipal and Provincial Boards of Canvassers.	Holding of fairs, cockfights, boxing, horse races or similar sports (Sec. 261 (dd) (3) OEC).
May 11, 1998 (Monday) (6:00 P.M.)	Convening of City/Municipal and Provincial Boards of Canvassers.	Opening of booths or stalls for the sale, etc. of merchandise, refreshments within (30) meters radius from polling place (Sec. 261 (dd) (2) OEC).
May 12, 1998 (Tuesday) to June 10, 1998 (Wednesday)	Filing of sworn statements of election contributions and expenditures (Sec. 14, R.A. 7165)	

This resolution shall take effect seven (7) days following its publication in two (2) daily newspapers of general circulation in the Philippines.

The Director, Education and Information Department, this Commission, shall cause the immediate publication of this resolution in two (2) daily newspapers of general circulation in the Philippines and shall furnish copies thereof to all Regional Election Directors, Provincial Election Supervisors, Election Officers and all Departments, Bureaus, Offices and Agencies deputized by the Commission.

Let the Executive Director implement this resolution under the direction of the Chairman.

SO ORDERED.

BERNARDO R. PARDO

Commissioner

REGABALDE SIAMBONG

Commissioner

JUAN SALAZAR FERNANDO

Commissioner

MANOLO R. GOROSPE

Commissioner

JULIO P. RESAMITO

Commissioner

TERESITA DE LIACU FLORES

Commissioner

JAPAL M. GUANS

Commissioner

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Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

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GENERAL INSTRUCTIONS FOR
MUNICIPALITY, PROVINCIAL
AND DISTRICT BOARDS OF
CANVASSERS IN CONNECTION
WITH THE MAY 11, 1998 ELEC-
TIONS.

PRESENT: PARDÓ, Bernaldo P. *Chairman*
MAAMBONG, Regalado E. *Commissioner*
FERNANDO, Remedios A. S. *Commissioner*
GOROSPE, Manuel B. *Commissioner*
PESAMITO, Julio P. *Commissioner*
FLORÉS, Teresita D. *Commissioner*
GUAN, Japel M. *Commissioner*

Promulgated on: 5 January 1998

RESOLUTION NO. 2932

The Commission on Elections, pursuant to the powers vested in it by the Constitution, Republic Acts No. 4646 and 7006, the Omnibus Election Code and other election laws, RESOLVED to promulgate, as it hereby promulgates, the following instructions for the Municipality, City, Provincial and District Boards of Canvassers in connection with the May 11, 1998 elections:

SECTION 1. Board of canvassers. - There shall be a board of canvassers in each municipality, city, province and legislative district in Metro Manila.

SEC. 2. Supervision and control. - The Commission on Elections shall exercise supervision and control over all boards of canvassers and may *motu proprio* relieve at any time any member thereof for cause and designate the substitute.

COMPOSITION OF THE BOARD OF CANVASSERS

SEC. 3. Municipal board of canvassers. - The municipal board of canvassers shall be composed of the election officer or a representative of the Commission, as

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chairman, the municipal treasurer, as vice-chairman, and the district school supervisor, or in his absence, the most senior principal of the school district, as member.

SEC. 4. City board of canvassers - The city board of canvassers shall be composed of the city election officer, or a lawyer of the Commission, as chairman, the city prosecutor, as vice-chairman, and the city superintendent of schools, as member. In cities with more than one election officer, the Commission shall designate the election officer who shall act as chairman.

SEC. 5. Provincial board of canvassers - The provincial board of canvassers shall be composed of the provincial election supervisor or a lawyer of the Commission, as chairman, the provincial prosecutor, as vice-chairman, and the provincial superintendent of schools, as member.

SEC. 6. District board of canvassers for the legislative districts of Metro-Manila - The district board of canvassers for the legislative districts of Metro-Manila shall be composed of a lawyer of the Commission as chairman, a ranking prosecutor in the district to be appointed by the Commission upon consultation with the Department of Justice, as vice-chairman, and the most senior district school supervisor in the district to be appointed by the Commission upon consultation with the Department of Education, Culture and Sports, as member.

SEC. 7. Substitution of chairman and members of the board of canvassers - In case of non-availability, absence, disqualification due to relationship or incapacity for any cause of the chairman, who is required to be a lawyer, the Commission shall appoint as substitute a ranking lawyer of the Commission. With respect to the other members of the board, the Commission shall appoint as substitute the following in the order named: The provincial auditor, the register of deeds, the clerk of court nominated by the executive judge of the Regional Trial Court, and any other available appointive

provincial official in the case of the provincial board of canvassers, the officials in the city corresponding to those enumerated, in the case of the city board of canvassers, and the municipal administrator, the municipal assessor, the clerk of court or any other available appointive municipal official, in the case of the municipal board of canvassers.

As substitute of the two members of the district board of canvassers of the legislative districts of Metro Manila, the Commission shall, upon consultation with the Department concerned, appoint the next ranking prosecutor or district supervisor, as the case may lie, in the district.

The regional election director or the provincial election supervisor, as the case may be, is further authorized to appoint substitute members of the provincial board of canvassers or the city/municipal board of canvassers.

SEC. 8. Secretary of the board. - The district school supervisor or the principal, the city or provincial superintendent of schools, as the case may be, shall act as secretary of their respective board of canvassers, unless otherwise ordered by the Commission. Each shall keep the minutes and record the proceedings of the board and such other incidents or matters relevant to the canvass.

III. COMMON PROVISIONS

SEC. 9. Nature of meetings of the board. - Not later than May 6, 1998, the chairman of the board shall give written notice to all members thereof and to each candidate, political party, fielding candidates, and parties, organization/coalition participating under the party-list system, of the date, time and place of the canvassing which shall be held in the session hall of the Sangguniang Panlalawigan/Lungsod/Bayan, unless otherwise ordered by the Commission.

Notices of the canvassing shall be posted in the office of the election officer/provincial election supervisor, as the case may be, and in conspicuous places in the building where the canvass will be held.

