Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

GENERAL GUIDELINES AND OTHER RELATED RULES AND REGULATIONS FOR THE OCTOBER 30, 2023 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS (BSKE) AND ALL SUCCEEDING BSKEs THEREAFTER

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Table Of Contents

FOREWORD ---------- ***Chairman George Erwin M. Garcia***
FOREWORD ---------- ***Commissioner Rey E. Bulay, CIC, BSKE***
GLOSSARY OF TERMS

GENERAL GUIDELINES AND OTHER RELATED RULES AND REGULATIONS FOR THE OCTOBER 2023 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS (BSKE) AND ALL SUCCEEDING BSKEs THEREAFTER ---------- 1

ARTICLE I
GENERAL PROVISIONS ---------- 1

SEC. 1. *Nature of the Barangay and Sangguniang Kabataan (SK) Elections* ---------- 1
SEC. 2. *Supervision and control of the Barangay and SK Elections* ---------- 1

PART 1
PRE-ELECTION ACTIVITIES

ARTICLE II
REGISTRATION ---------- 1

SEC. 3. *Declaration of policy* ---------- 1
SEC. 4. *Gender Sensitive Registration System/Process* ---------- 2

CHAPTER 1
FILING OF APPLICATION

SEC. 5. *Schedule and conduct of registration of voters* ---------- 2
SEC. 6. *Period of Filing, Posting, Hearing and Approval/Disapproval of Applications* ---------- 3
SEC. 7. *Last Day Registration Scenario* ---------- 3
SEC. 8. *Express lane for PWDs, SCs and Pregnant Applicants* ---------- 3
SEC. 9. *Satellite Registration* ---------- 3
SEC. 10. *Special Satellite Registration* ---------- 4
SEC. 11. *Submission of report on daily registration output* ---------- 6
SEC. 12. *Procedure in case of defective VRM and/or its peripherals* ---------- 6
SEC. 13. *Who may register* ---------- 6
SEC. 14. *Who are disqualified to register* ---------- 7
SEC. 15. *Forms* ---------- 7
SEC. 16. *Procedure for filing of applications for registration* ---------- 8
SEC. 17. *Procedures for reception of Applicants* ---------- 11
SEC. 18. *Accomplishment of application forms for PWDs or illiterate person or member of ICCs/Ips* ---------- 14
SEC. 19. *Biometrics capturing for voters who are illiterate, with amputated fingers or those suffering from paralysis* ---------- 14
SEC. 20. *Procedure for filing of application for transfer of registration records from another city/district/ municipality and from foreign post to city/municipality other than original place of registration* ---------- 14
SEC. 21. *Procedure for filing of application for transfer of registration records within the same city/district/municipality due to change of address* ---------- 16
SEC. 22. *Application for Reinstatement of records due to transfer from foreign post to the same local city/municipality/district* ---------- 17
SEC. 23. *Procedure for filing of applications for reactivation* ---------- 17
SEC. 24. *Procedure for filing of applications for change of name by reason of marriage or court order or order by the Civil Registrar or Consul General* ---------- 18
SEC. 25. *Approved applications for Certification with the Office for Overseas Voting (OFOV)* ---------- 19
SEC. 26. *Procedure for filing of applications for correction of entry/entries in the registration records* ---------- 20
SEC. 27. *Procedure for filing of multiple applications* ---------- 21
SEC. 28. *Procedure for filing of applications for reinstatement of registered voter whose name has been omitted in the list of voters* ---------- 21
SEC. 29. *Procedure for filing of applications for inclusion of registration*

record not included in the precinct book of voters ----21
SEC. 30. *Procedure for the Updating and Recapturing of corrupted biometrics data in the VRS* ----22

SEC. 31. *Reconstitution of lost or damaged VRRs in case of calamity and force majeure* ----23
SEC. 32. *Applicants' Database* ----24
SEC. 33. *Challenges to the right to register*----24
SEC. 34. *Authority of EO to administer oath and issue summons*----24

CHAPTER II
VERIFICATION OF APPLICANTS' NAMES IN THE NATIONAL LIST OF REGISTERED VOTERS (NLRVs)

SEC. 35. *Submission of Lists of Applicants* ----25
SEC. 36. *Verification of Applicants' Names in the NLRV* ----26

CHAPTER III
ELECTION REGISTRATION BOARD ACTION

SEC. 37. *Election Registration Board (ERB)* ----27
SEC. 38. *Substitution* ----27
SEC. 39. *Disqualification* ----27
SEC. 40. *Schedule of Hearing and Compensation* ----27
SEC. 41. *Notice of hearing of applications* ----28
SEC. 42. *List of Applicants* ----28
SEC. 43. *Watchers* ----28
SEC. 44. *Procedures for Processing Applications* ----28
SEC. 45. *Implementation of court inclusion order* ----31
SEC. 46. *Abatement of double/multiple registration records* ----31
SEC. 47. *Deactivation of Registration* ----31
SEC. 48. *Cancellation of registration records* ----32
SEC. 49. *Publication of action on the application* ----32

CHAPTER IV
UPDATING OF RECORDS OF SKs, PWDs, SCs AND MEMBERS ICCs/IPs

SEC. 50. *Updating the records of PWDs and SCs and members of ICCs/Ips* ----33
SEC. 51. *Extraction of records of PWDs, SCs and ICC/IP in the database* ----33
SEC. 52. *Withdrawal of intent to vote in APP* ----33

CHAPTER V
SEGREGATION, CUSTODY AND BACK-UP OF DATABASE

SEC. 53. *Segregation, custody and back-up of database in compact discs* ----33

CHAPTER VI
POST-REGISTRATION PROCEDURES

SEC. 54. *Assignment of Precinct Number* ----35
SEC. 55. *Submission of Quarterly Progress Report (QPR) and POPs* ----35
SEC. 56. *Compilation of VRRs* ----35
SEC. 57. *Petition for Inclusion of Voters in the List* ----35
SEC. 58. *Petition for Exclusion of Voters from the List* ----35
SEC. 59. *ERB Certification of the Lists of Voters* ----36
SEC. 60. *Posting of the certified and final list of voters*----36
SEC. 61. *Mobilization/transportation allowance* ----36
SEC. 62. *Role of the Regional Election Directors (REDs) and Assistant Regional* ----36
SEC. 63. *Generation and printing of the EDCVLs and PCVLs* ----36
SEC. 64. *Accredited citizens' arms, Civic Organization and Non-Governmental* Organizations----37
SEC. 65. *Verification procedure* ----37
SEC. 66. *Certification procedure* ----38
SEC. 67. *Posting of PCVLs* ----38
SEC. 68. *Procedure on the conduct of manual cross-out of names* ----38
SEC. 69. *Manual inclusion of voters* ----38

ARTICLE III

REQUEST FOR TRANSFER, CHANGE OF NAME OR ADDRESS OF A VOTING CENTER FOR THE CONDUCT OF BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS ---- 40

CHAPTER I

SEC. 70. *Mandatory ocular inspection of voting centers* ---- 40
SEC. 71. *Modes and requirements for transfer of voting center* ---- 40
SEC. 72. *Approval or denial of a request for transfer of voting center upon resolution of the commission* ---- 41
SEC. 73. *Request for transfer of voting center with administrative transfer of voters* ---- 42
SEC. 74. *Request for change or correction of name of a voting center* ---- 42
SEC. 75. *Request for change or correction of address of a voting center* ---- 42
SEC. 76. *Requirements of a request for change of name or address of a voting center* ---- 42
SEC. 77. *Requirements of a request for correction of name or address of voting center* ---- 43
SEC. 78. *Discrepancy between the signage and the recorded name of the voting center* ---- 43
SEC. 79. *Where to file a request for transfer, change or correction of name or address of voting center and deadline for submission* ---- 43
SEC. 80. *Automatic denial, exception* ---- 44
SEC. 81. *When is a request considered submitted within the deadline?* ---- 44
SEC. 82. *Exceptional cases* ---- 44
SEC. 83. *Cases not considered as exceptional in character* ---- 44
SEC. 84. *Voting centers transferred temporarily* ---- 45
SEC. 85. *Revival or re-submission of request* ---- 45
SEC. 86. *Evaluation of the request and its supporting documents* ---- 46
SEC. 87. *Posting requirements before approval of the request* ---- 46
SEC. 88. *Procedure after compliance with posting requirements* ---- 46
SEC. 89. *Implementation of the approved or denied request* ---- 46
SEC. 90. *Posting of notice of approved or denied request* ---- 46
SEC. 91. *Submission of updated Barangay Precinct Map (BPM)* ---- 46
SEC. 92. *Proper source of the request* ---- 46

CHAPTER II
ACCESSIBLE POLLING PLACE, SEPARATE POLLING PLACE AND ACCESSIBLE VOTING CENTER

SEC. 93. *Request for transfer of a voting center of voters assigned in APP* ---- 47
SEC. 94. *Request for creation of a Separate Polling Place (SPP) and Accessible Voting Center (AVC)* ---- 47
SEC. 95. *Exclusive authority* ---- 47

CHAPTER III
TRANSFER OF A VOTING CENTER IN THE BARMM WITH OR WITHOUT OPPOSITION AND IN NON-BARMM LOCALITIES WITH OPPOSITION

SEC. 96. *Special panel of lawyers* ---- 47
SEC. 97. *Secretariat of the panel and its functions* ---- 47
SEC. 98. *Period of submission of requests* ---- 48
SEC. 99. *When to set hearing* ---- 48
SEC. 100. *Duties and responsibilities of the EO* ---- 48
SEC. 101. *Comments of the PES and RED* ---- 48
SEC. 102. *Parties to the hearing* ---- 49
SEC. 103. *Hearing procedures* ---- 49
SEC. 104. *Nature of hearing* ---- 50
SEC. 105. *Action on request belatedly submitted* ---- 50
SEC. 106. *Automatic delegation of authority of the panel to the Executive Director* ---- 50

CHAPTER IV
ACCURACY OF VOTING CENTERS IN THE POPs

SEC. 107. *Exclusive authority* ---- 51
SEC. 108. *Accuracy of the names or addresses of voting centers in the POPs* ---- 51
SEC. 109. *Responsibilities of PES and RED* ---- 51

ARTICLE IV
CLUSTERING OF ESTABLISHED PRECINCTS ---- 51

SEC. 110. *Submission of merged POPs only* ---- 51
SEC. 111. *Guidelines in the clustering of established precincts* ---- 51
SEC. 112. *Authority of the Commission on Elections* ---- 53
SEC. 113. *Deadline of submission of POPs by the OEOs* ---- 54
SEC. 114. *Purpose of POP verification* ---- 54
SEC. 115. *Deadline of submission of POPs to the Commission En Banc* ---- 54
SEC. 116. *Responsibilities of the EOs* ---- 54
SEC. 117. *Responsibilities of the REDs and PESs* ---- 54

ARTICLE V
CALENDAR OF ACTIVITIES ---- 54

SEC. 118. *Calendar of Activities* ---- 54

ARTICLE VI
CONSTITUTION, COMPOSITION, AND APPOINTMENT OF ELECTORAL BOARDS, DESO, AND SUPPORT STAFF ---- 61

SEC. 119. *Scope* ---- 61
SEC. 120. *Electoral board* ---- 61
SEC. 121. *Authority to constitute and appoint the members of the electoral board* ---- 61
SEC. 122. *Composition of the electoral board* ---- 61
SEC. 123. *Right of preference* ---- 61
SEC. 124. *Qualifications of members of the electoral board* ---- 62
SEC. 125. *Disqualification of members of the electoral board* ---- 62
SEC. 126. *Notice of disqualification* ---- 62
SEC. 127. *Posting of the list of the constituted members of the electoral boards* ---- 62
SEC. 128. *Opposition to the constituted members of the electoral boards* ---- 62
SEC. 129. *Appointment of public-school teachers as substitutes* ---- 63
SEC. 130. *Appointment of qualified substitutes* ---- 63
SEC. 131. *Order of preference* ---- 63
SEC. 132. *Posting of notice of date, time, and place of filing of application of qualified substitutes* ---- 65
SEC. 133. *Posting of the List of applicants and filing of opposition* ---- 65
SEC. 134. *Authority to administer oath* ---- 65
SEC. 135. *Oath of the chairperson and members of the electoral board* ---- 65
SEC. 136. *Powers and functions of the electoral board* ---- 65
SEC. 137. *Voting privilege of the members of the electoral board* ---- 66
SEC. 138. *Meetings of the electoral board* ---- 66
SEC. 139. *Prohibition on political activity* ---- 66
SEC. 140. *Temporary vacancies in the electoral board* ---- 66
SEC. 141. *Arrest of absent member* ---- 66
SEC. 142. *Relief and substitution of the members of the electoral board* ---- 67
SEC. 143. *Support staff of the electoral board* ---- 67
SEC. 144. *Department of Education/ Ministry of Basic, Higher and Technical Education Supervisor Official and support staff; composition, qualification and functions* ---- 67
SEC. 145. *DESO EAPP support staff* ---- 68
SEC. 146. *Reportorial requirements* ---- 68
SEC. 147. *Deputation of members of the PNP* ---- 69
SEC. 148. *Entitlement of honoraria, allowances, service credits and other benefits* ---- 70
SEC. 149. *Period of payment* ---- 70
SEC. 150. *Delay in the payment of honoraria and allowances; effect* ---- 70
SEC. 151. *Other benefits* ---- 70
SEC. 152. *Legal indemnification package* ---- 71
SEC. 153. *Funds for legal indemnification package* ---- 71

SEC. 154. *Committee on Claims and Assessment* ---- 71
SEC. 155. *Legal assistance* ---- 71
SEC. 156. *Lawyer's fees* ---- 71
SEC. 157. *Legal costs and other reasonable expenses* ---- 71
SEC. 158. *Other forms of legal protection* ---- 72
SEC. 159. *Entitlement to legal indemnification package* ---- 72

ARTICLE VII

CHAPTER I
FILING OF CERTIFICATE OF CANDIDACY

SEC. 160. *Officials to be elected* ---- 72
SEC. 161. *Qualifications for punong barangay and member, SB* ---- 72
SEC. 162. *Qualifications for chairperson and member, SK* ---- 72
SEC. 163. *Voter registration requirement* ---- 73
SEC. 164. *Age requirement of chairperson and member, SK* ---- 73
SEC. 165. *Remedy for non-acceptance by the Receiving Officer of the Certificate of Candidacy in case of apparent non-compliance with voter registration and age requirements* ---- 73
SEC. 166. *Certificate of Candidacy* ---- 73
SEC. 167. *Effect of filing a Certificate of Candidacy for more than one office* ---- 73
SEC. 168. *Contents and form of Statement of Cancellation; Statement of Cancellation if not personally filed* ---- 74
SEC. 169. *Contents and forms of Certificate of Candidacy* ---- 74
SEC. 170. *Contents of Certificate of Candidacy applicable to SK positions* ---- 76
SEC. 171. *Where to file Certificate of Candidacy* ---- 76
SEC. 172. *Period for filing Certificate of Candidacy* ---- 76
SEC. 173. *Report of non-receipt of Certificate of Candidacy* ---- 77
SEC. 174. *Effects of filing Certificate of Candidacy* ---- 77
SEC. 175. *Ministerial duty of receiving and acknowledging receipt of Certificate of Candidacy* ---- 78
SEC. 176. *Recording by the Receiving Officer of the Certificate of Candidacy as filed* ---- 78
SEC. 177. *Log Sheets of the Certificate of Candidacy as Filed* ---- 78
SEC. 178. *Submission of the number of aspirants who filed their Certificate of Candidacy* ---- 79
SEC. 179. *Reports of the Certificates of Candidacy received* ---- 79
SEC. 180. *Preparation of the Certified Consolidated List of Candidates* ---- 79
SEC. 181. *Distribution of Certificates of Candidacy* ---- 80
SEC. 182. *Delivery of Certificates of Candidacy and other documents* ---- 80
SEC. 183. *Posting of the Certified Consolidated List of Candidates* ---- 80
SEC. 184. *Withdrawal of Certificate of Candidacy* ---- 80
SEC. 185. *Filing of Statement of Withdrawal by the duly authorized representative of the aspirant* ---- 81
SEC. 186. *Substitution of aspirants/candidates in case of death* ---- 81
SEC. 187. *Inclusion of the substitute in the list of official candidates* ---- 81
SEC. 188. *Appreciation of ballots in case of substitution* ---- 81
SEC. 189. *Forms* ---- 81
SEC. 190. *Compliance with the Data Privacy Act of 2012 and its Implementing Rules and Regulations* ---- 82