Similar notices shall also be given for subsequent meetings unless notice has been given in open session. Proof of service of notice to each member, candidate, political party, fielding candidates, and secular party, organization/coalition under the party-list system shall be attached to and form part of the records of the proceedings. If notice is given in open session, such fact shall be recorded in the minutes of the proceedings.

Failure to give notice of the date, time and place of the meeting of the board is an election offense under Section 201 (aa)(1) of the Omnibus Election Code.

SEC. 10. Convener of the board. - The Board shall meet at 6:00 o'clock in the evening of election day at the designated place to receive the election returns or the certificates of canvass, as the case may be, and to immediately canvass those that have already been received. It shall meet continuously from day to day until the canvass is completed, and may adjourn only for the purpose of awaiting the other election returns or certificates of canvass.

The proceedings of the board shall be open and public.

SEC. 11. Absence of a regular board member. - In case of the absence of a regular board member, the members present shall first verify whether notice has been served on the absent member. In case no such notice was sent, one shall be immediately served on the absent board member. If the latter cannot be located or his whereabouts are unknown, he shall be substituted. These facts shall be recorded in the minutes of the board. As soon as the absent member appears, the substitute member shall relinquish his seat in favor of the regular board member.

SEC. 12. Prohibited degree of relationship. - The chairman and members of the board shall not be related within the fourth civil degree of consanguinity or affinity to any of the candidates whose votes will be canvassed by said board, or to any member of the same board.

SEC. 13. Prohibition against leaving official station. - During this period beginning election day until the proclamation of the winning candidates, no member or substitute member of the different boards of canvassers shall be transferred, assigned or detailed outside of his official station nor shall he leave said station without prior authority of the Commission.

SEC. 14. Feigned illness. - Any member of the board of canvassers feigning illness in order to be substituted on election day until the proclamation of the winning candidates shall be guilty of an election offense.

SEC. 15. Incapacity of regular board member. - In case of sickness or serious injury of a regular board member, a medical certificate shall be required attesting to the incapacity of said member. Upon submission of the medical certificate, a substitute shall be appointed. Said medical certificate shall be recorded in and form part of the minutes of the board.

SEC. 16. Quorum. - A majority of the members of the board shall constitute a quorum for the transaction of business, and a majority vote of all the members thereof shall be necessary to render a decision.

SEC. 17. Powers of the board. - The board shall have full authority to keep order within the canvassing room or hall and its premises and enforce obedience to its lawful orders. If any person shall refuse to obey any lawful order of the board or shall conduct himself in such disorderly manner as to disturb or interrupt its proceedings, the board may order any peace officer to take such person into custody until adjournment of the meeting.

SEC. 18. Right to be present and to counsel during the canvass. - Every registered political party or coalition of parties, accredited political party, sectoral

party/organization or coalition thereof under the party-list, through its representative, and every candidate has the right to be present and its counsel during the canvass of the election returns or certificates of canvass. Provided That, only one counsel may argue for each political party or candidate. They shall have the right to examine the returns or certificates being canvassed without touching them, make observations thereon, and file their challenges in accordance with the rules and regulations of the Commission. No dilatory action shall be allowed by the board.

SEC. 19. Watchers. - Every registered political party or coalition of political parties fielding candidates, accredited political parties, sectoral party/organization or coalition thereof under the party-list, and every candidate shall be entitled to one watcher in every canvassing center. Provided, That candidates for the *sangguniang pambalayan*, *sangguniang panglungsod* or *sangguniang bayan* belonging to the same state or ticket shall collectively be entitled to only one watcher.

The citizens arm of the Commission, and civic, religious, professional, business, service, youth and other similar organizations collectively, with prior authority of the Commission, shall each be entitled to two (2) watchers to serve alternately.

A person convicted of any election offense or of any other crime or related to any member of the canvassing board within the fourth civil degree of consanguinity or affinity shall not be appointed as watcher.

Under no circumstance shall barangay officials, including barangay tanods, be appointed as watchers.

The watchers shall have the right to:

- a) be present at and take note of all the proceedings of the board;
- b) stay behind the chairman of the board near enough to be able to read the election returns/certificates of canvass without touching them; and
- c) file a protest against any irregularity noted in the election returns/certificate of canvass and obtain from the board a resolution thereon in writing.

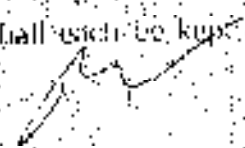
Whom shall not be allowed to participate in the deliberations of the board.

SEC. 20. Persons not allowed inside the canvassing room. During the canvassing, it shall be unlawful for the following to enter the room where the canvass is being held or to stay within a radius of fifty (50) meters from such room:

- a) Any officer or member of the Armed Forces of the Philippines;
- b) Any officer or member of the Philippine National Police;
- c) Any peace officer or any armed or unarmed person belonging to an extra-legal police agency, special forces, strike forces, or civilian armal forces, geographic units (CAFGU);
- d) Any barangay tanod or any member of the barangay self-defense units;
- e) Any member of the security or police organizations of governmental agencies, commissions, councils, bureaus, offices, instrumentalities, or government-owned or controlled corporations or their subsidiaries; or
- f) Any member of a privately owned or operated security, investigative, protective or intelligence agency performing identical or similar functions.

Whenever necessary, however, the board, by majority vote, may direct in writing for the detail of policemen or peace officers for their protection or for the protection of the election documents and paraphernalia, or for the maintenance of peace and order, in which case said policemen or peace officers who shall be in proper uniform shall stay outside the room but near enough to be easily called by the board at any time.

SEC. 21. Safeguarding of transmitted election returns or certificates of canvass. The board shall place the election returns/certificates of canvass in ballot boxes which shall be locked with three padlocks and secured with a serially numbered self-locking metal seal. The three keys to the padlock shall each be kept by the members of the



board. The serial number of every initial seal shall be entered in the minutes.

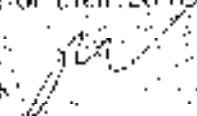
The said ballot boxes shall be kept in a safe and secured room before, during and after the canvass. The door to the room shall be locked with three padlocks with the keys thereof kept by each of the members of the board.

The watchers shall have the right to guard the room.

SEC. 22. Canvassing committees - The city/municipal boards may constitute one (1) canvassing committee for every one hundred (100) election returns to enable them to complete the canvass within the period prescribed herein. Each committee shall be composed of three members, consisting of one (1) representative from each member of the board. All the candidates shall be notified in writing of the number of committees to be constituted so that they can designate their watchers in each committee. The committees shall be under the direct supervision and control by the board. The names of the members of each committee, the board members they represent and the election returns assigned to them for tabulation shall be properly recorded in the minutes of the proceedings. In no case shall a casual employee be appointed/designated to serve as a member of the canvassing or other committees; nor shall an employee of the Office of the Provincial Governor, City/Municipal Mayor, or their corresponding Sanggunians be appointed/designated thereof.

The board may also constitute a Reception and Custody Group with the same composition as the sub-canvassing committee.

SEC. 23. Tabulators - The boards of canvassers shall designate two (2) tabulators to prepare the Statement of Votes in accordance with the immediately succeeding section. In case of disqualification of canvassing committees, the boards shall appoint two (2) tabulators for each canvassing committee. The tabulators shall be under the direct supervision and control of the board. The names of each tabulator and the certificates of canvass assigned to them for tabulation shall be properly recorded in the minutes of the proceedings. In no case shall a casual employee or an employee of the Office of the Provincial Governor, City/Municipal Mayor, or their corresponding Sanggunians be ap-



pointed to designated SOV as its substitute.

SEC. 24. Canvassing procedure - The board shall comply with the following rules:

- a) The board shall maintain a log of all election returns/certificates of canvass received and canvassed. said log shall include the time of receipt and date of canvass.
- b) Upon receipt of the security envelopes containing the election returns/certificates of canvass, the board shall examine the condition of each envelope; the secretary shall then enter in the minutes the number/quantity of envelopes delivered; the condition of the envelopes and their serial numbers.
- c) The board shall open only such number of envelopes that could be canvassed during the meeting.
- d) After opening each envelope, the board shall examine the condition of the election return/certificate of canvass. The secretary shall then record in the minutes the condition of the election return/certificate of canvass and its serial number.
- e) The board shall then canvass the election return/certificate of canvass and the tabulators shall enter in the statement of votes (SOV) (CEF 20-A) the votes obtained by each candidate as they are read.

For purposes of preparing the SOV, the following terms are used:

- (1) Sub-total - sum of all votes obtained by each candidate when all the columns of a set of SOV are filled. This shall be recorded in the last column indicated in the SOV.
- (2) Page partial total - sum of votes obtained by each candidate appearing in one page of the SOV when some columns are not filled at the time of adjournment/suspension of canvass. This shall be recorded on the box immediately after the last entry of votes at the time of

adjournment/suspension of canvass. When all election returns/certificates of canvass have been canvassed, and the columns of the last page of the SOV are not filled, the page partial total shall be considered as the sub-total.

(3) *Provisional total* - accumulated total of all votes obtained by each candidate as of the time of adjournment/suspension of canvass, for the purpose of releasing results to mass media and other interested parties. This shall not appear in the SOV.

(4) *Summary of votes* - listing of all sub-totals reflected in each set of SOV. This shall be recorded in a separate set of SOV by entering in each column the sub-totals per set of SOV.

(5) *Grand total* - sum of all sub-totals of votes obtained by each candidate as listed in the summary of votes.

f) Immediately after an election return/certificate of canvass has been canvassed, the chairman of the board/canvassing committee, if any, shall write on its upper right hand corner the word "CANVASSED" and affix below it his signature and the date of canvass.

The canvassed election returns/certificates of canvass placed in the corresponding envelopes shall then be deposited in the ballot box. Upon adjournment, said ballot box shall be locked with three padlocks and sealed with a serially numbered metal seal. The keys corresponding to the three padlocks shall each be kept by the three members of the board. The ballot box containing these election returns/certificates of canvass shall be kept and preserved in a secured room under the custody of the chairman of the board until further orders of the Commission.

g) After all the columns of the SOV are filled, the tabulators shall indicate in the space provided for the purpose, the sub-total of the votes obtained by each candidate, and affix their signatures above their printed names and imprint their thumbmarks on the certification portion hereof. The board shall likewise affix

- their signatures above their printed names and imprint their thumbmarks.
- h) The SOV containing the sub-total shall, in the presence of all the members of the board and watchers, if any, be placed in the ballot box together with the election returns/certificates of canvass already canvassed.
- i) The board shall open the next envelope and follow the above procedure until all the election returns/certificates of canvass have been canvassed.
- j) After all the election returns/certificates of canvass have been canvassed, the tabulators shall:
- (1) Prepare a summary of the votes obtained by each candidate by entering therein all the sub-totals contained in each page of the SOV;
 - (2) Record the grand total of votes obtained by each candidate by adding all the sub-totals; and
 - (3) Accomplish the certification portion by affixing their signatures above their printed names and imprinting their thumbmarks thereon. The board shall likewise affix their signatures above their printed names and imprint their thumbmarks on the certification portion thereof.
- k) The board shall prepare a certificate of canvass or certificate of canvass and proclamation as the case may be, and distribute in the manner prescribed hereunder:
- l) In case of adjournment/suspension of canvass:
- (1) When the columns of the SOV are not all filled, the tabulator shall indicate the page partial total of votes obtained by each candidate and close the same by affixing their initials. The SOV shall be placed in the ballot box provided in No. 4 hereunder.
 - (2) When all columns of the SOV are filled, the tabulator shall indicate the sub-total as provided under (j) hereon.
 - (3) A provisional total shall be made available to mass media and other interested parties.
 - (4) The remaining unopened envelopes and SOV containing the page partial

total shall be placed in the ballot box provided for the purpose which shall be locked with three padlocks and self-locking metal seals. The keys to each padlock shall be kept by the members of the board.

(b) The serial number of the metal seal and the quantity of the remaining unopened envelopes shall be recorded in the minutes.

(iv) Upon resumption of the canvass:

(1) The secretary of the board shall verify and enter in the minutes the condition of the three padlocks and the metal seal, as well as its serial number.