CHAPTER II
REQUEST FOR AUTHORITY TO TRANSFER VENUE FOR THE FILING OF CERTIFICATE OF CANDIDACY

SEC. 191. *Authority to transfer venue for the filing of COC* ---- 82
SEC. 192. *Where to File* ---- 82
SEC. 193. *Requirements for the transfer of venue for the filing of COC* ---- 82
SEC. 194. *Notice* ---- 83
SEC. 195. *Opposition to the Transfer of Venue for the Filing of COC* ---- 83
SEC. 196. *Responsibility of the receiving offices* ---- 83
SEC. 197. *COVID19 Marshal, functions* ---- 83
SEC. 198. *Deployment of AFP/PNP, security and assistance* ---- 83
SEC. 199. *Changes in procedures and protocols* ---- 83

ARTICLE VIII
DEPUTIZATION ---- 83

SEC. 200. *The Department of the Interior and Local Government (DILG) and the National Police Commission (NAPOLCOM), duties and functions* ---- 83
SEC. 201. *Other law enforcement agencies, duties, and functions* ---- 84
SEC. 202. *Departments and offices under the executive branch* ---- 85
SEC. 203. *The Philippine Postal Corporation (PHILPost) and the National Telecommunications Commission (NTC), duties and functions* ---- 88
SEC. 204. *Government financial institutions, other government agencies and other government-owned or controlled corporations, to provide means of transportation in connection with the conduct of elections* ---- 89
SEC. 205. *Provision of sufficient electrical power supply in connection with the conduct of elections* ---- 89
SEC. 206. *The Civil Service Commission (CSC)* ---- 90
SEC. 207. *The Commission on Audit (COA) and the Department of Budget and Management (DBM)* ---- 91
SEC. 208. *Precedence of Commission orders* ---- 91
SEC. 209. *Deputizing the Armed Forces of the Philippines, the Philippine National Police and the Philippine Coast Guard* ---- 91
SEC. 210. *Precedence of Commission orders* ---- 93

ARTICLE IX
ACCREDITATION ---- 93

CHAPTER I
MASS MEDIA

SEC. 211. *General requirements for accreditation* ---- 93
SEC. 212. *Specific requirements for accreditation of visiting foreign media* ---- 94
SEC. 213. *Period for filing application for accreditation* ---- 94
SEC. 214. *Venue of filing of applications for accreditation* ---- 94
SEC. 215. *Approval of applications for accreditation* ---- 95
SEC. 216. *Report on actions taken on applications for accreditation* ---- 95
SEC. 217. *Media card* ---- 95
SEC. 218. *Access* ---- 95
SEC. 219. *Rules of conduct* ---- 95

CHAPTER II
OBSERVERS

SEC. 220. *Qualifications for accreditation* ---- 96
SEC. 221. *Application for accreditation* ---- 96
SEC. 222. *Documentary requirements* ---- 96
SEC. 223. *Period for filing application for accreditation* ---- 97
SEC. 224. *Posting of applications for accreditation* ---- 97
SEC. 225. *Opposition to the application for accreditation* ---- 97
SEC. 226. *Grounds for opposition* ---- 97
SEC. 227. *Approval of applications for accreditation* ---- 97
SEC. 228. *Accredited observer passes* ---- 98
SEC. 229. *Privileges* ---- 98
SEC. 230. *Code of conduct* ---- 98
SEC. 231. *Summary revocation of accreditation* ---- 98
SEC. 232. *Period of validity of accreditation* ---- 99
SEC. 233. *Prohibited acts* ---- 99
SEC. 234. *Penalty for violation* ---- 99
SEC. 235. *Reportorial requirements* ---- 99

ARTICLE X
CAMPAIGN ---- 100

SEC. 236. *Campaign period* ---- 100
SEC. 237. *Prohibited campaigning* ---- 100
SEC. 238. *Prohibition against Foreign Intervention* ---- 100
SEC. 239. *Lawful election propaganda* ---- 100
SEC. 240. *Prohibited forms of election propaganda* ---- 101

SEC. 241. *Request for authority to use other election propaganda* ----102
SEC. 242. *Requirements and/or limitations on the use of election propaganda through mass media* ----102
SEC. 243. *Written acceptance of election propaganda and/or political advertisements* ----105
SEC. 244. *Reporting requirements to be submitted by mass media entities, contractors and business firms* ----105
SEC. 245. *Fair and accurate reporting* ----106
SEC. 246. *Right to reply* ----106
SEC. 247. *Rates for political propaganda* ----107
SEC. 248. *Regulation of election propaganda through mass media* ----107
SEC. 249. *Posting of campaign materials* ----107
SEC. 250. *Common poster areas* ----108
SEC. 251. *Prohibition on the removal, destruction or defacement of lawful election propaganda* ----110
SEC. 252. *Removal, confiscation, or destruction of prohibited propaganda materials* ----110
SEC. 253. *Creation of task force to tear down and remove unlawful election materials* ----110
SEC. 254. *Modes of removal or dismantling of prohibited forms campaign materials* ----110
SEC. 255. *Removal of prohibited propaganda materials before the start of the campaign period* ----112
SEC. 256. *Removal of propaganda materials after the elections* ----112
SEC. 257. *Application for permit to hold public meetings, rallies or other political activities* ----112
SEC. 258. *Action on application for permit* ----112
SEC. 259. *Affidavit of compliance with health protocols* ----113
SEC. 260. *Prohibited acts during public meetings* ----113
SEC. 261. *E-rallies and livestreams allowed* ----113
SEC. 262. *Mass media columnist, announcer or personality running for public office or is a campaign volunteer* ----113
SEC. 263. *Deputization* ----114
SEC. 264. *Prohibition against intervention by political party, coalition of political parties, or any other organization* ----114
SEC. 265. *Election offense* ----114

ARTICLE XI
RULES ON GUN BAN ----114

SEC. 266. *Prohibited acts* ----114
SEC. 267. *Suspension of Permit to Carry Firearm Outside of Residence (PTCFORs) And Letter Order (LO) / Mission Order (MO)* ----115

CHAPTER I
THE COMMITTEE ON THE BAN ON FIREARMS AND SECURITY CONCERNS

SEC. 268. *The CBFSC* ----115
SEC. 269. *Powers of the CBFSC* ----115

CHAPTER II
THE REGIONAL, PROVINCIAL, CITY AND MUNICIPAL JOINT SECURITY CONTROL CENTERS (R/P/C/MJSCC)

SEC. 270. *The RJSCC* ----116
SEC. 271. *The PJSCC* ----116
SEC. 272. *Composition of the C/MJSCC* ----116
SEC. 273. *Function* ----116

CHAPTER III
THE EVALUATION UNITS, AND THE REGIONAL EVALUATION UNITS

SEC. 274. *The Evaluation Unit (EU) or Regional Evaluation Unit (REU)* ----117

CHAPTER IV
CERTIFICATE OF AUTHORITY AND THEIR CATEGORIES

SEC. 275. *Certificate of Authority (CA)* ---- 117
SEC. 276. *Categories of CA* ---- 118
SEC. 277. *Validity of CA* ---- 118
SEC. 278. *Effects of Expiration or Revocation of Any of the Applicable Licenses Registrations and Permits* ---- 119

CHAPTER V
FULL EXEMPTION GRANTED TO CERTAIN GOVERNMENT OFFICIALS AND PERSONNEL

SEC. 279. *Full exemption* ---- 119
SEC. 280. *Security detail* ---- 120

CHAPTER VI
CERTIFICATE OF AUTHORITY - LAW ENFORCEMENT AGENCIES

SEC. 281. *Preferential Disposition Of All CA-LEA Applications* ---- 121
SEC. 282. *Who May Bear, Carry or Transport Firearms* ---- 121
SEC. 283. *Conditions for the Issuance of CA-LEA* ---- 122
SEC. 284. *Application Form and Documentary Requirements for the Issuance of CA-LEA* ---- 123

CHAPTER VII
CERTIFICATE OF AUTHORITY – DIPLOMATIC MISSIONS

SEC. 285. *Who May Bear, Carry or Transport Firearms* ---- 124
SEC. 286. *Retention of Services of Security Personnel or Bodyguards* ---- 124
SEC. 287. *Application Form and Documentary Requirements for the Issuance of CA-DM* ---- 124
SEC. 288. *Concerned LEAs and Government or Foreign Security Personnel Agencies as Custodian of their Information* ---- 124

CHAPTER VIII
CERTIFICATE OF AUTHORITY - SECURITY AGENCIES

SEC. 289. *Who May Bear, Carry or Transport Firearms* ---- 125
SEC. 290. *Application Form and Documentary Requirements for the Issuance of CA-SA* ---- 125
SEC. 291. *Additional Guidelines for PSSPs* ---- 126

CHAPTER IX
CERTIFICATE OF AUTHORITY - CASHIERS/DISBURSING OFFICERS

SEC. 292. *Who May Bear, Carry or Transport Firearms* ---- 127
SEC. 293. *Application Form and Documentary Requirements for the Issuance of CA-CDO* ---- 127

CHAPTER X
CERTIFICATE OF AUTHORITY HIGH-RISK INDIVIDUALS

SEC. 294. *Who May Bear, Carry or Transport Firearms* ---- 128
SEC. 295. *Application Form and Documentary Requirements for the Issuance of CA-HRI under Section 294 (a)* ---- 129
SEC. 296. *Application Form and Documentary Requirements for the Issuance of CA-HRI under Section 294 (b)* ---- 129

CHAPTER XI
CERTIFICATE OF AUTHORITY - SECURITY DETAILS

SEC. 297. *Revocation of Authority Granting Security Personnel* ---- 130
SEC. 298. *Who May Employ, Avail or Engage the Services of Security Personnel or Bodyguards* ---- 130
SEC. 299. *Augmentation of Security Personnel or Bodyguards* ---- 130

SEC. 300. *Application Form and Documentary Requirements for the Issuance of CA-SD* ----130
SEC. 301. *Temporary Authority to Employ, Avail or Engage the Services of Security Details, Personnel or Bodyguards* ----131
SEC. 302. *Guidelines and Procedures for the Processing of Applications for the Issuance of TA-SD* ----131
SEC. 303. *Terms and Conditions Relating to the Employment, Availment or Engagement of Services of Security Personnel or Bodyguards* ----132

CHAPTER XII
CERTIFICATE OF AUTHORITY - TRANSPORT

SEC. 304. *Who May be Allowed to Transport or Deliver Firearm and/or its Parts, Ammunition and/or its Components, or Explosive and/or its Components* ----133
SEC. 305. *Application Form and Documentary Requirements for the Issuance of CA-TT* ----133
SEC. 306. *Administrative Processing Fees Relative to the Application for the Issuance of an CA-TT* ----133
SEC. 307. *Conditions for the Issuance of a CA-TT* ----134

CHAPTER XIII
CERTIFICATE OF AUTHORITY - SPORTS SHOOTERS

SEC. 308. *Who May Bear, Carry or Transport Firearms* ----135
SEC. 309. *Conditions for the Issuance of an CA-SS* ----135
SEC. 310. *Application Form and Documentary Requirements for the Issuance of CA-SS* ----135

CHAPTER XIV
ELECTRONIC FILING OF APPLICATIONS FOR THE ISSUANCE OF CERTIFICATES OF AUTHORITY

SEC. 311. *Electronic Filing of Applications for the Issuance of CA* ----136

CHAPTER XV
PRE-EVALUATION, EVALUATION, RESOLUTION OF THE APPLICATION, AND REQUEST FOR RECONSIDERATION

SEC. 312. *Pre-Evaluation, Evaluation, and Resolution of Applications for the Issuance of CA* ----138
SEC. 313. Request for Reconsideration ----139

CHAPTER XVI
BLADED INSTRUMENTS AS SOUVENIR ITEMS

SEC. 314. *Souvenir Items Not Deadly Weapon* ----140
SEC. 315. *Guidelines* ----140

CHAPTER XVII
REPORTORIAL REQUIREMENTS

SEC. 316. *Reports of the AFP and PNP* ----140
SEC. 317. *Reports of the RJSCC, PJSCC and C/MJSCC* ----140

CHAPTER XVIII
MISCELLANEOUS PROVISIONS

SEC. 318. *Signatories in the CA and Other Documents* ----141
SEC. 319. *Composition of the CBFSC Secretariat, RJSCC, and RJSCC Secretariat* ----141
SEC. 320. *Meetings* ----141
SEC. 321. *Payment of Administrative Processing Fees* ----141
SEC. 322. *Certified True Copy of CAs and Related Documents* ----142
SEC. 323. *Gun Ban Certification* ----142
SEC. 324. *Records Keeping* ----142

CHAPTER XIX
PROHIBITIONS AND PENALTIES

SEC. 325. *Election Offense Liability* ---- 142
SEC. 326. *Penalty for Election Offenses* ---- 142
SEC. 327. *Revocation, Cancellation or Suspension of Firearms Licenses, Permits, and Registration* ---- 142
SEC. 328. *Liability of Juridical Person* ---- 142

CHAPTER XX
COMPLIANCE WITH THE LAW ON DATA PRIVACY

SEC. 329. *Processing of Personal Data* ---- 143
SEC. 330. *Security Measures* ---- 143
SEC. 331. *Disclosure* ---- 143
SEC. 332. *Accountability for Violation of the Law and Regulations on Data Privacy* ---- 143

ARTICLE XII

DECLARATION OF CERTAIN AREAS IN THE COUNTRY UNDER COMELEC CONTROL, ELECTION AREAS OF CONCERN, AND ESTABLISHMENT OF COMELEC COMMAND CENTER ---- 143

SEC. 333. *Power to declare COMELEC Control* ---- 143
SEC. 334. *Definition of COMELEC Control* ---- 143
SEC. 335. *Grounds for declaration of COMELEC Control* ---- 143
SEC. 336. *Modes of declaration of COMELEC Control* ---- 144
SEC. 337. *Effects of declaration of COMELEC Control* ---- 144
SEC. 338. *Duration of COMELEC Control* ---- 145
SEC. 339. *Role of CBFSC* ---- 145
SEC. 340. *Role of the PNP and AFP* ---- 146
SEC. 341. *Election Areas of Concern* ---- 147
SEC. 342. *Implementation of COMELEC Control* ---- 148
SEC. 343. *Establishment of COMELEC Command Center* ---- 148
SEC. 344. *Task of the COMELEC Command Center* ---- 148

ARTICLE XIII

GUIDELINES ON THE ESTABLISHMENT AND OPERATION OF COMELEC CHECKPOINTS; AND INSTRUCTIONS FOR THE CONDUCT OF PRELIMINARY EXAMINATION OF VIOLATIONS OF THE BAN OF FIREARMS, OTHER DEADLY WEAPONS AND SECURITY PERSONNEL ---- 148

SEC. 345. *Authority to Establish COMELEC Checkpoints* ---- 148
SEC. 346. *Notice of Location of COMELEC Checkpoints* ---- 148
SEC. 347. *Spot Checkpoint* ---- 149
SEC. 348. *Personnel to Man Checkpoint* ---- 149
SEC. 349. *Briefing by the Commanding Officer/ Team Leader* ---- 149
SEC. 350. *Guidelines on the Establishment of COMELEC Checkpoints* ---- 149
SEC. 351. *Searches of COMELEC Checkpoint* ---- 150
SEC. 352. *Procedure in case a Checkpoint is Ignored* ---- 150
SEC. 353. *Procedure in Cases where there is an Apparent Violation of the Ban On Firearms or Other Deadly Weapons* ---- 151
SEC. 354. *Rights of Person Arrested* ---- 151
SEC. 355. *Record of Arrest* ---- 152
SEC. 356. *Report on Turn-over of Arrested Person* ---- 152
SEC. 357. *Documentation of the Conduct of the Checkpoint* ---- 152
SEC. 358. *Prohibition on Extortion/ Solicitation Acceptance of Voluntary Offers of Cash* Or Gifts ---- 152
SEC. 359. *Preliminary Examination* ---- 152
SEC. 360. *Procedure* ---- 152
SEC. 361. *Rights of Arrested Person* ---- 153
SEC. 362. *Disposition of Documents and Evidence* ---- 153
SEC. 363. *Report of the Law Department* ---- 153
SEC. 364. *Compliance with the Data Privacy Act of 2012 and its Implementing Rules and Regulations* ---- 153
SEC. 365. *Availability of Fund* ---- 153

ARTICLE XIV

PROHOBITION AGAINST APPOINTMENT OR HIRING OF NEW EMPLOYEES, CREATION OF NEW POSITIONS, PROMOTION OR GIVING OF SALARY INCREASES, RENUMERATION OR PRIVILEGES; TRANSFER OR DETAIL OF CIVIL SERVICE EMPLOYEES; SUSPENSION OF ELECTIVE LOCAL OFFICIALS; AND FILING OF LEAVE OF ABSENCE OF LOCAL TREASURERS ----153