(2) The board shall then, in the presence of the watchers, open the ballot box, retrieve the partially filled SOV and the unopened envelopes containing the election returns/certificates of canvass not yet canvassed, and proceed with the canvass until all election returns/certificates are canvassed.

In accomplishing the certificate of canvass, the chairman of votes and other forms, all the members of the board, including the tabulators, shall see to it that the impression on the first copy of the set is recorded on each and every page thereof. They shall affix their signatures above their printed names and imprint their thumbmarks on the certification at the bottom of the forms.

SEC. 25. When the election returns/certificates of canvass are delayed, lost or destroyed. In case a copy of the election returns/certificates of canvass is missing, the board shall, by authorized messenger, immediately obtain the same from the board concerned, or if said returns/certificates have been lost or destroyed, the board, upon prior authority of the Commission, may use any of the authentic copies thereof or a certified copy of said election returns/certificates issued by the Commission, and forthwith direct its representative to investigate the case and immediately report the matter to the Commission.

The board, notwithstanding the fact that not all the election returns/certificates of canvass have been received by it, may terminate the canvass and proclaim the candidates elected on the basis of the available election returns/certificates of canvass if the missing returns/certificates will not affect the results of the election.

SEC. 26. Material defects in the election returns/certificates of canvass. If it should clearly appear that some requisite in form or data had been omitted in the election returns/certificates of canvass, the board shall call for all the members of the board concerned by the most expeditious means to effect the corrections. Provided, that in case of the omission in the election returns/certificates of canvass of the name of any candidate and/or his corresponding votes, the board shall require the board concerned to complete the necessary data in the election returns/certificates of canvass and affix therein their initials. Provided, further, that if the votes omitted in the returns/certificates cannot be ascertained by other means, except by recounting the ballots, the election returns/certificates of canvass shall be set aside, and such fact shall be reported to the Commission which shall proceed as provided in Sec. 214 of the Omnibus Election Code.

SEC. 27. When election returns/certificates of canvass appear to be tampered with or falsified. If the election returns/certificate of canvass submitted to the board appear to be tampered with, altered or falsified after they have left the hands of the board concerned or otherwise not authentic, or were prepared under duress, force, intimidation, or prepared by persons other than the members of the board concerned, the board shall use the other copies of said election returns/certificates of canvass. If necessary, the copy of the election returns inside the ballot box which upon previous authority given by the Commission may be retrieved in accordance with Section 220 of the Omnibus Election Code; if the other copies of the election returns/certificates of canvass are likewise tampered with, altered, falsified, not authentic, prepared under duress, force, intimidation, or prepared by persons other than the members of the board, the board of canvassers or any candidate affected shall bring the matter to the

attention of the Commission which shall proceed as provided in Sec. 245 of the Omnibus Election Code.

SEC. 28. Discrepancies in election returns/certificates of canvass. - In case it appears to the board that there exist discrepancies in the other authentic copies of the election returns/certificates of canvass from a polling place or discrepancies in the votes of any candidate in words and figures in the same returns/certificates and in either case they affect the results of the election, the board shall not canvass the election returns/certificates of canvass and shall submit the matter to the Commission which shall proceed as provided in Sec. 236 of the Omnibus Election Code.

In case there exists discrepancies in the votes of any candidate in parasitally as against the votes obtained in words/figures by the same returns/certificate, the votes in parasitally shall prevail.

SEC. 29. Canvass to be completed at earliest possible time. - Subject to reasonable exceptions, the board must complete its canvass within thirty-six (36) hours in municipalities, forty-eight (48) hours in cities, and seventy (72) hours in provinces/districts in Metro Manila/cities comprising one or more legislative districts.

SEC. 30. Submission of the minutes of the proceedings of the board. - Within forty-eight hours from the termination of canvass, the secretary of the board shall submit to the Law Department of the Commission on Elections in Manila by registered mail a certified copy of the minutes of the proceedings of the board and shall notify by telegram the same department of the date and manner of transmittal of the minutes, indicating therein the registry receipt number.

III. PRE-PROCLAMATION CASES

SEC. 31. Pre-proclamation cases not allowed in the election for President, Vice-President, Senator, Member of the House of Representatives and Party List. - For

purposes of the election for President, Vice-President, Senator, Member of the House of Representatives and Party-list, no pre-proclamation case shall be allowed on matters relating to the preparation, transmission, receipt, custody and appreciation of the election returns or the certificates of canvass, as the case may be. However, this does not preclude the authority of the appropriate canvassing body *motu proprio* or upon written complaint of an interested person, to correct manifest errors in the election returns or certificates of canvass.

Any objection to the election returns/certificate of canvass shall be specifically noted in the minutes of the board.

SEC. 32. Manifest error. There is manifest error in the tabulation or tallying of the results during the canvassing where:

- (1) A copy of the election returns or certificate of canvass was tabulated more than once;
- (2) Two or more copies of the election returns or one precinct, or two or more copies of certificate of canvass were tabulated separately;
- (3) There was a mistake in the copying of the figures into the statement of votes or into the certificate of canvass;
- (4) Returns from non-existent precincts were included in the canvass; or
- (5) There was a mistake in the addition of the votes of any candidate.

SEC. 33. Pre-proclamation cases involving provincial, city and municipal offices. Pre-proclamation cases involving provincial, city and municipal offices are allowed.

SEC. 34. Issues that may be raised in pre-proclamation controversies. The following shall be proper issues that may be raised in a pre-proclamation controversy:

- a) Illegal composition or proceedings of the board of canvassers;
- b) The canvassed election returns/certificates of canvass are incompletely contain-

material defects appear to be tampered with or falsified, or contain discrepancies in the same returns/certificates or in other authentic copies thereof as mentioned in Sections 233, 234, 235, and 236 of the Omnibus Election Code;

cf. The election returns/certificates of canvass were prepared under duress, threats, coercion, or intimidation, or they are obviously manufactured or not authentic; and

d) When substitute or fraudulent election returns/certificates of canvass were canvassed, the results of which materially affected the standing of the aggrieved candidate or candidates.