SEC. 366. *Prohibited Acts and Period of Prohibition* ----153
SEC. 367. *Designation not Included* ----154
SEC. 368. *Request for Authority of the Commission to Appoint or Hire New Employees; How to File* ----154
SEC. 369. *Request for Authority of the Commission to Create and Fill New Positions: Where and How to File* ----154
SEC. 370. *When Request for Authority is Not Necessary* ----155
SEC. 371. *Urgent Need to Appoint or Hire New Employees* ----155
SEC. 372. *Total Ban on Promotion, Salary Increases, Grant of Privileges* ----156
SEC. 373. *Injunction* ----156

CHAPTER I
TOTAL BAN ON APPOINTMENT OR HIRING OF NEW EMPLOYEES, CREATION OF NEW POSITION, PROMOTION, OR GIVING OF SALARY INCREASES, REMUNERATION OR PRIVILEGES IN THE BARANGAY

SEC. 374. *Total Ban on Appointment, Hiring of New Employees, Creation of New Position, Promotion or Giving of Salary Increases, Remuneration or Privileges in the Barangay* ----156
SEC. 375. *Prohibition* ----156

CHAPTER II
TRANSFER OF OFFICERS AND EMPLOYEES IN THE CIVIL SERVICE

SEC. 376. *Prohibited Act and Period of Prohibition* ----157
SEC. 377. *Filing of Requests with the Law Department* ----157
SEC. 378. *Filing of Requests with the Office of the Regional Election Director* ----157
SEC. 379. *Request for Authority of the Commission on Transfer or Detail; How to File* ----158

CHAPTER III
SUSPENSION OF ELECTIVE PROVINCIAL, CITY, MUNICIPAL OR BARANGAY OFFICER

SEC. 380. *Prohibited Acts* ----158
SEC. 381. *Request for Authority of the Commission to Suspend any Elective Provincial, City, Municipal or Barangay Officer, unless Suspension will be for Purposes of Applying the Anti-Graft and Corrupt Practices Act: Where and How to File* ----158
SEC. 382. *When Request for Authority is Not Necessary* ----159
SEC. 383. *Effect of the Onset of the Election Period* ----159

CHAPTER IV
LEAVE OF ABSENCE OR PROVINCIAL, CITY OR MUNICIPAL TREASURER

SEC. 384. *Leave of Absence of Provincial, City or Municipal Treasurer* ----159
SEC. 385. *Request for Approval of Leave of Absence of Provincial, City or Municipal Treasurer* ----159
SEC. 386. *Where to File* ----159

CHAPTER V
AUTHORITY OF THE CHAIRMAN TO APPROVE/DISAPPROVE REQUESTS AND THE PROCEDURE ON THE REQUEST

SEC. 387. *Authority of the Chairman to Approve/ Disapprove Recommendations from the Law Department* ----160
SEC. 388. *Requests for Authority Submitted to the Office of the Regional Election Director* ----160
SEC. 389. *Reconsideration of the Disapproval of the Requests* ----160
SEC. 390. *Appeal on the Denial of the Request for Reconsideration* ----161

SEC. 391. *Report of the Office of Regional Election Directors on All Actions on Requests for Authority to the Law Department* ----161

CHAPTER VI
GRANT OF CONTINUING AUTHORITY

SEC. 392. *Grant of Continuing Authority* ----161
SEC. 393. *Conditions for the Grant of Continuing Authority* ----161
SEC. 394. *Continuing Authority to Appoint and Transfer Government Officers or Employees Granted to Certain Government Agencies* ----162

CHAPTER VII
AUTHORITY OF THE COMMISSION ON ELECTIONS TO TRANSFER OR REASSIGN ITS PERSONNEL

SEC. 395. *Basis of Authority* ----162
SEC. 396. *Grant of Authority* ----162

CHAPTER VIII
COMMON PROVISIONS

SEC. 397. *Manner of Filing of Requests for Authority under these Guidelines* ----162
SEC. 398. *Request for Authority Filed In-Person or with the Incorrect Office* ----163
SEC. 399. *When to File Request for Authority of the Commission* ----163

CHAPTER IX
AUTHORITY OF THE AFP AND PNP TO USE ANY ARMORED LAND, WATER OR AIR CRAFT

SEC. 400. *Grant of Authority to the Armed Forces of the Philippines and Philippine National Police to Use Any Armored Land, Water or Air Craft* ----164

ARTICLE XV
RULES ON THE PROHIBITION AGAINST RELEASE, DISBURSEMENT OR EXPENDITURE OF PUBLIC FUNDS ON SOCIAL SERVICES AND DEVELOPMENT ---164

SEC. 401. *Filing of Petition* ----164
SEC. 402. *Publication of Petition* ----164
SEC. 403. *Period of Filing* ---- 164

ARTICLE XVI
LIQUOR BAN ---- 165

SEC. 404. *Prohibited Acts* ----165
SEC. 405. *Period of Prohibition* ----165
SEC. 406. *Exemption* ----165
SEC. 407. *Where to Apply and Secure for Exemption* ---- 165
SEC. 408. *Conditions for the Grant of Exemption* ----165
SEC. 409. *Revocation of Exemption* ----166
SEC. 410. *When Request for Exemption is Not Necessary* ----166
SEC. 411. *Who shall Implement* ----166

PART II
ELECTION DAY

ARTICLE XVII
GENERAL INSTRUCTIONS ON VOTING, COUNTING OF VOTES AND CANVASSING ----166

CHAPTER I
WATCHERS

SEC. 412. *Official watchers of candidates and other groups* ----166

SEC. 413. *Qualifications of watchers* ----167
SEC. 414. *Rights and duties of a watcher* ----167

CHAPTER II
FORMS, DOCUMENTS AND SUPPLIES

SEC. 415. *Forms, documents and supplies* ----168
SEC. 416. *Forms to be reproduced when needed* ----170
SEC. 417. *Minutes of Voting and Counting of Votes* ----170
SEC. 418. *Verification of forms, documents and supplies before the City/ Municipal Treasurer* ----170
SEC. 419. *Request for early delivery* ----171

CHAPTER III
CASTING OF VOTES

SEC. 420. *Date of election* ----171
SEC. 421. *Who are allowed to vote* ----171
SEC. 422. *Voting hours* ----172
SEC. 423. *Place of Voting* ----172
SEC. 424. *Voters' Assistance Desk (VAD)* ----172
SEC. 425. *Preliminaries to the voting* ----172
SEC. 426. *Rules to be observed during the voting* ----173
SEC. 427. *Prohibition on voting* ----173
SEC. 428. *Persons allowed inside the polling place* ----173
SEC. 429. *Holding Area* ----174
SEC. 430. *Persons not allowed in and around the polling place* ----174
SEC. 431. *Authentication of the ballot* ----174
SEC. 432. *Order of voting* ----175
SEC. 433. *Manner of obtaining the ballots* ----175
SEC. 434. *Manner of voting* ----176
SEC. 435. *Accomplishment of ballots for illiterate, PWD or Senior Citizens (SC)* ----176
SEC. 436. *Accessible polling places (APPs)* ----177
SEC. 437. *Express lane for PWD, SC and heavily pregnant and EBs exercising voting privilege* ----177
SEC. 438. *Spoiled ballots* ----177
SEC. 439. *Procedures after voting* ----177
SEC. 440. *Challenge against illegal voters* ----178
SEC. 441. *Challenge based on certain illegal acts* ----179
SEC. 442. *Record of challenges, oaths and resolutions* ----179
SEC. 443. *Disposition of unused ballots at end of voting hours* ----179
SEC. 444. *Prohibition against premature announcement of voting* ----179

CHAPTER IV
COUNTING OF VOTES

SEC. 445. *Counting of votes to be public and without interruption* ----180
SEC. 446. *Transfer of counting of votes* ----180
SEC. 447. *Preliminaries to the counting of votes* ----180
SEC. 448. *Ballots deposited in the compartment for spoiled ballots* ----181
SEC. 449. *Manner of counting of votes* ----181
SEC. 450. *Appreciation of ballots* ----182

CHAPTER V
EMERGENCY ACCESSIBLE POLLING PLACE (EAPP) FOR PERSONS WITH DISABILITIES, SENIOR CITIZENS AND HEAVILY PREGNANT VOTERS

SEC. 451. *General Principles* ----184
SEC. 452. *Scope* ----185

CHAPTER VI
EMERGENCY ACCESSIBLE POLLING PLACE (EAPP)

SEC. 453. *Types of EAPP and their Establishments* ----185
SEC. 454. *Number of EAPPs to be established* ----185

SEC. 455. *EAPP minimum requirement* ----186
SEC. 456. *Accessibility features* ----186
SEC. 457. *Exercise of choice* ----186
SEC. 458. *S-EAPP for the October 2023 BSKE* ----186
SEC. 459. *First Come, first serve basis* ----187
SEC. 460. *Voting hours* ----187
SEC. 461. *Early Distribution of Authorization Forms* ----187
SEC. 462. *Waiting area* ----187
SEC. 463. *Assistor* ----187
SEC. 464. *Other assistance* ----187
SEC. 465. *Number of EAPP SS to be appointed* ----188
SEC. 466. *S-EAPP Support Staff (S-EAPP SS)* ----188
SEC. 467. *Qualifications of EAPP/ S-EAPP SS* ----189
SEC. 468. *Preference in the appointment of EAPP/ S-EAPP SS* ----189
SEC. 469. *Remuneration and other benefits* ----189
SEC. 470. *Disability awareness and sensitivity training* ----189
SEC. 471. *EAPP Election Day Computerized Voter's List (EDCVL)* ----189
SEC. 472. S-EAPPs EDVCL ----189
SEC. 473. Persons Allowed Inside the EAPP and S-EAPP ----189

CHAPTER VII
VOTING AND CLOSING PROCEDURES

SEC. 474. *Voting Procedures in the EAPP* ----190
SEC. 475. *Voting Procedures in the S-EAPP* ----191
SEC. 476. *Procedures before closing of EAPP and S-EAPP* ----192
SEC. 477. *Procedures after closing of EAPP/ S-EAPP* ----192
SEC. 478. *Early close of voting in S-EAPP* ----192
SEC. 479. *Memorandum of Understanding (MOU) with other concerned Agencies* ----192
SEC. 480. EAPP *data repository* ----193
SEC. 481. *Post election assessment and submission of final report to the En Banc* ----193
SEC. 482. *Forms and Supplies* ----193

CHAPTER VIII
ISOLATION POLLING PLACE

SEC. 483. *Establishment of an Isolation Polling Place (IPP)* ----194
SEC. 484. *Who may vote at the IPP* ----194
SEC. 485. *Voting Procedures in the IPP* ----194
SEC. 486. *Submission of IPP record sheets* ----196
SEC. 487. *IPP Forms and Supplies* ----196
SEC. 488. *Procedure after closing of the IPP* ----196

CHAPTER IX
GUIDELINES ON PERSONS DEPRIVED OF LIBERTY (PDL) VOTING

SEC. 489. *Coverage* ----197
SEC. 490. *PDL Voting* ----197

CHAPTER X
SPECIAL POLLING PLACES INSIDE JAILS

SEC. 491. *PDL-SPP* ----197
SEC. 492. *Who are allowed to vote in the PDL-SPP* ----197
SEC. 493. *Location of the PDL-SPP* ----197
SEC. 494. *Covid-19 Preventive Measures* ----197
SEC. 495. *PDL Voter's List in the PDL-SPP* ----198
SEC. 496. *Submission of the list* ----198
SEC. 497. *Non-dissolution of PDL–SPP, exemption* ----198
SEC. 498. *Preparation of the EDCVL-PDL and PCVL-PDL* ----198
SEC. 499. *Released PDL Voters* ----198

CHAPTER XI
SPECIAL ELECTORAL BOARD (SEB) FOR PDL VOTERS, SEB-PDL SUPPORT STAFF, WATCHERS, SECURITY ESCORTS AND MONITORING GROUPS

SEC. 500. *Appointment, constitution, composition and qualifications of SEB-PDL members* ---- 199
SEC. 501. *Appointment of SEB-PDL support staff (SEB-PDL SS)* ---- 199
SEC. 502. *Powers and functions of SEB-PDL* ---- 199
SEC. 503. *Functions of SEB-PDL SS* ---- 199
SEC. 504. *Functions of the uniformed security escort* ---- 200
SEC. 505. *Budgetary requirement for the transportation of SEB-PDL SS and security escort* ---- 200
SEC. 506. Proceedings of the SEB-PDL ---- 200
SEC. 507. *Voting privilege of the SEB-PDL members* ---- 200
SEC. 508. *Prohibition against political activity* ---- 200
SEC. 509. *Honoraria of the SEB-PDL and its support staff* ---- 200
SEC. 510. *Official watchers of candidates, political parties and other groups* ---- 201
SEC. 511. *Monitoring groups, observers and media representatives* ---- 201
SEC. 512. *Documentation and communication devices allowed in SEB-PDL* ---- 201

CHAPTER XII
ELECTION FORMS AND SUPPLIES

SEC. 513. *Election forms, documents and supplies* ---- 201
SEC. 514. *Forms to be reproduced when needed* ---- 204

CHAPTER XIII
PROCEDURES OF VOTING

SEC. 515. *Date and time of PDL voting* ---- 204
SEC. 516. *Preliminaries to the voting* ---- 204
SEC. 517. *Manner of obtaining ballots* ---- 205
SEC. 518. *Manner of voting* ---- 206
SEC. 519. *Challenge against illegal voters* ---- 206
SEC. 520. *Challenge based on certain illegal acts* ---- 207
SEC. 521. *Rules to be observed during the voting* ---- 207
SEC. 522. *Prohibition on voting* ---- 207
SEC. 523. *Preparation of ballot for a PDL voter who is illiterate or with disability* ---- 208
SEC. 524. *Sealing of the envelopes per clustered precinct* ---- 208
SEC. 525. *Disposition of election documents* ---- 209

CHAPTER XIV
ESCORTED PDL VOTING

SEC. 526. *Escorted PDL voters* ---- 209
SEC. 527. *Express lane for escorted PDL voters* ---- 209
SEC. 528. *Authority to bring a firearm* ---- 209

CHAPTER XV
FORMS, DOCUMENTS AND SUPPLIES

SEC. 529. *Forms, documents and supplies for SBE-C* ---- 209

CHAPTER XVI
CAMPAIGN

SEC. 530. Campaign ---- 210

CHAPTER XVII
PREPARATION AND SAFEKEEPING OF ELECTION RETURNS AND OTHER ELECTION FORMS AND PARAPHERNALIA

SEC. 531. *Preparation and distribution of election returns* ---- 210
SEC. 532. *Certificate of votes* ---- 211
SEC. 533. *Alterations and corrections in the election returns* ---- 211

SEC. 534. *Disposition of ballot boxes, keys, election returns and other documents* ---- 211
SEC. 535. *Preservation of the list of voters* ---- 212
SEC. 536. *Omission of documents to be placed inside the ballot box* ---- 212
SEC. 537. *Retrieval of inadvertently placed election documents inside the ballot box* ---- 212

CHAPTER XVIII
DELIVERY AND TRANSMITTAL OF ELECTION RETURNS

SEC. 538. *Manner of delivery and transmittal of election returns* ---- 213

CHAPTER XIX
CANVASS AND PROCLAMATION

SEC. 539. *Board of canvassers/ Sub-Canvassing Unit* ---- 213
SEC. 540. *Supervision and control over the Barangay Board of Canvassers* ---- 214
SEC. 541. *Relationship with candidates and other members* ---- 214
SEC. 542. *Prohibition against leaving official station* ---- 214
SEC. 543. *Feigned illness* ---- 214
SEC. 544. *Notice of meeting of the Barangay Board of Canvassers* ---- 214
SEC. 545. *Vote required* ---- 214
SEC. 546. *Persons not allowed inside the canvassing room* ---- 214
SEC. 547. *Canvass by the Barangay Board of Canvassers* ---- 214
SEC. 548. *When the election returns are delayed, lost or destroyed* ---- 216
SEC. 549. *Material defects in the election returns* ---- 216
SEC. 550. *When election returns appear to be tampered with or falsified* ---- 217
SEC. 551. *Discrepancies in Election Returns* ---- 217
SEC. 552. *Manifest error* ---- 217
SEC. 553. *Questions affecting the election returns; finality of decision thereon* ---- 218
SEC. 554. *Elections resulting in a tie* ---- 218
SEC. 555. *Certificate of Canvass and Proclamation (COCP) and Proclamation of Winning Candidates* ---- 218
SEC. 556. *Distribution of Certificate of Canvass and Proclamation* ---- 219
SEC. 557. *Safekeeping of canvassed election returns* ---- 219