SEC. 35. Pre-proclamatory controversies; How commenced. Questions

affecting the composition or proceedings of the board of canvassers may be initiated in the board or directly with the Commission. However, matters raised under Section 233, 234, 235 and 236 of the Omnibus Election Code in relation to the preparation, transmission, receipt, custody, and appreciation of the election returns and the certificates of canvass shall be brought in the first instance before the board only.

SEC. 36. Procedure in disposition of contested election returns/certificate of canvass. The following procedure is mandatory and shall be strictly observed by the boards of canvassers:

(a) Any candidate, political party or coalition of political parties, contesting the inclusion or exclusion in the canvass of any election return/certificate of canvass on any of the grounds authorized under Article XIX or Section 234, 235 and 236 of Article XIX of the Omnibus Election Code shall submit their oral objections to the chairman of the board at the time the questioned return/certificate is presented for inclusion in the canvass. Such objection shall be recorded in the minutes of the canvass.

(b) Upon objection, the board shall automatically defer the canvass of the

contested returns/certificates and proceed to canvass those which are not contested. However, before setting aside the contested returns/certificates, the board shall canvass the votes and prepare the Certificate of Canvass for President, Vice-President, Senators, Members of the House of Representatives and Party List (C.F. No. 20).

With respect to the provincial/city/municipal offices, the votes shall be taken temporarily in a separate tally sheet, which shall be signed by the board and witnesses present.

(c) Simultaneous with the oral objections, the objecting party shall submit his objections in the form prescribed by the Commission.

Within twenty-four (24) hours from the presentation of such an objection, the objecting party shall submit the evidence in support thereof, which shall be attached to the written objections. Within the same period, any party may file a written and verified opposition to the objection in the form prescribed by the Commission, attaching therein supporting evidence, if any. The board shall not entertain any objection or opposition unless reduced in writing in the prescribed form.

The said evidence shall be immediately and formally admitted to the records of the board by the chairman, by affixing his signature at the back of each and every page thereof.

(d) Upon receipt of the evidence, the board shall take up the contested returns/certificates, consider the written objections and oppositions in regard thereto, if any, and summarily and immediately rule thereon. The board shall enter its ruling in the prescribed form and authenticate the same by their signatures.

(e) Any party adversely affected by the ruling shall immediately inform the board if he intends to appeal. The board shall enter said information in the minutes of its canvass, set aside the returns/certificates and proceed to consider the other returns/certificates.

(f) After all the uncontested returns/certificates have been canvassed and the contested returns/certificate ruled upon, the board shall suspend the canvass. Within forty-eight (48) hours thereafter, any party adversely affected by the ruling may file with the board a written and verified notice of appeal; and within an inextendible period of five (5) days thereafter, an appeal may be taken to the Commission.

(g) Immediately upon receipt of the notice of appeal, the board shall make an appropriate report to the Commission, elevating therewith the complete records and evidence submitted in the canvass, and furnishing the parties with copies of the report.

(h) On the basis of the records and evidence elevated to it by the board, the Commission shall decide summarily the appeal within seven (7) days from the receipt of said records and evidence. Any appeal brought before the Commission on the ruling of the board, without the accomplished forms and the evidence thereon, shall be summarily dismissed.

The decision of the Commission shall be executory after the lapse of seven (7) days from receipt thereof by the losing party.

(i) The board shall not proclaim any candidate as winner unless authorized by the Commission after the latter has ruled on the objections brought to it on appeal by the losing party. Any proclamation made in violation hereof shall be void *ab initio*, unless the contested returns/certificates will not adversely affect the results of the election.

SEC. 37. Partial proclamation. - Notwithstanding the pendency of any pre-proclamation controversy, the Commission may summarily order the proclamation of other winning candidates whose election will not be affected by the outcome of the controversy.

SEC. 38. Contested proceedings; period to appeal. Parties adversely affected by a ruling of the board on questions affecting the composition of proceedings of the board may appeal the matter to the Commission within three (3) days from the date of the ruling.

IV. THE CITY/MUNICIPAL BOARD OF CANVASSERS.

SEC. 39. Duties and functions of the city/municipal board of canvassers.

The city or municipal board of canvassers shall:

(1) Canvass the election returns for President, Vice-President, Senators, members of the House of Representatives, Party-List and for elective provincial and city or municipal officials;

(2) Upon completion of the canvass:

(a) Prepare in seven (7) copies, the Certificate of Canvass of Votes for President, Vice-President, Senators, Members of the House of Representatives, Party-List and Elective Provincial Officials (CEF No. 20);

(b) Prepare the Certificate of Canvass and Proclamation of Winning Candidates for City or Municipal Offices (CEF No. 24 & 25); and

(c) Proclaim said winning candidates.

SEC. 40. Distribution of certificate of canvass. The board shall distribute the Certificate of Canvass of Votes for President, Vice-President, Senators, Members of the House of Representatives, Party-List and Elective Provincial Officials (CEF No. 20) as follows:

(1) The first copy to the provincial board of canvassers for use in the canvass for President, Vice-President, Senators, Members of the House of

- Representatives, Party-List and other elective provincial officials.
- (2) The second copy to the Commission;
- (3) The third copy to be kept by the chairman of the board;
- (4) The fourth copy to the citizens arm designated by the Commission to conduct a media-based unofficial count; and
- (5) The fifth, sixth and seventh copies to the first three (3) or the six (6) accredited major political parties. The parties receiving the certificates shall have the obligation to furnish the other three (3) parties with authentic copies thereof with the least possible delay.

The certificates of canvass of votes prepared by the city or municipal board of canvassers shall each be supported by a SOV by precinct, signed and thumbmarked by the chairman and members of the board, and the watchers of the six accredited major political parties, if available. Thereafter, they shall each be sealed and placed inside their corresponding security envelopes which shall likewise be sealed.

SEC. 41. Certificates of canvass and proclamation. (a) The Certificate of Canvass of Votes and Proclamation of Winning Candidates for City Offices (CEP No. 20) shall be prepared in sufficient copies and distributed as follows:

- (1) Secretary of the sangguniang panglungsod;
- (2) Chairman, city board of canvassers;
- (3) Commissioner, Election;
- (4) City treasurer;
- (5) Regional election director;
- (6) Provincial election supervisor;
- (7) Each of the winning candidates proclaimed; and
- (8) One copy for posting on the bulletin board of the city hall.

The first six copies shall be individually folded, sealed with a serially numbered

paper seal in such a way that the certificate of canvass and proclamation cannot be opened without breaking the seal and placed in the proper envelope which shall thereafter be sealed.

A copy of the SOV by precinct shall be attached to the copies for the secretary of the sangguniang pangungusod, the chairman, city board of canvassers, and the Commission on Elections.

(b) The Certificate of Canvass of Votes and Proclamation of Candidates for Municipal Offices (CEF No. 25) shall be prepared in sufficient copies and distributed as follows:

- (1) Secretary of the sangguniang bayan;
- (2) Chairman, municipal board of canvassers;
- (3) Commission on Elections;
- (4) Secretary of the sangguniang pinalawigan;
- (5) Provincial election supervisor;
- (6) Regional election director;
- (7) Municipal treasurer;
- (8) Each of the winning candidates proclaimed; and
- (9) One copy to be pasted on the bulletin board of the municipal hall.

The first seven copies shall be individually folded, sealed, with a serially numbered paper seal in such a way that the certificate of canvass and proclamation cannot be opened without breaking the seal and placed in the proper envelope which shall thereafter be sealed.

A copy of the SOV by precinct shall be attached to the copies for the chairman, municipal board of canvassers, and the Commission on Elections.

V. PROVINCIAL BOARD OF CANVASSEKS

SEC. 41. Duties and functions of the provincial board of canvassers. The

provincial board of canvassers shall:

- (1) Canvass the Certificates of Canvass of Votes for President, Vice-President, Senators, Members of the House of Representatives, Party-List and Elective Provincial Offices (CEP No. 20) submitted by the board of canvassers of municipalities and component cities;
- (2) Upon completion of the canvass:
 - (a) Prepare in seven (7) copies, a Certificate of Canvass of Votes for President, Vice-President, Senators and Party List (CEP No. 21);
 - (b) Prepare the Certificates of Canvass of Votes and Proclamation of Winning Candidates for Member of the House of Representatives and Provincial Offices (CEP Nos. 22 & 23); and
 - (c) Proclaim the winning candidates for Members of the House of Representatives and provincial offices.

SEC. 42. Distribution of certificate of canvass. - The provincial board of canvassers shall distribute the Certificate of Canvass of Votes for President, Vice-President, Senators and Party List (CEP No. 21) as follows:

- (1) The first copy to the Congress, directed to the President of the Senate for use in the canvass of election results for President and Vice-President;
- (2) The second copy to the Commission for use in the canvass of the results for Senate and Party-List;
- (3) The third copy to be kept by the chairman of the board.

- (4) The fourth copy to the citizens arm designated by the Commission to conduct a media and official count;
- (5) The fifth, sixth and seventh copies of the certificate of canvass of votes to the first three (3) of the six (6) accredited major political parties. The parties receiving the certificates shall have the obligation to furnish the other three (3) parties with authentic copies thereof with the least possible delay.

The certificates of canvass of votes prepared by the provincial board of canvassers shall be supported by a copy of the SOV by city/municipality. The copy for the Congress shall, in addition, be supported by a SOV by precinct as submitted to the provincial board of canvassers by the city and municipal board of canvassers. The certificates shall be signed and thumbmarked by the chairman and members of the board and the watchers of the six accredited major political parties, if available. Thereafter, they shall be placed inside their corresponding security envelopes.

SEC. 44. Certificate of canvass of votes and proclamation of winning candidates for members of the house of representatives and for provincial offices.

The Certificate of Canvass of Votes and Proclamation of Winning Candidates for member of the House of Representatives (CEP No. 22) shall be prepared for each legislative district in four (4) copies and distributed as follows:

- (1) The first copy to the Commission on Elections in Manila;
- (2) The second copy to be kept by the chairman of the provincial board of canvassers;
- (3) The third copy to the candidate proclaimed; and
- (4) The fourth copy for posting on the bulletin board of the provincial capitol.

The first and the second copies shall be individually folded and placed in the proper security envelope together with a copy of the SOV by city/municipality.

The Certificate of Canvass of Votes and Proclamation of the Winning Candidates for Provincial Offices (CE No. 23) shall be prepared in sufficient copies to be distributed as follows:

- (1) Secretary of the sangguniang panlalawigan;
- (2) Chairman of the provincial board of canvassers;
- (3) Commission on Elections;
- (4) Provincial treasurer;
- (5) Regional election director;
- (6) Each of the winning candidates proclaimed; and
- (7) One copy for posting on the bulletin board of the provincial capital.

The first five copies shall be individually folded and shall be placed in the proper security envelope.

A copy of the SOV by city/municipality shall be attached to the copies for the chairman, provincial board of canvassers and the Commission on Elections.

VI. CITY BOARD OF CANVASSERS OF CITIES
COMPRISING ONE OR MORE LEGISLATIVE DISTRICTS

SEC. 45. Duties and functions of the city board of canvassers for cities comprising one or more legislative districts. The city board of canvassers of cities comprising one or more legislative districts shall:

(1) Canvass the election returns for President, Vice-President, Senators, Member of the House of Representatives, Party-List and elective city officials;

(2) Upon completion of the canvass:

(a) Prepare (in seven (7) copies) the Certificate of Canvass of Votes for President, Vice-President, Senators and Party-List (C.C.F. No. 21);

(b) Prepare the certificates of canvass and proclamation of winning candidates for Member of the House of Representatives and city officials; and

(c) Proclaim the winning candidates for Member of the House of Representatives and city officials.

In the case of cities with two or more legislative districts, the board shall first canvass the election returns from the legislative district wherein all or a substantial number of precincts have already submitted before canvassing those from the next legislative districts.