CHAPTER XX
CONTINGENCY PLAN

SEC. 558. *Problems that may be encountered* ---- 219
SEC. 559. *Contingency measures* ---- 220

CHAPTER XXI
ELECTION RELATED INCIDENTS AND CATASTROPHE

SEC. 560. *The following shall be observed in case of election-related violent incidents,* acts of God and other emergencies ---- 225

CHAPTER XXII
CONTINGENCY PROCEDURES FOR THE AUTOMATED BSKE

SEC. 561. *Authority of the Commission to Adopt Current and Additional Contingency Procedures* ---- 226

CHAPTER XXIII
OPERATIONAL PLAN FOR THE COMMAND CENTER

SEC. 562. *Establishment of a Command Center* ---- 226
SEC. 563. *Monitoring of Pre – Election Activities* ---- 226
SEC. 564. *Monitoring of Election Day Activities* ---- 226
SEC. 565. *Monitoring of Post – Election Activities* ---- 227
SEC. 566. *Composition of the Command Center* ---- 227
SEC. 567. *Total Number of Personnel Assigned at the Command Center* ---- 227
SEC. 568. *Period of Operation* ---- 228
SEC. 569. *Budgetary Requirement and designation of Disbursing Officer* ---- 228

PART III
POST-ELECTION ACTIVITIES

ARTICLE XVIII
FILING OF SOCE ---- 228

CHAPTER I
CONTRIBUTIONS AND EXPENDITURES

SEC. 570. *True name of contributor required* ---- 228
SEC. 571. *Report of contributions; When and Where to file* ---- 229
SEC. 572. *Prohibited contributions* ---- 229
SEC. 573. *Soliciting or receiving contributions from foreign sources* ---- 229
SEC. 574. *Prohibited raising of funds* ---- 229
SEC. 575. *Prohibited donations by candidates* ---- 230
SEC. 576. *Limitation upon expenses* ---- 230
SEC. 577. *Coverage of Expenses* ---- 230
SEC. 578. *Persons authorized to incur election expenditures* ---- 230
SEC. 579. *Lawful expenditures* ---- 230
SEC. 580. *Public Rally; Statement of Expenses* ---- 231

CHAPTER II
NOTICE TO CANDIDATE

SEC. 581. *Duty of Election Officers to send notice to candidates* ---- 231

CHAPTER III
FILING OF SOCE

SEC. 582. *Forms and contents of SOCE* ---- 231
SEC. 583. *When and where to file SOCE* ---- 231
SEC. 584. *Issuance of Certificate of Compliance* ---- 231
SEC. 585. *Effect of failure to file* ---- 232

CHAPTER IV
ADMINISTRATION OF OATH

SEC. 586. *Officers of the Commission who are authorized to administer oath* ---- 232
SEC. 587. *Record Requirement for Administration of Oaths* ---- 232

CHAPTER V
RECEPTION OF SOCE AND SUBMISSION TO CFO

SEC. 588. *Procedure on receiving SOCE* ---- 232
SEC. 589. *Compliance Check and production of its Certificate* ---- 232
SEC. 590. *Collation at the Office of the Provincial Election Supervisor and submission to CFO* ---- 233

ARTICLE XIX
PROCEDURE ON THE FILING OF: (1) PETITION TO DENY DUE COURSE TO OR CANCEL CERTIFICATE OF CANDIDACY; (2) PETITION TO DECLARE A NUISANCE CANDIDATE; AND (3) PETITION FOR DISQUALIFICATION ---- 233

SEC. 591. *Grounds* ---- 233
SEC. 592. *When to File Petition* ---- 234
SEC. 593. *Where to File Petition and Manner of Filing* ---- 234
SEC. 594. *Procedures to be Observed* ---- 235
SEC. 595. *Reception of Evidence* ---- 236
SEC. 596. *Promulgation* ---- 236
SEC. 597. *Period to Resolve* ---- 236
SEC. 598. *Motion for Reconsideration* ---- 236
SEC. 599. *Granting of Petition* ---- 237
SEC. 600. *Suspension of Proclamation* ---- 238
SEC. 601. *Applicability* ---- 238
SEC. 602. *Electronic Filing* ---- 238

ARTICLE XX
MINIMUM HEALTH AND SAFETY STANDARD AND OTHER TRANSITORY PROVISION ---- **238**

SEC. 603. *COVID-19 Safety Standard Compliance* ---- **238**
SEC. 604. *Changes in Procedure and Protocols* ---- **238**
SEC. 605. *Separability Clause* ---- **238**
SEC. 606. *Amendments and Revisions* ---- **238**
SEC. 607. *Publication and Dissemination* ---- **238**

FOREWORD

General Guidelines for the 2023 Barangay and Sangguniang Kabataan Elections (BSKE) and All Other Succeeding BSKEs Thereafter



The Commission on Elections continues to make great strides in improving the elections through easier voter registration, convenient voting process, and accessible information on election laws, rules, and regulations for the benefit of our voters.

Pursuant to the powers vested in it, the Commission, through the able stewardship of Commissioner Rey E. Bulay and Executive Director Teopisto E. Elnas, Jr., has seen fit to put together and harmonize the usual rules and regulations for the conduct of the Barangay and Sangguniang Kabataan Elections (BSKE), into a codified General Guidelines.

This General Guidelines is intended to provide an easy reference for those aspiring to run for Barangay and Sangguniang Kabataan positions, and an accessible guide for our election officers and most especially our voting public, for an orderly, transparent, and smooth BSKE this October 2023, and all other succeeding BSKEs.

It is the thrust of your Commission *En Banc* to institutionalize, through codification, the past rules and regulations it has promulgated so that our electoral board, and the electorate, can have a staple document that they may easily refer to during manual elections in the Barangay and Sangguniang Kabataan, and so also, that the Commission will save on costs of printing and publication of relatively the same promulgations each time we conduct a BSKE.

Ang palagi ko pong hiling sa ating mga kababayan ay ang inyong patuloy na suporta at pakikipagtulungan sa Komisyon para mas mapabuti at mas maisaayos ang ating halalan at mga kaakibat na proseso nito.

Nawa, itong Pangkalahatang Alintunin na binuo para sa Halalan ng Barangay at Sangguniang Kabataan ay maging gabay para sa mas maayos at malinis na daloy hindi lamang ng halalan sa darating na Oktubre ng taong ito, ngunit maging ng mga susunod pang taon.

Binabati ko ang lahat ng naging bahagi upang mabuo ang dokumentong ito. At sa ating mga kababayan, pagdamutan po ninyo itong aming handog.

Mabuhay po kayo!

GEORGE ERWIN M. GARCIA
Chairman

FOREWORD

General Guidelines and Other Related Laws for the 2023 Barangay and Sangguniang Kabataan Elections (BSKE) and All Other Succeeding BSKEs Thereafter



As we prepare for the upcoming Barangay and Sangguniang Kabataan Elections on 30 October 2023, it is my honor to present to you the codified general instructions that will serve as our guide in conducting a fair, transparent, and efficient electoral process this year and in succeeding years.

The Commission on Elections is bound by its constitutional mandate to uphold the integrity of our democratic system by ensuring that every Filipino has the opportunity to exercise their right to vote and choose their leaders. We recognize that the Barangay and Sangguniang Kabataan Elections play a crucial role in our country's governance, as these are the grassroots level of our local government. The barangay, though apolitical, is vested with public interest. Its credibility plays a major role in conducting public service at the grassroots level of society. The cornerstone of our democracy. Hence, the importance of electing to office the people's choice of servant leaders.

As we prepare for the 2023 Barangay and Sangguniang Kabataan Elections, let us remember the importance of the barangay as the basic unit of society. The aspirations and dreams of our country are nurtured within these small but powerful communities. Let us celebrate and treasure the vital role that the barangay plays in shaping our collective destiny.

A barangay is more than just a subdivision of land or a division of government. It's a thriving and active neighborhood that exemplifies bayanihan, the Filipino value of working together for the common good. Inside its walls, strangers become neighbors and friends become family.

In addition, the barangay is the people's first point of contact with government and public services, bringing these vital resources to their doorsteps. Here, local officials and volunteers from the barangay work together to address the issues facing the local community. The barangay is essential to the progress and well-being of its citizens, as it is responsible for a wide range of services including law enforcement, emergency medical care, schools, and social services.

These codified general instructions aim to provide a comprehensive framework for the conduct of the Barangay and Sangguniang Kabataan Elections. It contains the rules and regulations that must be followed by all candidates, election officers, and voters to ensure a peaceful, orderly, and credible electoral process. By consolidating all these rules and regulations into a single document, we can ensure that everyone involved in the process has a clear understanding of their roles and responsibilities. Furthermore, the codification of the rules promotes consistency in the implementation of the electoral process. It ensures that every candidate, political party, and election officer is held to the same standards and that there is no room for arbitrary interpretation of the rules.

We have taken into account the lessons learned from the previous elections, as well as the changing times that we must adapt to. We have taken careful attention on the best practices that must be maintained and listened to the feedback and concerns of key officers in the Commission to make these instructions as responsive and inclusive as possible.

As we implement these guidelines, we call on all Filipinos to participate actively and responsibly in the electoral process. We must all work together to uphold the sanctity of our elections and promote a culture of honesty, accountability, and good governance.

May these codified guidelines serve as a beacon of hope and inspiration as we embark on this electoral journey. Henceforth, the *bible* for all Barangay and Sangguniang Kabataan Elections to come.

Let us all uphold the spirit of democracy and ensure that the will of the people is heard and respected. *Vox Populi, Vox Dei!* Let us work together to ensure that the 2023 Barangay and Sangguniang Kabataan Elections (BSKE), and succeeding BSKEs, are conducted with integrity, transparency, and respect for the will of the people.

Mabuhay tayong lahat!

REY E. BULAY
Commissioner-In-Charge, BSKE 2023

GLOSSARY OF TERMS

The terms used in this Instructions and General Guidelines shall have the meanings and definitions identified in this Glossary of Terms.

a) **Accessibility** shall refer to a pre-condition for persons with disabilities to live independently and participate fully and equally in society. Without access to physical environment, to transportation, to information and communication, including information and communication technologies and systems, and to other facilities and services open or provided to the public, persons with disabilities would not have equal opportunities for participation in their respective societies.

b) **Accessible Polling Place (APP)** shall refer to the venue where the Electoral Board (EB) conducts election-related proceedings and where Persons with Disability (PWD), Senior Citizens (SCs) and Indigenous People (IP) voters cast their votes. The APP shall be located at the ground floor, preferably near the entrance of the building, and is free of any physical barriers, and provided with necessary services including assistive devices.

c) **Accessories** shall refer to parts of a firearm which may enhance or increase the operational efficiency or accuracy of a firearm but will not constitute any of the major or minor internal parts thereof such as, but not limited to, laser scope, telescopic sight, and sound suppressor or silencer.

d) **Ammunition** shall refer to the material fired, scattered, dropped or detonated from any weapon, as bombs or rockets, and especially shot, shrapnel, bullets or shells fired by guns, including the components thereof referring to the means of igniting or exploding such material, as primers, fuzes, and gunpowder, as defined under R.A. No. 10591 or the Comprehensive Firearms and Ammunition Regulation Act, as a complete unfixed/unfired[1] unit consisting of a bullet, gunpowder, cartridge case, and primer or loaded shell for use in any firearm.

e) **Antique Firearms** shall refer to any: (i) firearm which was manufactured at least seventy-five (75) years prior to the current date but not including replicas; (ii) firearm which was certified by the National Museum of the Philippines to be curio or relic of museum interest; and (iii) other firearms which derive a substantial part of its monetary value from the fact that it is novel, rare, bizarre or because of its association with some historical figure, period or event.

f) **Appointment** shall refer to the selection, by the authority vested with the power, of an individual who is to exercise the functions of a given office. When completed, usually with its confirmation, the appointment results in security of tenure on the person chosen unless the person is replaceable at pleasure because of the nature of office held.

g) **Assistor** shall refer to a person assisting a person with disability or senior citizen, who in the Election Day Computerized Voters' List (EDCVL) requires assistance or manifestly needed such assistance on Election Day.

h) **Aspirant** shall refer to a person who has filed a certificate of candidacy during the election period but before the start of the campaign period.

i) **Authorization Form** shall refer to the document to be accomplished by a person with disability, senior citizen, or heavily pregnant voter availing of the Emergency Accessible Polling Place (EAPP). The filled – out form shall give consent to the EAPP Support Staff to: a) obtain the ballot from the designated polling place; b) bring such ballot to the EAPP where it will be accomplished; and c) return the same to the polling place.

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1 The adjective "unfired" is found in Section 3.2 of the Implementing Rules and Regulations on Controlled Chemicals Pursuant to Section 4-C to 4-F of PD No. 1866 as Amended by RA No. 9516.

j) **Beneficiaries** shall refer to the qualified compulsory heirs of the deceased person rendering election service. Qualified compulsory heirs shall refer to persons defined under the Civil Code of the Philippines and other pertinent laws

k) **Blog and collective blog** shall refer to websites on which an individual or group of users, respectively, record news, opinions, and information, in varying degrees of regularity. A micro-blog refers to a blogging format which allows users to exchange small elements of content – referred to variously as posts, entries, or status updates – such as short sentences, individual images, or links to video material uploaded to the Internet. A vlog refers to a personal website or social media account where a person regularly posts videos.

l) **Candidate** shall refer to any person seeking an elective public office, who has filed his or her certificate of candidacy, and who has not died, withdrawn his or her certificate of candidacy, had his or her certificate of candidacy denied due course or cancelled, or has been otherwise disqualified before the start of the campaign period for which he or she filed his certificate of candidacy. Provided, that, unlawful acts or omissions applicable to a candidate shall take effect only upon the start of the aforesaid campaign period.

m) **Clustered Precinct** shall refer to the group of established precincts located within the same barangay and voting center.

n) **CEMAC** shall refer to the COMELEC Election Monitoring Action Center.

o) **Certificate of Compliance** shall refer to a certificate issued by the Election Officer or by the Campaign Finance Office (CFO) to a candidate who submitted Statement of Contributions and Expenditures (SOCE).

p) **Certificate of Firearm Registration (CFR)** shall refer to the certificate issued by the Philippine National Police, particularly its Firearms and Explosives Office (FEO), as proof that the firearm is lawfully registered and duly recorded.

q) **COMELEC Control**. When the peace and order situation in the area will affect the conduct of elections, the COMELEC En Banc may place any political division, subdivision, unit or area affected under its immediate and direct control and supervision. COMELEC Control includes:

1. Immediate and direct control and supervision over national and local officials and employees. - The COMELEC shall take immediate and direct control and supervision over all national and local officials and employees required by law to perform duties and/or to comply with certain prohibitions relative to the conduct of the elections in the political division, subdivision, unit or area concerned.
2. Full control and supervision over all national and local law enforcement agencies. - The COMELEC shall exercise full control and supervision over all national and local law enforcement agencies as well as military officers and men assigned in the political division, subdivision, unit or area concerned.

r) **Contractors** and **business firms** shall refer to any person, natural or juridical, or firm, including but not limited to media entities, media outlets, internet and social media platforms, advertising agencies, public relations firms and other intermediaries, event organizers, talent endorsers and their managers, digital influencers, and printing press for the purpose of entering into political advertisement contracts to whom any electoral expenditure is made in accordance with Section 112 of the Omnibus Election Code (OEC).

s) **Contribution** shall refer to any gift, donation, subscription, loan, advance or deposit of money or anything of value, or a contract, promise or agreement to contribute, whether or not legally enforceable, made for the purpose of influencing the results of the elections but shall not include services rendered without compensation by individuals volunteering a portion or all of their time in behalf of a candidate. It shall also include the use of facilities voluntarily donated by other persons, the money value of which can be assessed based on the rates prevailing in the area.

t) **Controlled Chemicals** shall refer to chlorates, nitrates, nitric acid, and such other chemicals categorized under Section 3.1 of the Implementing Rules and Regulations

on Controlled Chemicals[2] that can be used for the manufacture of explosives and explosive ingredients, where the explosive is capable or is intended to be made capable of producing destructive effect on contiguous objects or causing injury or death to any person.

u) **Commission** shall refer to the Commission on Elections.

v) **Compensation** shall refer to per diem, honoraria, or allowances granted to the Members of the Electoral Board (EB), Department of Education and Ministry of Basic, Higher and Technical Education of the Bangsamoro Autonomous Region in Muslim Mindanao Supervisor Official, and support staff.

w) **Deadly Weapon** includes bladed instruments, hand grenades or other explosives, except pyrotechnics: Provided, that a bladed instrument is not covered by the prohibition when possession of the bladed instrument is necessary to the occupation of the possessor or when it is used as a tool for legitimate activity, like gaffs used in lawful cockfighting: Provided, further, that a souvenir bladed instrument is not covered by the prohibition in accordance with the strict guidelines herein set forth.

x) **Designation** shall refer to the imposition by law of additional duties of an incumbent official. It is considered only an acting or temporary appointment, which does not confer security of tenure on the person named.

y) **DESO** shall refer to the Department of Education and Ministry of Basic, Higher and Technical Education of the Bangsamoro Autonomous Region in Muslim Mindanao Supervisor Official designated to manage a voting center.

z) **Disability** shall refer to the results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others.

aa) **Domestic group, organization, committee** or **association** shall refer to any group of individuals organized under the laws of the Philippines.

bb) **Domestic observer** or **monitor** shall refer to any Philippine national, whether or not a resident of the Philippines, formally observing or monitoring the conduct of the elections.

cc) **Duty Detail Order (DDO) and Special Duty Detail Order (SDDO) for security guards and protection agents, respectively** refer to documents issued to a person by the juridical entity or employer wherein the details of the disposition of firearm are spelled out, thus indicating the name of the employee, firearm information, specific duration and location of posting or assignment, and authorized bonded firearm custodian for the juridical entity to whom such firearm is turned over after the lapse of the order.

dd) **Election campaign or partisan political activity** shall refer to an act designed to promote the election or defeat of a particular candidate or candidates to a public office, and shall include any of the following:

1. Forming organizations, associations, clubs, committees or other groups of persons for the purpose of soliciting votes and/or undertaking any campaign for or against a candidate;
2. Holding political caucuses, conferences, meetings, rallies, parades or other similar assemblies for the purpose of soliciting votes and/or undertaking any campaign or propaganda for or against a candidate;
3. Making speeches, announcements or commentaries, or holding interviews for or against the election of any candidate for public office;
4. Publishing, displaying or distributing campaign literature or materials designed to support or oppose the election of any candidate; or
5. Directly or indirectly soliciting votes, pledges or support for or against any candidate.