SEC. 46. Distribution of the certificate of canvass of votes. The board shall distribute the Certificate of Canvass of Votes for President, Vice-President, Senators and Party-List (C.C.F. No. 21) as follows:

- (1) The first copy to Congress, directed to the President of the Senate for use in the canvass of election results for President and Vice-President;
- (2) The second copy to the Commission on Elections for use in the canvass of the election results for Senators and Party-List;
- (3) The third copy to be kept by the chairman of the board;
- (4) The fourth copy to the citizens arm, designated by the Commission to conduct a media-based unofficial count; and
- (5) The fifth, sixth and seventh copies of certificate of canvass of votes to any three (3) of the six (6) accredited major political parties. The parties receiving the certificate shall have the obligation to furnish the other three (3) parties with authentic copies thereof with the least possible delay.

The certificate of canvass of votes prepared by the city board of canvassers shall each be supported by a copy of the SOV, by precinct, signed and thumbmarked by the chairman and members of the board, and the watchers of the six accredited major political parties, if available. They shall each be placed inside their corresponding security envelopes.

SEC. 47. Certificate of canvass of votes and proclamation. (a) The Certificate of Canvass of Votes and Proclamation of Winning Candidates for Member of the House of Representatives (CEF No. 22) shall be prepared for each legislative district in four (4) copies and distributed as follows:

- (1) The first copy to the Commission on Elections in Manila;
- (2) The second copy to be kept by the chairman of the board of canvassers;
- (3) The third copy to the candidates proclaimed; and
- (4) The fourth copy for posting on the bulletin board of the city hall.

The first and second copies shall be individually sealed and placed in the proper

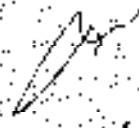
security envelope, together with a copy of the SQV, by precinct.

(b) The Certificate of Canvass of Votes and Proclamation of the Winning Candidates for City Offices (CEI) No. 24 shall be prepared in sufficient copies to be distributed as follows:

- (1) Secretary of the Sangguniang Panglungsod;
- (2) Chairman, city board of canvassers;
- (3) Commission on Elections;
- (4) City treasurer;
- (5) Regional election director;
- (6) Each of the winning candidates proclaimed; and
- (7) One copy for posting on the bulletin board of the city hall.

The first five copies shall be separately folded and placed in their corresponding security envelopes.

A copy of the SQV by precinct shall be attached to the copies for the chairman, city board of canvassers, and the Commission on Elections.



VII. THE DISTRICT BOARDS OF CANVASSERS IN METRO MANILA

(For the Municipalities of Parañaque, San Juan and Valenzuela)

SEC. 48. Duties and functions of the district board of canvassers of the municipalities in Metro-Manila, each comprising one legislative district. - The district board of canvassers of each of the municipalities of Parañaque, San Juan and Valenzuela, shall:

(1) Canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives, Party-List and elective municipal officials of the precincts within the municipality;

(2) Upon completion of the canvass:

(a) Prepare in seven (7) copies the Certificate of Canvass of Votes for President, Vice-President, Senators, Party-List (CEE No. 24);

(b) Prepare the certificate of canvass of votes and proclamation of winning candidates for Member of the House of Representatives and municipal offices; and

(c) Proclaim the winning candidates for Member of the House of Representatives and municipal offices.

SEC. 49. Distribution of the certificate of canvass and proclamation. - The Board shall distribute the Certificate of Canvass of Votes for President, Vice-President and Party-List (CEE No. 24) as follows:

(1) The first copy to the Congress, directed to the President of the Senate for use in the canvass of election results for President and Vice-President.

- (2) The second copy to the Commission for use in the canvass of the election results for Senators and Party List;
- (3) The third copy to be kept by the chairman of the board;
- (4) The fourth copy to the citizen arm designated by the Commission to conduct a media-based unofficial count; and
- (5) The fifth, sixth, and seventh copies of the certificate of canvass of votes to the first three (3) of the six (6) accredited major political parties. The parties receiving the certificates shall have the obligation to furnish the other three (3) parties with authentic copies thereof with the least possible delay.

In the Metro-Manila Area, the certificates of canvass of votes prepared by the district board of canvassers of a legislative district comprising one (1) municipality shall be supported by a SCV by precinct, signed and initialed by the chairman and members of the board and the watchers of the six accredited major political parties, if available. They shall each be placed inside their corresponding security envelopes.

SEC. 50. Certificate of canvass of votes and proclamation

a) The Certificate of Canvass of votes and Proclamation of the Winning Candidates for Member of the House of Representatives (EEF No. 22) shall be prepared in four (4) copies and distributed as follows:

- (1) The first copy to the Commission in Manila;
- (2) The second copy to be kept by the chairman of the board;
- (3) The third copy to the proclaimed candidates; and
- (4) The fourth copy for posting in the bulletin board of the municipal hall.

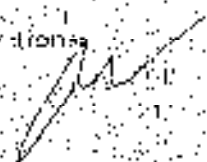
The first and the second copies shall be individually sealed and placed in a security envelope together with a copy of the SCV by precinct.

The Certificate of Canvass of Votes and Proclamation of the Winning Candidates for Municipal Offices (CAB No. 25) shall be prepared in sufficient copies to be distributed as follows:

- (1) Secretary of the sangguniang bayan;
- (2) Chairman, municipal board of canvassers;
- (3) Commission on Elections;
- (4) Regional election director;
- (5) Municipal treasurer;
- (6) Each of the winning candidates proclaimed; and
- (7) One copy for posting on the bulletin board of the municipal hall.

The first five copies shall be individually folded and placed in their corresponding security envelopes.

A copy of the SOV by precinct shall be attached to the copies for the chairman, district board of canvassers, and the Commission on Elections.



VIII. THE MUNICIPAL BOARD OF CANVASSERS OF EACH COMPONENT MUNICIPALITY IN A LEGISLATIVE DISTRICT IN METRO MANILA.

(Taguig, Patros, Navotas and Malabon)

SEC. 51. Duties and functions of the municipal board of canvassers of each component municipality in a legislative district in Metro Manila. The municipal board of canvassers of each component municipality of a legislative district in Metro Manila shall:

(1) Canvass the election returns for President, Vice-President, Senators, Member of the House of Representatives, Party-List and elective municipal officials;

(2) Upon completion of the canvass:

(a) Prepare in seven (7) copies, the Certificate of Canvass of Votes for President, Vice-President, Senators, Member of the House of Representatives, and Party-List (CEP No. 10);

(b) Prepare the Certificate of Canvass of Votes and Proclamation of Winning Candidates for Municipal Offices (CEP No. 25); and

(c) Proclaim the winning candidates for municipal offices.