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2 PURSUANT TO SECTION 4 (C) TO (F) OF P.D. NO. 1886, AS AMENDED BY R.A. NO. 9516.

Personal opinions, views, and preferences for candidates, contained in blogs, micro-blogs, or vlogs shall not be considered as acts of election campaigning or partisan political activity, unless expressed by government officials in the Executive Department, the Legislative Department, the Judiciary, the Constitutional Commissions, and members of the Civil Service, personnel and officers of the Armed Forces of the Philippines and other para-military units.

ee) **Election Day Computerized Voters List for PDL (EDCVL-PDL)** - refers to the final list (containing the voters' photographs, signatures, and thumb prints) of PDL voters assigned in the PDL – Special Polling Place (PDL-SPP). The EDCVL-PDL, duly certified by the EB, is where the PDL voters shall affix their signatures or imprint their thumb marks before casting their votes;

ff) **Election survey** shall refer to the measurement of opinions and perceptions of the voters as regards to a candidate's popularity, qualifications, platforms or matters of public discussion in relation to the election, including voters' preference for candidates or publicly discussed issues during the campaign period.

gg) **Escorted Voting** – refers to a voting mechanism for PDL voters who are a) registered voters of districts, cities or municipalities other than the district, city or municipality of incarceration; or b) incarcerated in jail facilities or detention centers where no PDL-SPPs are established for purposes of voting;

hh) **Exit polls** shall refer to a species of election survey conducted by a qualified individual or a group of individuals for the purpose of determining the probable result of an election by confidentially asking randomly selected voters for the names of candidates they have voted for, immediately after they have officially cast their ballots.

ii) **Expenditure** shall include the payment or delivery of money or anything of value, or a contract, promise or agreement to make an expenditure, for the purpose of influencing the results of the election. It shall also include the use of facilities personally owned by the candidate, the money value of the use of which can be assessed based on the rates prevailing in the area

jj) **Explosive** shall refer to an exploding substance or agent, including the components and raw materials thereof, as defined under pertinent laws.

kk) **Election Officer/Acting Election Officer (EO/AEO)** shall refer to the highest official of the Commission in a district, city or municipality.

ll) **Electoral Boards (EB)** shall refer to the Board of Election Inspectors (BEI) and Special Board of Election Inspectors (SBEI) who will conduct the voting and counting of election results.

mm) **Emergency Accessible Polling Place (EAPPs)** shall refer to rooms or makeshift/temporary polling place established at the ground floor of a voting center or outside of it but in close proximity thereto, where Persons with Disabilities (PWDs), Senior Citizens (SCs) and heavily pregnant women voters may vote on election day, specifically:

1. PWD/SC who did not avail of APPs;
2. PWDs who failed to update their registration record;
3. Persons who become disabled/incapacitated temporarily or permanently after the continuing registration of voters ended; and
4. Heavily pregnant voters.

nn) **EAPP Support Staff** shall refer to the person appointed to supervise the voting in the EAPP.

oo) **Election-related risk** shall refer to any death or injury sustained by reason of or on the occasion of the performance of election service or duties.

pp) **Firearm** refers to any handheld or portable weapon, whether a small arm or light weapon, that expels or is designed to expel a bullet, shot, slug, missile or any projectile, which is discharged by means of expansive force of gases from burning

gunpowder or other form of combustion or any similar instrument or implement, wherein the barrel, frame or receiver is considered a firearm.

The term shall include air guns, airsoft guns, antique firearms, and replicas or imitations of firearms in whatever form that can cause an ordinary person to believe that they are real, including the parts thereof, as defined herein and/or under pertinent laws.

qq) **Freelancer** shall refer to those who do not work full time for a media company but is hired by different media companies for certain assignments.

rr) **Foreign Media** shall refer to those who are engaged in news reporting for and on behalf of a foreign media corporation or entity, regardless of their individual nationality.

ss) **Foreigner or Foreign national** shall refer to any person whose nationality is other than Filipino, whether or not a resident of the Philippines.

tt) **Foreign group, organization, committee or association** shall refer to any group of individuals duly organized and existing under national laws other than that of the Philippines.

uu) **Giving of remuneration or privilege** shall refer to the giving of bonuses, other than the mandated 13th month pay and cash gift for government employees, incentives, Representation and Transportation Allowance (RATA) or other form of allowances regularly received, on top of their usual benefits and privileges.

vv) **Heavily Pregnant** shall refer to those who are, at least, six (6) months on the family way.

ww) **IATF-MEID** shall refer to the Inter-agency Task Force for the Management of Emerging Infectious Diseases created by virtue of Executive Order No. 168, s. 2014.

xx) **Illiterate person** refers to one who cannot by himself/herself prepare an application for registration because of his/her inability to read and write.

yy) **Indigenous Cultural Communities (ICCs) or Indigenous Peoples (IPs)** shall refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos.

zz) **Imitation Firearm**[3] refers to a replica of a firearm or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to believe that such imitation firearm is a real firearm

aaa) **Increase of salary** shall refer to adjustments in salaries as a result of increase in pay levels or upgrading of positions which do not involve a change in qualification requirements and do not require the issuance of a new appointment.

bbb) **Isolation Polling Place** shall refer to rooms or makeshift tents established in every voting center where voters evaluated to be suffering from a fever of 37.5 degrees Celsius or higher, or any of the COVID-19 symptoms, may cast their vote.

ccc) **Letter Order (LO) or Mission Order (MO)** refers to a written directive or order issued by the authorized representatives of the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), and other law enforcement agencies allowing their respective members occupying regular plantilla positions and performing actual law

[3] AS DEFINED IN REPUBLIC ACT NO. 10591, OTHERWISE KNOWN AS THE "COMPREHENSIVE FIREARMS AND AMMUNITION REGULATION ACT." (APPROVED ON 29 MAY 2013).

enforcement functions to carry their government-issued firearms in furtherance of official duties and functions within and outside their areas of responsibility, in lieu of a Permit to Carry Firearms Outside Residence (PTCFOR).

ddd) **License to Own and Possess Firearms (LTOPF)** refers to the written authority granted by the PNP Chief, through Firearms and Explosives Office (FEO), to a qualified individual for him/her to own and possess a firearm.

eee) **Light Weapons** are (i) Class-A light weapons which refer to self-loading pistols, rifles and carbines, submachine guns, assault rifles, and light machine guns not exceeding caliber 7.62 mm which have fully automatic mode; and (ii) Class-B light weapons designed for use by two (2) or more persons serving as a crew, or rifles and machine guns exceeding caliber 7.62 mm such as heavy machine guns, handheld under barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile system, and mortars of a caliber of less than 100 mm.

fff) **Local Media** shall refer to those who are engaged in news reporting for and on behalf of a local media corporation or entity, regardless of their corporate or investment structure including correspondents of, and freelancers on assignment for, regional, provincial, city or municipal publications or broadcast entities; except that local media who operate in the National Capital Region (NCR) shall be considered as National Media as defined below.

ggg) **Long Certificate of Registration (LCR)** shall refer to licenses issued to government agencies or offices, government-owned or –controlled corporations for firearms to be used by their officials and employees who are qualified to possess firearms as provided under the Comprehensive Firearms and Ammunition Regulation Act, excluding security guards.

hhh) **Major parts or components of a firearm** shall refer to the barrel, slide,

frame, receiver, cylinder or bolt assembly. The term also includes any part or kit designed and intended for use in converting a semi-automatic burst to a fully automatic firearm.

iii) **Mass Media** shall refer to diversified technologies, operating on various platforms, that have for their primary purpose the transmission of information and communication to a large audience. These platforms include broadcast, internet and mobile social media and print.

jjj) **Mass Media Entities** shall refer to individuals and organizations that exercise control over mass media and determine, whether directly or indirectly, using these technologies.

kkk) **Minor parts of a firearm** shall refer to the parts of the firearm other than the major parts which are necessary to effect and complete the action of expelling a projectile by way of combustion, except those classified as accessories.

lll) **MBHTE** shall refer to Ministry of Basic, Higher, and Technical Education of the Bangsamoro Autonomous Region in Muslim Mindanao.

mmm) **Media Practitioner** shall refer to a person or group of persons actively engage in the pursuit of information gathering and reporting or distribution, in any manner or form, including, but not limited to, the following:

1. Bloggers/Vloggers
2. Community Journalists
3. Feature Film/ Documentary Makers
4. Feature Film Makers
5. Novelists
6. Online Journalists
7. Photo Journalists
8. Playwrights
9. Print Journalists
10. Professional Photographer

11. Professional Videographer
12. Public Relations Practitioners
13. Radio Journalist
14. Screenwriters/Creative Writers
15. Television Journalists
16. Television Productions
17. Opinion Writers
18. Social Media Practitioner

nnn) **Merged POPs** shall refer to the Barangay and SK POPs combined together to form one (1) POP.

ooo) **Minutes** shall refer to the Minutes of the Final Testing and Sealing, Voting, Counting, and Transmission of Election Results (C.E. Form No. A11).

ppp) **National Government Agencies** shall refer to the government agencies, other than the DepEd and MBHTE, which have endorsed to the Commission, the list of their respective personnel who are qualified, willing, and available to render election-related service.

qqq) **National Government Employee** shall refer to any person in the service of the entire machinery of the central government, its agencies, divisions, subdivisions or instrumentalities as distinguished from the different forms of local governments, through which the functions of the government are exercised throughout the Philippines.

rrr) **National Media** shall refer to those who are engaged in news reporting for and on behalf of a local media corporation or entity with online or print publications, or which engages in radio/television broadcasting, with national circulation or viewership, including provincial correspondents of, and freelancers on assignment for national publications or broadcast entities.

sss) **Non – Manifest Disability** shall refer to a type of disability which is not apparent from the physical appearance of a person.

ttt) Original **established precinct** shall refer to the basic unit of territory established by the Commission for the purpose of voting[4].

uuu) **Other Benefits** shall refer to death and/or hospitalization benefits granted to persons rendering election service or to their beneficiaries under Republic Act No. 10756, including the provision of legal assistance and legal indemnification.

vvv) **Other Media** shall refer to those engaged in other forms of journalism, including, but not limited to, opinion writers, public relations practitioners, creative writers, bloggers, feature film and documentary film makers, and the like.

www) **PDL - Special Polling Place (PDL - SPP)** - refers to a special polling place established in a jail facility or detention center where PDL voters may cast their votes on election day;

xxx) **Permit to Carry Firearm Outside of Residence (PTCFOR)** shall refer to the written authority issued to a licensed citizen by the PNP Chief through the PTCFOR Secretariat, which entitles such person to carry the registered or lawfully issued firearm outside of the residence for the duration and purpose specified in the authority.

yyy) **Persons rendering election service** shall refer to persons appointed by the Commission to render election-related service as Chairperson or Members of the Electoral Boards, DESO, and their respective support staff.

zzz) **Person Deprived of Liberty –** refers to any person:

i. confined in jail, who has been formally charged for an offense and is awaiting or undergoing trial; or

[4] SECTION 3 (J), REP. ACT NO. 8189 (THE VOTER'S REGISTRATION ACT OF 1996).

ii. serving a sentence of imprisonment for less than one (1) year; or

iii. whose conviction of a crime involving disloyalty to the duly constituted government such as rebellion, sedition, violation of the firearms laws or any crime against national security or of any other crime is on appeal.

aaaa) **Person with Disability (PWD)** shall refer to a voter who have long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in the electoral processes on an equal basis with others.

bbbb) **PJSCC** shall refers to the Provincial Joint Security Control Center under the Committee on Ban on Firearms and Security Concerns (CBFSC).

cccc) **Political advertisement,"** or **"election propaganda"** shall refer to any matter broadcasted, published, printed, displayed or exhibited, in any medium, which contains the name, image, logo, brand, insignia, color motif, initials, and other symbol or graphic representation that is capable of being associated with a candidate, and is exclusively intended to draw the attention of the public or a segment thereof to promote or oppose, directly or indirectly, the election of the said candidate or candidates to a public office.

In broadcast media, political advertisements may take the form of spots, appearances on television shows and radio programs, live or taped announcements, teasers, and other forms of advertising messages or announcements used by commercial advertisers.

Political advertising includes endorsements, statements, declarations, or information graphics, appearing on any internet website, social network, blogging site, and micro-blogging site, which – when taken as a whole – has for its principal object the endorsement of a candidate only, or which were posted in return for consideration or are otherwise capable of pecuniary estimation.

dddd) **Polling Place** shall refer to the place where the Electoral Board conducts its proceeding and where the voters cast their votes.

eeee) **Posted Computerized Voters 'List (PCVL)** shall refer to the computerized list of voters posted outside each polling place.

ffff) **Posted Computerized Voter's List for PDL (PCVL-PDL)** – refers to the computerized voter's list posted inside the jail facility or detention center where an SPP is established but not within the area where the PDL-SPP is located;

gggg) **PPCRV** shall refer to the Parish Pastoral Council for Responsible Voting.

hhhh) **Precinct shall** refer to the basic unit of territory established by the Commission for the purpose of voting.

iiii) **Private Security Service Provider (PSSP)** refers to a Private Security Agency (PSA), Private Detective Agency (PDA), Company Security Unit (CSU), or Government Guard Unit (GGU).

jjjj) **Project of Precinct (POP)** shall refer to a public document prepared by the EO/AEO, which contains the total number of barangays, established precincts, clustered precincts, voters and voting centers of a district, city or municipality.

kkkk) **Promotion** shall refer to the advancement of an employee from one position to another with an increase in duties and responsibilities as authorized by law, and usually accompanied by an increase in salary. Promotion may be from one department or agency to another or from one organizational unit to another in the same agency.

llll) **Provincial Election Supervisor (PES)** shall refer to the highest official of the Commission in a province.

mmmm) **Public School Teacher** shall refer to all persons engaged in classroom teaching, in any level of instruction, on full-time basis, including guidance counselors, school librarians, industrial arts or vocational instructors, and all other persons performing supervisory and/or administrative functions in all schools, colleges and universities operated by the government or its political subdivisions; but shall not include school nurses, school physicians, school dentists, and other school employees.

nnnn) **Reasonable accommodation** shall refer to necessary and appropriate modifications and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure that PWDs and SCs enjoy the exercise of their human rights and fundamental freedom on an equal basis with others.

oooo) **Reassignment** shall refer to the movement of an employee from one organizational unit to another in the same department or agency which does not involve a reduction in rank, status or salary and does not require the issuance of an appointment.

pppp) **Regional Election Director (RED)** shall refer to the highest official of the Commission in a region.

qqqq) **Registered Voter** shall refer to a voter whose name is included in the Election Day Computerized Voters' List (EDCVL) and Posted Computerized Voters' List (PCVL).

rrrr) **RJSCC** refers to the Regional Joint Security Control Center under the CBFSC.

ssss) **Residence or Place of business** refers to the residence of the registered owner of the firearm/s, which shall be the location were the firearm/s shall be kept and as indicated in the firearm registration card

tttt) **Satellite -EAPP (S-EAPP)** shall refer to an EAPP temporarily established in a building used as a home or residence of PWDs and/or SCs, including rehabilitation centers and sheltered workshops were said PWDs and/or SCs are living or outside thereof but in close proximity thereto, whether administered by the government or a private institution.

uuuu) **S-EAPP Support Staff (S-EAPP SS)** shall refer to the person appointed to supervise the voting in the S-EAPP.

vvvv) **SEB-PDL Support Staff (SEB – PDL SS)** - refers to a person appointed to assist the SEB-PDL Members in the performance of their duties;

wwww) **Security Escort** - refers to uniformed personnel of the Philippine National Police (PNP), Bureau of Jail Management (BJMP) or Bureau of Corrections (BuCor), who are deputized to escort the SEB-PDL SS on election day.

xxxx) **Senior Citizen** shall refer to a qualified voter who is sixty (60) years or older.

yyyy) **Separate POPs** shall refer to the Barangay POP and SK POP. Barangay POP is composed of voters who are 18 years old and above while SK POP is composed of voters who are 15 to 30 years old[5].

zzzz) **Small Arms** shall refer to firearms intended to be primarily designed for individual use or that which is generally considered to mean a weapon intended to be fired from the hand or shoulder, which are not capable of fully automatic bursts of discharge, such as:

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[5] CHAPTER II, SECTION 4, REPUBLIC ACT NO. 10742.

1. Handgun is a firearm intended to be fired from the hand, which includes:

    a. Pistol is a hand-operated firearm having a chamber integral or permanently aligned with the bore which may be self-loading; and
    b. Revolver is a hand-operated firearm with a revolving cylinder containing chambers for individual cartridges.

2. Rifle is a shoulder firearm or designed to be fired from the shoulder that can discharge a bullet through a rifled barrel by different actions of loading, which may be classified as lever, bolt, or self-loading; and

3. Shotgun is a firearm designed, made, and intended to fire a number of ball shots or a single projectile through a smooth bore by the action or energy from burning gunpowder.

aaaaa) **Special Electoral Board for PDL (SEB-PDL)** - refers to the body which conducts and supervises the voting in the PDL-SPP;

bbbbb) **Spin – off** or **daughter** shall refer to an established precinct shall refer to established precinct created to accommodate additional voters residing within the territorial jurisdiction of the original or mother established precincts[6].

ccccc) **Statement of Contributions and Expenditures (SOCE)** shall refer to such documents and its attachments, containing campaign finance disclosure statements on electoral contributions and expenditures required to be submitted in the form provided by these Rules

ddddd) **Support Staff** shall refer to persons appointed to assist the Members of the Electoral Boards and the DESO in the performance of their duties.

eeeee) **Suspension** is the temporary forced removal from the exercise of the office. It shall include both suspension as a penalty and preventive suspension.

fffff) **Temporary Authority-Security Detail (TA-SD)** shall refers to the temporary certificate of authority to employ, avail or engage the services of security personnel or bodyguards issued by the Regional Joint Security Control Center (RJSCC) to qualified public officials and private individuals. It is valid for a non-extendible period of thirty (30) days only.

ggggg) **Transfer** shall refer to as a movement from one position to another which is of equivalent rank, level or salary without break in service involving the issuance of an appointment. The transfer may be from one department or agency to another or from one organizational unit to another in the same department or agency. This shall also include movement consequent to an order for the return/recall of the detailed/assigned/reassigned personnel to the original or previous place of assignment within the period of prohibition.

hhhhh) **VAD** shall refer to Voters' Assistance Desk.

iiiii) **Visiting Foreign Media** shall refer to foreign media who are not based or who does not have a bureau/office in the Philippines and will only come to the Philippines for the purpose of covering elections.

jjjjj) **Voting Center** shall refer to the building or place where the polling place is located.

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[6] SECTION 5, REP. ACT NO. 8189.

GENERAL GUIDELINES AND OTHER RELATED RULES AND REGULATIONS FOR THE OCTOBER 30, 2023 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS (BSKE) AND ALL SUCCEEDING BSKEs THEREAFTER

Pursuant to the powers vested in it by the Constitution of the Republic of the Philippines, BP Blg. 881 (Omnibus Election Code), Republic Acts No. 8189[1], 9164[2], 9340[3], 10632[4], 10742[5], 10952[6], 10756[7], 11935[8] and other election laws, the Commission on Elections (Commission) hereby promulgates this General Guidelines and other related laws for the October 30, 2023 and succeeding Barangay and Sangguniang Kabataan Elections (BSKE) thereafter.

Article I

GENERAL PROVISIONS

SEC 1. ***Nature of the Barangay and Sangguniang Kabataan (SK) Elections.*** – The Barangay and SK Elections (BSKE) shall be non-partisan and conducted in an expeditious and inexpensive manner.

SEC. 2. ***Supervision and control of the Barangay and SK Elections.*** – The Commission shall have supervision and control over the conduct of the Barangay and Sangguniang Kabataan Elections (BSKE).

PART I
PRE-ELECTION ACTIVITIES

Article II

REGISTRATION

SEC. 3. ***Declaration of policy.*** – It is the policy of the Commission to:

1. Establish a clean, complete, permanent and updated list of voters through the mandatory taking of biometrics, which include photograph, fingerprints and signature, in the registration process; and

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[1] "THE VOTERS REGISTRATION ACT OF 1996."
[2] "AN ACT PROVIDING FOR SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING REPUBLIC ACT NO. 7160, AS AMENDED, OTHERWISE KNOWN AS THE "LOCAL GOVERNMENT CODE OF 1991", AND FOR OTHER PURPOSES."
[3] "AN ACT AMENDING REPUBLIC ACT NO. 9164, RESETTING THE BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AND FOR OTHER PURPOSES."
[4] "AN ACT TO POSTPONE THE SANGGUNIANG KABATAAN ELECTIONS ON OCTOBER 28, 2013, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9340, AND FOR OTHER PURPOSES."
[5] OTHERWISE KNOWN AS, "AN ACT ESTABLISHING REFORMS IN THE SANGGUNIANG KABATAAN CREATING ENABLING MECHANISMS FOR MEANINGFUL YOUTH PARTICIPATION IN NATION-BUILDING, AND FOR OTHER PURPOSES."
[6] "AN ACT POSTPONING THE OCTOBER 2017 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, AS AMENDED BY REPUBLIC ACT NO. 9340, REPUBLIC ACT NO. 10632, REPUBLIC ACT NO. 10656, AND REPUBLIC ACT NO. 10923, AND FOR OTHER PURPOSES"
[7] OTHERWISE KNOWN AS, "AN ACT RENDERING ELECTION SERVICE NON-COMPULSORY FOR PUBLIC SCHOOL TEACHERS, AUTHORIZING THE APPOINTMENT OF OTHER QUALIFIED CITIZENS, PROVIDING COMPENSATION AND OTHER BENEFITS"
[8] AN ACT POSTPONING THE DECEMBER 2022 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, AS AMENDED, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

2. Enhance voters' registration experience, promote gender equality, and provide a gender sensitive, convenient, credible and well managed registration system/process which is inclusive, participatory and non-discriminatory.

SEC. 4. ***Gender Sensitive Registration System/Process*** - The Election Officers (EOs) shall ensure full access to registration processes of women who care for small children and encourage the local government units through the local Gender and Development Focal Point System (GFPS) Office, to open their Day Care Centers during registration days, at no cost to the Commission.

In the encoding of demographics and taking of biometrics data, cultural practices and ethnic traditions in certain areas must be respected and taken into consideration, especially involving women registrants.

CHAPTER I
FILING OF APPLICATION

SEC. 5. ***Schedule and conduct of registration of voters*** – Applications for:

1. Registration, transfer of registration records within the Philippines, change/corrections of entries in the registration records, reactivation of registration records, inclusion of registration records and reinstatement of name in the list of voters, and transfer of registration records from foreign post to local; and,

2. Updating of records of Persons with Disabilities (PWDs), Senior Citizens (SC) and members of Indigenous Peoples' (IPs) or Indigenous Cultural Communities (ICCs) and other members of vulnerable sectors

shall be personally filed at the Office of the Election Officer (OEO) of the city/municipality where the applicant resides, from 8:00 AM to 5:00 PM from Mondays to Saturdays including Holidays, *except* when declared otherwise by the Commission.

The period for the conduct of the system of continuing registration of voters shall be fixed by the Commission *En Banc,* through the Chairperson, *provided*, that no registration shall be conducted starting one hundred twenty (120) days prior to the date before a regular election and ninety (90) days before a special election.

Online filing of application for reactivation; reactivation with transfer of registration within or with correction of entries; reactivation with transfer within and correction of entries; and reactivation with updating of records of SC's and PWD's pursuant to Resolution No. 10715 shall be continuously received by the OEO, through its official email address, until the deadline set by the Commission for the purpose.

When necessary, the Commission may adopt a modified registration work week schedule, adjust or suspend the registration period.

The EO, subject to the approval of the Provincial Election Supervisor (PES) and confirmation of the Regional Election Director (RED), may transfer the venue of registration to a more spacious venue, without cost to the Commission, to accommodate a significant number of applicants and to ensure compliance with standard health and safety protocols. The RED shall notify the Election and Barangay Affairs Department (EBAD) of the said transfer of registration venue within two (2) days from confirmation of the same. For NCR, Davao City, and Zamboanga City, the RED shall approve such transfer of registration venue, subject to the confirmation of the Executive Director (ED). Upon confirmation, the RED shall notify EBAD in writing of the same. Notice of transfer of registration venue shall be posted at the bulletin boards of the OEO and city/municipal

SEC. 6. ***Period of Filing, Posting, Hearing and Approval/Disapproval of applications.*** – All applications for registration shall be heard and processed on a quarterly basis. For this purpose, the Election Registration Board (ERB) shall meet and convene on the third Monday of April, July, October, and January of every calendar year, or on the next following working day if the designated days fall on a non-working holiday, except in an election year to conform with the one hundred twenty (120) days prohibitive period before election day, *unless* otherwise declared by the Commission.

The last day to post notice of hearing with list of applicants, last day to file opposition to applications, and specific date for the ERB hearing shall be indicated in the Minute Resolution or Memorandum to be issued by the Commission *En Banc*, through the Chairman. If the last day falls on a holiday or a non-working day, the same shall be done on the next working day.

SEC. 7. ***Last Day Registration Scenario*** **-** During the last of day of registration, the following procedures shall be observed:

a. If at 3:00 p.m., there are still persons waiting in line to file their applications for registration within a thirty-meter (30m) radius from the OEO, the Election Assistant (EA) shall, without delay, list down their names consecutively numbered;

b. These applicants shall be called by announcing each name repeatedly three (3) times in the order in which they were listed. Any applicant who is not present when his/her name is called shall no longer be allowed to file his/her application for registration/transfer/reactivation;

c. If the applicant is present when his/her name is called his/her application shall be processed and his/her biometrics data captured. The same shall continue, until all those listed shall have been processed. This procedure, shall be followed whether the EO has issued queuing numbers or any other similar systems; and

d. Any application filed where the applicant's biometrics data has not been captured as provided herein, shall be considered deemed not filed and should not be submitted to the ERB for hearing.

SEC. 8. ***Express Lane for PWDs, SCs and Pregnant Applicants.*** **–**The EO shall adopt a systematic procedure to speed up the registration process to minimize queuing and avoid inconvenience in the processing of applications.

During the registration, the EO shall provide an express lane for the exclusive use of the PWDs, SCs and Pregnant Applicants.

SEC. 9. ***Satellite Registration.*** – To ensure wider voter participation, the OEO shall conduct satellite registration of voters in each barangay within the city/municipality subject to the approval of the PES, or the RED, in case of NCR, Davao City, and Zamboanga City, in the following venues:

1. Barangay hall/center;
2. Public and private schools and universities;
3. Mall and commercial establishment; and
4. Other public and convenient places.

For this purpose, the OEO shall have the authority to facilitate and coordinate with the concerned barangay officials, university and school heads, establishment or mall owners/administrators, citizens arms and other election stakeholders for the

establishment of satellite registration of voters or the transfer of registration to a bigger venue to accommodate the influx of registrants.

In addition to the mandatory establishment of satellite registration, any interested party may request for the conduct of satellite registration, subject to the approval of the officials named herein. Accordingly, EOs shall assess, evaluate and recommend action on the said request subject to the following conditions:

a. The number of prospective applicants in the proposed venue shall not be less than Two Hundred (200);

b. Public or private buildings where satellite registration will be conducted shall not be owned, leased or occupied as residence by any incumbent city/municipal/barangay officials or of any person who is related to any city/municipal/barangay officials within the fourth civil degree of consanguinity or affinity, or leader of any political party, nor in any building or surrounding premises under the actual control of a political party or religious organization;

c. Written notices of the schedule and venue of satellite registration shall be posted in the bulletin boards of the OEO and the city/municipal/barangay halls;

d. Arrange with the local government unit through the DILG or with the requesting party for the transportation of Voter Registration Machines (VRMs), forms and supplies, and COMELEC personnel;

e. Ensure that the database is backed-up before conducting the satellite registration; and

f. There shall be no extra/additional cost to the Commission in the conduct of satellite registration.

SEC. 10. ***Special Satellite Registration*** - There shall be exclusive special satellite registration for:

1. Youth (*Katipunan ng Kabataan*);
2. Senior Citizens (SCs) or illiterate person;
3. Women;
4. Persons Deprived of Liberty (PDL);
5. Persons with Disability (PWDs); and
6. Members of Indigenous Peoples' (IPs), Indigenous Cultural Communities (ICCs) and other vulnerable sectors.

The EOs shall showcase the events of special satellite registration and conduct extensive and massive campaign to ensure wider voters' participation.

a. Upon approval of the PES, or the RED in case of NCR, Davao City, and Zamboanga City, of the special satellite registration for SCs, PWDs, Women, IPs/ICCs, and other vulnerable sectors, the EO shall coordinate with the concerned non-government organization/network empowering said sectors such as Organizations of Persons with Disabilities [OPDs], Persons with Disabilities Affairs Office [PDAO], Senior Citizens Affairs Offices, Organizations of Senior Citizens, Women, and Indigenous People Sector, or with the Indigenous Peoples Mandatory Representative [IPMR]) existing in their locality for the said activity.

b. For PDL, the special satellite registration in detention centers/jails shall be conducted in accordance with the following guidelines:

Number of Qualified Applicants	Number of Days
1 to 249	1
250 to 499	2
500 to 749	3
750 to 999	4
1,000 and above	5

For cities with two or more districts and the detention/jail/correctional facility is located in one (1) of the districts, all EOs in the said city may conduct satellite registration in the facility for PDL who are residents under their jurisdiction, subject to the conditions above-cited.

PDL who shall be eighteen years of age on election day and/or are committed inside the detention centers for at least six (6) months immediately preceding the election day may register as a voter.

For those who are already registered voters, they may apply for transfer of registration records as warranted by the circumstances.
In the conduct of the PDL satellite registration, the EO shall:

1. Before the scheduled PDL satellite registration:

a. Coordinate with the Jail Warden in the Provincial/City/Municipal Jail or other Correctional/Rehabilitation/Detention Centers to determine the approximate number of qualified PDL applicants and ensure maximum security of COMELEC personnel the VRMs and its peripherals;

b. Conduct ocular inspection on the proposed registration site within the premises of the Provincial/City/Municipal Jail or other Correctional/Rehabilitation/Detention Centers, taking into consideration the number of COMELEC personnel and the VRM to be installed; and,

c. Post written notice of the schedule of the satellite registration in the detention premises where said registration shall be conducted and in the bulletin board of the OEO.

2. During the satellite registration:

a. Adopt a system of processing the application to minimize queuing and speed up the registration process. Procedures in the reception of application and capturing of biometrics enumerated in these guidelines shall apply;

b. In case the satellite registration is more than one (1) day, the EO concerned shall not leave the VRM and its peripherals in the registration site/jail premises; and,

c. Subject to existing BJMP / BuCor, Provincial Jails policies, rules and regulations, watchers/representatives from political parties, citizens' arms and other civil societies shall be allowed to witness/ observe the proceedings.

In Sections 9 and 10 of this Article, the EO shall submit to the EBAD, through the Offices of the Provincial Election Supervisor (OPESs) and Offices of the Regional Election Director (OREDs), a monthly report on the approved satellite and/or special satellite registrations indicating the city/municipality, date of registration, venue, and number of applicants per application type, not later than the 5th day of the succeeding month. In case of special satellite registration, the report shall indicate the different vulnerable sectors covered by such special satellite registration.