SEC. 52. Distribution of the certificate of canvass of votes and proclamation.

The board shall distribute the Certificate of Canvass of Votes for President, Vice-President, Senators, Member of the House of Representatives and Party-list (CEP No. 20) as follows:

(1) The first copy to the District Board of Canvassers for use in the canvass of

- election results for President, Vice-President, Senators, Members of the House of Representatives and Party-list;
- (2) The second copy to the Commission;
 - (3) The third copy to be kept by the chairman of the board;
 - (4) The fourth copy to the citizens arm designated by the Commission to conduct a media-based, unofficial count; and
 - (5) The fifth, sixth, and seventh copies to the first three (3) of the six (6) accredited major political parties. The parties receiving the certificates shall have the obligation to furnish the other three (3) parties with authentic copies thereof with the least possible delay.

The certificates of canvass of votes prepared by all municipal boards of canvassers shall each be supported by a SOM by precinct, signed and thumbmarked by the chairman and members of the board, and the watchers of the six accredited major political parties, if available. Thereafter, they shall each be placed inside their corresponding security envelopes.

SEC. 53. Certificates of canvass of votes and proclamation. The Certificate of Canvass of Votes and Proclamation of the Winning Candidates for Municipal Offices (CF Sec. 23) shall be prepared by sufficient copies and distributed as follows:

- (1) Secretary of the Sangguniang Bayan;
- (2) Chairman, municipal board of canvassers;
- (3) Commission on Elections;
- (4) Regional election officer;
- (5) Municipal treasurer;
- (6) Each of the winning candidates proclaimed; and
- (7) One copy for posting on the bulletin board of the municipal hall.

The first five copies shall be individually sealed and placed in the proper envelope.

A copy of the SCIV by precinct shall be attached to the copies for the chairman, municipal board of canvassers, and the Commission by precinct.

IX. DISTRICT BOARD OF CANVASSERS OF LEGISLATIVE DISTRICTS
OF METRO MANILA

(Taguig-Pateros and Navotas-Malahon, Metro Manila)

SEC. 54. Duties and functions of the district board of canvassers of legislative districts comprising two (2) municipalities in the Metropolitan Manila Area. - The

district board of canvassers of each legislative district comprising two (2) municipalities in the Metro Manila Area shall:

(1) Canvass the Certificate of Canvass for President, Vice-President, Senators, Members of the House of Representatives, and Party-List (CEF No. 21) submitted by the municipal board of canvassers of the component municipality;

(2) Upon completion of the canvass:

(a) Prepare in seven (7) copies a Certificate of Canvass of Votes for President, Vice-President, Senators, and Party-List (CEF No. 21);

(b) Prepare the Certificate of Canvass of Votes and Proclamation of the Winning Candidate, 5th Member of the House of Representatives (CEF No. 22) in the legislative district; and

(c) Proclaim the winning candidate for Member of the House of Representatives in the legislative district.

SEC. 55. Distribution of the Certificate of Canvass. - The district board of canvassers shall distribute the Certificate of Canvass of Votes for President, Vice-President, Senators and Party-List (CEF No. 21) as follows:

- (1) The first copy to the Congress, directed to the President of the Senate for use in the canvass of the election results for President and Vice President;
- (2) The second copy to the Commission for use in the canvass of the election results for Senators and Party-list;
- (3) The third copy to be kept by the chairman of the board;
- (4) The fourth copy to the citizens arm designated by the Commission to conduct a media-based unofficial count; and
- (5) The fifth, sixth and seventh copies of the certificate of canvass to the institute (1) of the state-recognized major political parties, the parties receiving the certificates shall have the obligation to furnish the other three (3) parties with authentic copies thereof with the least possible delay.

The certificate of canvass of votes prepared by the district board shall be supported by a SOV by municipality. The copy for the Congress shall, in addition, be supported by a SOV by precinct as submitted by the municipal boards of canvassers.

SEC. 56. Certificate of canvass of votes and proclamation. - The Certificate of Canvass of Votes and Proclamation of the Winning Candidate for Member of the House of Representatives (CHC No. 522) shall be prepared in four (4) copies and distributed as follow:

- (1) The first copy to the Commission on Elections in Manila;
- (2) The second copy to be kept by the chairman of the board of canvassers;
- (3) The third copy to the proclaimed candidate; and
- (4) The fourth copy for posting on the bulletin board at the municipal hall where canvassing was conducted.

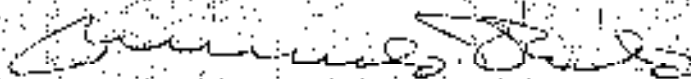
The first and second copies shall be individually folded and placed in their corresponding security envelopes together with a copy of the SOV by municipality.

X. EFFECTIVITY AND DISSEMINATION.

SEC. 57. Effectivity. - This resolution shall take effect on the seventh day after its publication in two (2) newspapers of general circulation in the Philippines.

SEC. 58. Dissemination. - The Education and Information Department shall furnish the Department of Justice, Department of Education, Culture and Sports, the Department of Finance, all Regional Election Director, Provincial Election Supervisors and Election Officers, and City/Provincial Division and City Superintendent of Schools and the Municipal Treasurers with copies of the Resolution and cause the publication thereof in two (2) daily newspapers of general circulation.

Let the Deputy Executive Director for Operations implement this Resolution.



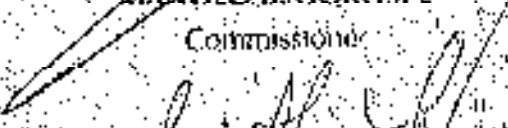
BERNARDO P. PARDO
Chairman



REGALADO L. MAMBONG
Commissioner



MANTIOLLO B. C. CIRCOSPE
Commissioner




TERESITA D. L. FLORES
Commissioner



REMEDIOS A. SALAZAR-FERNANDO
Commissioner



JULIO F. DESAMITO
Commissioner



RAMAL M. GUIANI
Commissioner