Notice of schedule and venue of satellite registration shall be posted at the bulletin boards of the OEO and city/municipal hall, copy furnished the local representatives of citizens' arms and registered political parties.

The Vulnerable Sectors Office (VSO) of the Commission shall coordinate with the stakeholders for PWDs, SCs and IPs for the conduct of synchronized special registration day.

SEC. 11. ***Submission of report on registration output.*** **–** The OEOs shall submit to the EBAD, through their respective OPES and the ORED, a report on the registration output covering all types of applications received and processed during the day. If the registration is for a longer period, the report may be submitted on a monthly basis. If the period of registration is shorter, the submission of report may be done on a weekly or daily basis, or as may be required by the Commission, through the EBAD. The said daily report shall be submitted to EBAD **not later than 8:00 a.m.** of the next day using a standard format to be provided by the said Department for purposes of comprehensiveness and uniformity.

SEC. 12. ***Procedure in case of defective VRM and/or its peripherals.***- In case the VRM and/or its peripherals become defective during the registration period, application for registration, transfer of registration records, change/correction of entries in the registration records, reactivation of registration records, inclusion of registration records/reinstatement of name in the list of voters, and transfer from foreign post to local shall be received **but shall not be processed**.

The EO through the PES, upon certification by the Computer Maintenance Technologist(CMT), shall inform immediately the Information Technology Department (ITD) and EBAD that the VRM and/or its peripherals are defective. Pending the repair of the VRM and/or its peripheral, the ITD shall issue a replacement.

Once the VRM and/or its peripherals are functional/replaced, the EO shall immediately notify in writing the concerned applicants for the taking/capturing of their biometrics data**. If the applicant fails to return despite notice in writing, his/her application shall be considered incomplete and deemed not filed and shall not be submitted to the Board for ERB hearing**. The list of applicants who failed to return for biometrics data capturing shall beposted five (5) days after the ERB hearing in the bulletin boards of the OEO and city/municipality hall.

SEC. 13. ***Who may register.*** – Any Filipino citizen who is not yet a registered voter may apply for registration provided he/she possesses the following qualifications:

A. For Barangay and Sangguniang Kabataan Elections:

A. 1. Barangay Elections:

1. At least eighteen (18) years of age on or before the day of the Barangay Elections;
2. A resident of the Philippines for at least one (1) year, and in the place wherein he/ she proposes to vote, for at least six (6) months immediately preceding the Barangay Elections; and,
3. Not otherwise disqualified by law.

A. 2. Sangguniang Kabataan Elections:

1. At least fifteen (15) but not more than thirty (30) years of age on the day of the SK Elections and residing in the barangay for at least six (6) months immediately preceding the SK Elections;
2. Not otherwise disqualified by law.

First time registrants who will register during the resumption of the system of registration of voters and who are eighteen (18) but not more than thirty (30) years old, shall be automatically included in the list of voters for the Katipunan ng Kabataan (KK).

SEC. 14. *Who are disqualified to register*. - The following are disqualified to register as a voter:

a. Any person who has been sentenced by final judgment to suffer imprisonment for not less than one (1) year, such disability not having been removed by plenary pardon or amnesty;

b. Any person who has been adjudged by final judgment by a competent court or tribunal of having committed any crime involving disloyalty to the duly-constituted government, such as, rebellion, sedition, violation of the firearms laws, or any crime against national security unless restored to his/her full civil and political rights in accordance with law; and

c. Insane or incompetent person as declared by competent authority unless subsequently declared by proper authority that such person is no longer insane or incompetent.

Any person disqualified to register under paragraphs (a) and (b) above shall automatically reacquire the right to vote upon expiration of five (5) years after service of sentence.

SEC. 15. *Forms.* - The following forms shall be available at the OEO, **FREE OF CHARGE**:

a. Annex "A" - Revised CEF-1-A – Application form;
b. Annex "B" - Supplementary Data Form;
c. Annex "C" - Certification for Registration of Applicant whose name is not found in the Local Voter's Registration Database (LVRD), Printed Lists of Voters (PLVs), Printed Lists of Deactivated Voters (PLDVs);
d. Annex "D" - Affidavit under Oath of the Voter's Identification; and
e. Annex "E" – Application for transfer from Post to local (OVF 1 – B).

These application forms may also be downloaded from the COMELEC Website, ***www.comelec.gov.ph***, to be printed in a long bond paper (preferably *substance* ***20/70 gsm***), after which the applicant shall manually fill-out the same in three (3) copies.

For overseas voters applying for transfer of registration record from abroad to the Philippines, one (1) copy of OVF 1-B shall be accomplished.

The applicant may also access the **Online Application Form** (OAF) from the COMELEC Website, electronically fill-out the appropriate form. Such form shall be printed in a long bond paper *(preferably substance 20/70 gsm)*, in three (3) copies for submission to the EO.

SEC. 16. - ***Procedure for filing of applications for registration*** –The applicant shall:

A. Personally appear before the EO, state his/her name and exact address, specifying the house number, name of the street, area, district, purok or sitio, and *barangay* where he/she resides, or a brief description of his/her residence, *email address, if any*, and present any of the following identification documents that bear applicant's photograph and signature:

1. National ID under the Philippine Identification System (PhilSys);
2. Employee's identification card (ID), with the signature of the employer or authorized representative;
3. Postal ID;
4. National PWD ID Card;
5. Student's ID or library card, signed by the school authority;
6. Senior Citizen's ID;
7. Driver's license;
8. NBI clearance;
9. Passport;
10. SSS/GSIS ID;
11. Integrated Bar of the Philippine (IBP) ID;
12. License issued by the Professional Regulatory Commission (PRC);
13. Certificate of Confirmation issued by the National Commission on Indigenous Peoples (NCIP) in case of members of ICCs or IPs;
14. *Barangay Identification/Certification with photo and signature of the voter and the Barangay Chairman or his/her duly authorized signatory;* and
15 Any other valid ID.

In the absence of any of the above-mentioned identification documents, the applicant may be identified *under oath* by any registered voter of the precinct where he/she intends to be registered, or by any of his/her relatives within the fourth civil degree of consanguinity or affinity. No registered voter or relative shall be allowed to identify more than three (3) applicants.

Community Tax Certificates (*cedula*) and PNP clearance shall not be honored as valid identification documents for purposes of registration.

If the applicant fails to establish his/her identity by any of the aforementioned methods/documents, he/she shall not be issued an application form, nor shall his/her pre-accomplished application form be accepted.

B. Conduct brief interview or searching inquiries to the applicant/s as to the following information:

1. Name, age, address, period of residence;
2. Previous registration, if any; and
3. Voting in previous elections, what year and where.

C. Upon establishing the identity of the applicant, the EO shall verify the name of the applicant from the LVRD, in the PLVs, PLDVs, or in the National Registry of Overseas Voters (NROV) in case the applicant is a registered overseas voter.

If found in the LVRD/PLVs, no application form shall be issued or the pre-accomplished application form shall not be accepted and the applicant shall be advised that he/she is already a registered voter in the said city/district/municipality.

If the applicant intends to transfer his/her registration records to another barangay within the city/district/municipality, the applicant shall be issued

application form or his/her pre-accomplished form shall be accepted and the EO shall ensure that the applicant shall check the correct text box (*application for transfer of registration records within the same city/district/municipality*) in the accomplished application form.

In case the applicant is found to have deactivated registration records in the LVRD/ PLDVs, he/she shall be advised to apply for reactivation of registration records.

If the applicant's record is found in the NROV, the applicant shall be required to fill-out OVF 1-B in addition to the Revised CEF 1-a and the EO shall ensure that the applicant check the correct text box (application for transfer from another city/district/municipality).

D. If the name of the applicant is not found in the LVRD/PLVs/PLDVs/NROV, the EO shall perform the following:

1. Determine the applicant's type of application;

2. If for registration, determine from the applicant if he/she is already a registered voter in another city/district/municipality;

3. If registered in another city/district/municipality, advice the applicant to apply for transfer of registration records in accordance with Section 21 of these guidelines;

4. If not registered in another city/district/municipality, the applicant shall be issued an application form or his/her pre-accomplished application form shall be accepted and the EO shall ensure that the applicant check the appropriate text box (*type of application*) in the accomplished application form.

   In all cases, the EO shall make public announcement of the legal consequences and effects in cases of voters found to have double/multiple registration records.

5. Using a *barangay* precinct map, verify whether or not the address given by the applicant is located within the city/municipality. If the applicant is not a resident, the EO shall advise the applicant to proceed to the OEO of the city/municipality where he/she resides.

6. If the address given is within the city/municipality, the EO shall:

   a. Inform the applicant of the qualifications and disqualifications prescribed by law for a voter;

   b. Determine the precinct where the applicant belongs by referring to the *barangay* precinct map. The applicant shall be assigned temporarily to the mother precinct comprising his/her residence;

   c. Indicate the temporary precinct assignment of the applicant at the upper right-hand portion of the application form;

   d. The precinct assignment shall be finalized after the approval of the application. Daughter precinct(s) shall be created to accommodate approved applications in excess of the 200-voter per precinct limit; and

e. In case of boundary dispute, the EO shall maintain the *status quo.*

7. Issue the prescribed application form to the applicant in three (3) copies, unless the applicant has brought his/her printed and duly accomplished application form downloaded from the COMELEC Website.

8. Upon receipt of the application form, the applicant shall personally accomplish the same separately in his/her own handwriting and submit the accomplished application form to the EO. **TITLES SUCH AS DATU, SULTAN, HADJI, BAI AND OTHER TITLES SHALL NOT BE ALLOWED TO BE INCLUDED AS PART OF THE NAME OF THE APPLICANT**

   For an illegitimate person whose certificate of live birth does not include a middle name, the character "__" (underscore) shall be used for the middle name during the encoding of the data of the applicant.

   In case the applicant does not know his/her birth date with certainty, and the EO can reasonably ascertain that the applicant is of voting age through his/her physical features, and other relevant indicators such as year in college and number of children, the EO shall ask the applicant to supply a date of birth to the best of his/her knowledge. The EO shall then write the words "Section 16 (D) (8) case" on top of the date of birth or anywhere on the form. In addition, the EO shall record in his/her logbook the list of names of applicants who supplied their date of birth, in accordance with this provision.

   However, if the EO cannot ascertain the applicant's age and the applicant does not supply his/her birth date, his/her application form shall be deemed incomplete and shall not be accepted.

9. Once the application form has been accomplished, the applicant shall return the same to the EO.

   If the applicant has a duly accomplished application form, it shall be signed and thumbmarked in the presence of the EO. In case the applicant has already affixed his/her signature and imprinted his/her thumbmark in the accomplished application form, the applicant shall confirm the same by affixing his/her signature and thumbmark at the back portion of the application form in the presence of the EO.

10. After ensuring that the application form has been filled-out correctly, completely and legibly, the EO shall write down the Application Form Number, return the form to the applicant and direct him/her to the VRM Operator.

The Application Form Number shall consist of four parts, as follows:

First Part	-	Two (2) digit province code
Second Part	-	Two (2) digit district/city/municipal code
Third Part	-	Two (2) digit VRM Number which is 30 (default)
Fourth Part	-	Seven (7) digit control code which shall start with the number following the last application form number assigned during the

immediately preceding registration period.

11. The VRM Operator, using the Voter Registration System (VRS) shall:

    c. Select *Applicants Registry -> Register Applicants*;
    d. Type the Application Number and press Enter button;
    e. Select *Registration* in the Registration Type drop-down menu;
    f. Encode demographics information and capture the biometrics data of the applicant;
    g. Show the encoded demographics to the applicant and confirm from him/her if all the details therein are complete and accurate; and
    h. Save the record.

    Thereafter, the VRM Operator shall affix his/her initial below the space provided for the EO's name and direct the applicant to submit his/her application to the EO.

12. Upon receipt of the application, the EO shall:

    a. Administer the oath;

    If applicant refuses to take the oath the application shall not be accepted and deemed not filed.

    b. Affix his/her signature in the appropriate space of the form;

    c. Retain the three (3) copies; and,

    d. Cut the bottom portion of one copy of the application form, indicate the date of ERB hearing and give it to the applicant to serve as Acknowledgment Receipt and proof of filing.

Nothing from these guidelines or other existing laws shall prevent the Commission En Banc to issue separate guidelines, adopting a different manner of registration and transfer of registration records, as it may deem proper, such as the conduct of the Register Anywhere Project or other analogous mode of registration.

SEC. 17. *Procedures for reception of Applicants.* – The EO shall observe the pertinent provisions and procedures, as follows:

> ***"SEC. 3. Reception and verification of applications in the Regular Database and National Lists of SK Voters-*** *During the reception of the applications of registrants turning 18 years old on election day, the OEO shall perform the following procedures:*
>
> ***3.1 Conduct brief interview or searching inquiries as to the following information:***
>
> *3.1.1. Name, age, address, period of residence;*
> *3.1.2. Previous application for registration as SK voter; and*
> *3.1.3. Voting in the previous elections.*

3.2 Verification in the Regular Database Before Acceptance of Application:

3.2.1. If name of the applicant is found in the regular database, the application shall not be accepted and processed. The applicant shall be advised that he/she need not apply anew and that his/her SK registration record is already extracted to the regular data base.

3.2.1.1. If the application was inadvertently accepted and processed, as when the applicant's demographic data were encoded and biometrics data were captured, the EO shall submit the application to the ERB for approval/disapproval and perform the procedure provided under Section 4.2, hereof,

3.2.2. If the name of the applicant is not found in the regular data base, accept and process the application, subject to the procedures provided in Section3.3 and4.1hereof,

3.3. Verification in the National Lists of SK Voters NLSKV 15 to 17 years old" before ERB hearing.

3.3.1. The EO shall generate the list of applicants turning 18 years old in the VRS and submit ***on a weekly basis,*** *either by personal delivery or electronic mail (official/alternate email addresses), to the concerned Office of the Provincial Election Supervisor (OPES) and concerned Office of the Regional Election Director (ORED)for the conduct of verification in the NLSKV using the Automated Verification System (AVS).*

For this purpose, the Information Technology Department shall provide all OPESs and all OREDs with the Voters 'NLSKV's database subject to the policy of the Commission implementing the Data Privacy Law;

3.2.2. All AVS verification results/ findings shall be communicated immediately by the OPES/ORED to the concerned OEO, by personal delivery or

electronic mail (official/alternate email addresses) ***not later than seven (7)days from receipt of the lists; and***

3.2.3. AVS results/findings shall be annotated in the duly accomplished application form and submitted to the ERB for consideration.

SEC. 4. Procedures to be Observed During ERB Hearing. *The following procedures shall be observed for accepted applications of applicants turning 18years old, during ERB hearing:*

4.1 If the name of the applicant is not found in the regular database and NLSKV, the application shall be treated as ***NEW*** *and shall be submitted to the ERB for approval/disapproval;*

4.2. For inadvertently accepted application under 3.2.1.1 hereof, it shall be submitted to the ERB for approval;/disapproval. Once disapproved, the newly stored demographics and biometrics data shall be deleted from the applicants' database in the VRS;

4.3 If the AVS verification revealed that:

4.3.1. The applicant is a registered SK voter in another district/city/municipality, the application shall be treated as ***TRANSFER*** *and will undergo the procedures of ERB approval/disapproval;*

4.3.2. The applicant used her "married or maiden surname" and found out later in her previous registration record that she used her "maiden or married surname" vice versa, the application shall be treated as follows:

4.3.2.1. TRANSFER WITH CORRECTION OF ENTRY, if the record is registered in another district/city/ municipality or in the same district/city/municipality but in a different barangay;

4.3.2.3. CORRECTION OF ENTRIES if the previous record is

registered in same barangay of the city/municipality/district.

*4.3.3. In case of approval of application, **NOTICE** of **APPROVAL** shall be sent to the OEO of the voter's old residence within five (5)days from approval, either by registered mail or electronic mail(using OEOs official email address),with the instruction to permanently delete the record as transfer to another district/city/municipality in the SKS database. If the record is not yet extracted or if already extracted to the regular database, delete the record in the VRS as transfer to another district/city/municipality."*

SEC. 18. ***Accomplishment of application forms for PWDs and SCs or illiterate person or member of ICCs/IPs.*** –Any PWD and SC or illiterate person or member of ICCs/IPs may be assisted by the EO in the preparation of his/her application form or by any member of an accredited citizen's arm or a relative within the fourth civil degree of consanguinity or affinity, or if he/she has none, by any person of his/her confidence who belongs to the same household.

The EO shall place the PWD and SC or illiterate person or member of ICCs/IPs under oath, after which the assistor shall ask relevant questions and record the answers given in order to properly accomplish the application form.

Once the application form is accomplished, it shall be given to the EO who shall read the accomplished form aloud to the PWD and SC or illiterate person or member of ICCs/IPs and ask him/her if the information given is true and correct.

The applicant shall, in the presence of the EO affix his/her thumbmark or some other customary mark on the duly accomplished form. If already signed or contained his/her thumbmark, the rule in Section 16(D)(9) shall apply.

The Assistor shall then accomplish in three (3) copies the Supplementary Data Form which shall be attached to the accomplished application form.

SEC. 19. ***Biometrics capturing for voters who are illiterate, with amputated fingers or those suffering from paralysis.*** - An illiterate applicant who is unable to sign shall be required to affix on the signature pad any mark such as, but not limited to: circle, line or star. This fact shall be indicated by the EO in the application form.

In case the applicant's thumb and/or forefinger is amputated or paralyzed and he/she is unable to stretch the thumb and forefinger, any finger can be used for fingerprint scanning.

If one or both hands are totally amputated, the VRM Operator shall check the box for amputated in the VRS.

SEC. 20. ***Procedure for filing of application for transfer of registration records from another city/district/ municipality and from foreign post to city/municipality other than original place of registration.*** - Any registered voter who has transferred residence to another city/district/municipality, at least six (6) months immediately preceding the elections may apply for transfer of his/her registration record

by personally appearing before the EO of his/her new residence and by accomplishing the prescribed application form. The EO shall ensure that the applicant check the box corresponding to the appropriate type of application (*Application for Transfer)*.

A. The EO shall verify the applicant's name from the LVRD/PLV/PLDV/NROV.

1. **If applicant's name is found in the LVRD/PLV/PLDV/NROV:**

The EO shall inform the applicant that he/she is already a registered voter in the said city/district/municipality. In case of deactivated registration records, the applicant shall be advised to apply for reactivation of his/her registration records. The EO shall ensure that the applicant shall check the box corresponding to the appropriate type of application.

2. **If applicant's name is not found in LVRD/PLV/PLDV/NROV:**

a. The EO shall require the applicant to show proof of his/her registration. He/she may present his/her Voter ID, or a Certification from the EO of his/her former place of registration, or a Certification from the National Central File/OFOV. Upon presentation of any document herein mentioned, the EO shall issue the application form. A facsimile/photocopy of said proof shall be attached to the application.

b. In the absence of proof that the applicant is a registered voter, the EO shall advise the applicant to file an application for registration. The EO shall thereafter issue the prescribed application form to the applicant, who shall accomplish said form in accordance with Section 17 hereof. In addition, the applicant shall be issued one (1) copy of a Certification stating that he/she intended to apply for transfer but instead, was advised to apply for new registration.

c. A registered voter who applies for transfer of registration record shall surrender his/her Voter ID if one has been issued to him/her, to the EO of the city/municipality where he/she presently resides.

B. The EO and VRM Operator shall then perform the applicable procedures in the processing of applications stated in Section 17 hereof.

Using the VRS, the VRM Operator shall:

1. Select *Applicants Registry -> Register Applicants*;
2. Type the Application Number and press Enter button;
3. Select *Transfer from other city/district/municipality* from *Registration Type* drop-down menu;
4. Encode demographics information and capture the biometrics data of the applicant;
5. Show the encoded demographics to the applicant and confirm from him/her if all the details therein are complete and accurate; and
6. Save the record.

He/she shall then affix his/her initial below the space provided for the EO's signatures in Part 2 of the application form.

Application for transfer of registration records from another city/district/municipality/foreign post shall be subject to notice, hearing and action of the ERB.

C. Once the application is approved, **NOTICE OF APPROVAL** shall be sent within five (5) days thereof, without need of a copy of the approved application for transfer, to the EO of origin, ***by registered mail or through the official e-mail account of the OEO.***

Notice of Approval shall bear the *e-signature or original specimen signature* by the Chairperson of the ERB and shall indicate the following:

1. Full-name;
2. Birth date;
3. Place of birth;
4. Old and current address;
5. Precinct assignment; and
6. City/district/municipality/barangay.

D. For application for transfer from post to local city/municipality/district **other than the original place of registration**, the EO shall, after approval of the ERB, submit a Notice of Approval of all approved transfer to the OFOV and to the OEO of the place of original registration not later than **five (5) days** from the conclusion of the ERB Hearing either through official email or registered mail.

The EO shall verify with the OFOV or the EO of original place of registration on the receipt of such email or mail transmittal. The OFOV and EO of the place of original registration shall issue and send confirmation receipt of notice of approval.

E. The EO of the place of original registration or OFOV shall within five (5) days upon receipt of the said Notice:

1. Delete the name of the voter from the database; and
2. Remove the voter's registration records (VRRs) from the corresponding precinct book of voters and send to the OEO of the applicant's new residence.

THE DELETION FROM THE DATABASE AND REMOVAL OF THE VRR FROM THE BOOK OF VOTERS BY THE EO OF ORIGIN SHALL NOT REQUIRE ERB APPROVAL.

SEC. 21. ***Procedure for filing of application for transfer of registration records within the same city/district/municipality due to change of address.*** – Any registered voter who has changed his/her address in the same city/district/municipality may apply for transfer of his/her registration record to the precinct book of voters of his/her new precinct by accomplishing the prescribed application form. The EO shall ensure that the applicant check the box corresponding to the appropriate type of application (*Application for Transfer*).

A. The EO shall verify from the LVRD the record of the applicant. If the name is included in the database, the voter shall be directed to proceed to the VRM Operator.

1. If the record has complete biometrics data, the VRM operator shall, using the old application form number:

a. Select *Voter Registry -> Search Voter*

b. Type the last name, or first name and/or maternal name in the space provided and then click *SEARCH* button;
c. Select the record of the applicant in the list and tick the checkbox for TRANSFER from the displayed application type then click *Process* button;
d. Edit the address and precinct number; and
e. Save the record.

2. If the record has no biometrics data or with incomplete biometrics data, the VRM operator shall, using the old application form number:

a. Select *Voter Registry -> Search Voter*
b. Type the last name, or first name and/or maternal name in the space provided and click *SEARCH* button;
c. Select the record of the applicant in the list and tick the checkbox for TRANSFER from the displayed application type then click *Process* button;
d. Edit the address and precinct number;
e. Show the edited address and precinct number to the applicant and confirm from him/her if all the details therein are complete and accurate;
f. Capture the biometrics data of the applicant; and
g. Save the record.

Once the process is completed, the EO and VRM Operator shall then perform the applicable procedures in the processing of applications stated in Section 17 hereof.

3. After the ERB approval, the EO shall consolidate/merge the updated/corrected data. Correspondingly, the ERB, through the EO, shall detach the VRR from the former precinct book of voters and place the same in the precinct book of voters of his/her new precinct assignment. This provision shall not apply for book of voters covered by a pending case or under precautionary protection order issued by Presidential Electoral Tribunal/ Senate Electoral Tribunal/House of Representative Electoral Tribunal.

SEC. 22. ***Application for Reinstatement of records due to transfer from foreign post to the same local city/municipality/district.*** **–** The applicant shall file an Application for Reinstatement of registration records in the prescribed form in the city/municipality/district of his/her original place of registration.

Once approved by the ERB, the OEO shall reinstate the VRR from the **ARCHIVE FILES** and restore the same in the Voter Registration Database following the technical procedure below:

The VRM Operator shall, using the old application form number:

1. Select *Voter Registry -> Search Voter*;
2. Put check mark in the Show Inactive Records check box.
3. Type the last name and/or first name and/or maternal name in the space provided and click SEARCH button;
4. Select the record of the applicant and tick the checkbox for REINSTATEMENT-OV from the displayed application type then click *Process* button; and
5. Save the record.

SEC. 23. ***Procedure for filing of applications for reactivation.*** **–** Any registered voter whose registration has been deactivated pursuant to the grounds

enumerated in Section 27 of Republic Act No. 8189[9] may apply for reactivation of his/her registration records either through:

1. Online filing, reception and processing of applications for reactivation, reactivation with correction of entries, reactivation with transfer within the same city/municipality/district and reactivation with transfer within and correction of entries pursuant to the procedures in Resolution No. 10715[10];

2. Personal filing by accomplishing in three (3) copies of the prescribed application form. The EO shall ensure that the applicant check the box corresponding to the appropriate type of application (*Application for Reactivation*).

A. The EO shall verify if the name of the applicant is in the LVRD/PLDVs. If his/her name is in the said LVRD/PLDVs with a deactivated status, he/she shall be instructed to proceed to the VRM Operator.

1. <u>If the record has complete biometrics data</u>, the VRM operator shall, using the old application form number:

   a. Select *Voter Registry -> Search Voter*;
   b. Put check mark in the *Show Inactive Records* check box.
   c. Type the last name and/or first name and/or maternal name in the space provided and click SEARCH button;
   d. Select the record of the applicant and tick the checkbox for REACTIVATION from the displayed application type then click *Process* button; and
   e. Save the record.

2. <u>If the record has no biometrics data or with incomplete biometrics data</u>, the VRM operator shall, using the old application form number:

   a. Select *Voter Registry -> Search Voter*;
   b. Put check mark in the Show Inactive Records check box.
   c. Type the last name and/or first name and/or maternal name in the space provided and click SEARCH button;
   d. Select the record of the applicant and tick the checkbox for REACTIVATION from the displayed application type then click *Process* button;
   e. Proceed to the Biometric window, capture the biometrics information; and
   f. Save the record.

Once the process is completed, the EO and VRM Operator shall then perform the applicable procedures in the processing of application stated in Section 17 hereof.

After the ERB approval, the EO shall consolidate/merge the updated data.

SEC. 24. *Procedure for filing of applications for change of name by reason of marriage, or court order or order by the Civil Registrar or Consul General.* – [A] Any registered voter whose name has been changed by reason of marriage or court order or by order of the Civil Registrar or Consul General may file an application for change of name by personally accomplishing three (3) copies of the prescribed

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17 "AN ACT PROVIDING FOR A GENERAL REGISTRATION OF VOTERS, ADOPTING A SYSTEM OF CONTINUING REGISTRATION, PRESCRIBING THE PROCEDURES THEREOF AND AUTHORIZING THE APPROPRIATION OF FUNDS THEREOF.'

10 "RULES ON [1] ONLINE FILING, RECEPTION, AND PROCESSING OF APPLICATIONS FOR REACTIVATION, REACTIVATION WITH CORRECTION OF ENTRIES, REACTIVATION WITH TRANSFER WITHIN THE SAME CITY/MUNICIPALITY/DISTRICT, AND REACTIVATION WITH TRANSFER WITHIN AND CORRECTION OF ENTRIES, AND VIRTUAL VERIFICATION OF THE IDENTITY OF THE APPLICANTS; AND [2] ALTERNATIVE PROCEDURES ON THE FILING OF SAID APPLICATIONS BY SENIOR CITIZENS, PERSONS WITH DISABILITIES AND PERSONS DEPRIVED OF LIBERTY."

application form. The EO shall ensure that the applicant check the box corresponding to the appropriate type of application *(Application for Correction of Entries).*

In support of the application, the applicant shall submit any original/certified true copy of the following:

a. Certification by the solemnizing officer;

b. Marriage contract or court order with certificate of finality;

c. Order by the Civil Registrar or Consul General, as the case may be.

[B] This may also be availed of in cases where:

1. The marriage of a female registered voter has been annulled or declared void by competent court. The applicant shall attach a certified true copy of the Court's final ORDER/DECISION, annulling the marriage or declaring the marriage a nullity; OR

2. A female registered voter requests for reversion to her maiden name in lieu of husband's surname without changing the civil status pursuant to Article 370 of the Civil Code of the Philippines. Presentation of original and submission of photocopy of court order or marriage contract with annotation is not required. In this case, presentation of original copy and submission of photocopy of Certificate of Live Birth will suffice.

   In both instances, the female registered voter may also request for change of signature as provided herein.

The EO shall verify the record of the applicant in the database. If his/her name is in the database, he/she shall be instructed to proceed to the VRM Operator.

The VRM Operator shall, using the old application form number:

1. Select *Voter Registry -> Search Voter*;
2. Type the last name and/or first name and/or maternal name in the space provided and then click SEARCH button;
3. Select the record of the applicant, tick the checkbox for CORRECTION OF ENTRIES from the displayed application type then click *Process* button;
4. Edit the entries for correction;
5. Show the edited entries to the applicant and confirm from him/her if all the details therein are complete and accurate;
6. Capture the biometrics data of the applicant if there is no or incomplete biometrics; and,
7. Save the record.

Once the process is completed, the EO and VRM Operator shall then perform the applicable procedures in the processing of application stated in Section 17 hereof.

After the ERB approval, the EO shall consolidate/merge the updated data.

SEC. 25*. Approved applications for Certification with the Office for Overseas Voting (OFOV).* - The OFOV shall provide the OEOs, through their respective ORED and OPES, with a copy of Notice/s and lists of approved applications for Certification as overseas voters within five (5) days every after the conclusion of every Resident Election Registration Board (RERB) hearing.

Once the notice is received, the OEO shall place the voter/s in the **INACTIVE FILES** in the VRS, **without the need of ERB approval**.

The EO shall perform the following technical procedure to place the approved overseas voters in the ARCHIVE FILES in the VRS, as follows.

The VRM Operator shall, using the old application form number:

1. Select *Voter Registry -> Search Voter*;
2. Type the last name and/or first name and/or maternal name in the space provided and then click SEARCH button;
3. Select the record of the applicant, click the *Edit Record* button to display the registration record.
4. Scroll down the registration page, and from the bottom portion of the screen, select APPLIED FOR CERTIFICATION AS OV from drop-down menu then click *Delete/Deactivate* button to display the warning message;
5. Click DEACTIVATE button to proceed and input the password of the current user for authorization of the process then click OK to display the confirmation message;

SEC. 26. ***Procedure for filing of applications for correction of entry/entries in the registration records.*** – A registered voter whose registration record in the precinct book of voters or certified list of voters contains erroneous entries, including wrong or misspelled name, birth date, birth place or typographical errors, may request for its correction. In support thereof, he/she shall attach thereto the court order or an order of the Civil Registrar, or any other evidence warranted under the circumstances.

The registered voter shall file an application for correction of entry/entries in the registration record by personally accomplishing three (3) copies of the prescribed application form. The EO shall ensure that the applicant check the box corresponding to the appropriate type of application.

The EO shall verify in his/her LVRD the record of the applicant, using the VRS program. The EO shall use the old application form number of the applicant and direct the applicant to the VRM Operator.

Using the VRS, the VRM Operator shall:

1. Select *Voter Registry -> Search Voter*;
2. Type the last name and/or first name and/or maternal name in the space provided and then click SEARCH button;
3. Select the record of the applicant, tick the checkbox for CORRECTION OF ENTRIES from the displayed application type then click *Process* button;
4. Edit the entries for correction;
5. Show the edited entries to the applicant and confirm from him/her if all the details therein are complete and accurate;
6. Capture the biometrics data of the applicant, if there is no or incomplete biometrics; and
7. Save the record.

Once the process is completed, the EO and VRM Operator shall then perform the applicable procedures in the processing of application stated in Section 16 hereof.

After the ERB approval, the EO shall consolidate/merge the updated data.

SEC. 27. ***Procedure for filing of multiple applications.*** – Any applicant for transfer of registration with reactivation and change of status/correction of entry shall accomplish the prescribed form. The EO shall ensure that the applicant check the boxes corresponding to the appropriate types of application.

SEC. 28. ***Procedure for filing of applications for reinstatement of registered voter whose name has been omitted in the list of voters.*** – Any registered voter whose name has not been included or has been omitted in the precinct certified list of voters in the immediately preceding elections, may file an application for reinstatement. For this purpose, he/she shall personally accomplish in three (3) copies the prescribed application form. The EO shall ensure that the applicant check the box corresponding to the appropriate type of application (*Application for Change/Correction of Entries/ and Inclusion/Reinstatement of Record in the List of Voters/Book of Voters*).

The EO shall verify whether the name of the applicant is found in the LVRD. If the result is in the affirmative, the EO shall immediately report the incident to the EBAD and ITD for technical assessment.

In the event that applicant's name is not found in the database, despite the fact that he/she has a VRR in the precinct book of voters, he/she shall be directed to the VRM operator who shall encode his/her demographics using the entries in his/her VRR and thereafter capture his/her biometrics in accordance with Section 16 D [11] hereof.

After ERB approval, the EO shall consolidate/merge the data.

If it is denied or not acted upon, the applicant may file not later than the date specified by the Commission *En Banc* with the proper Municipal Circuit, Municipal or Metropolitan Trial Court a petition for an order directing that his/her name be entered in the list. He/she shall attach to the petition, a certified copy of his/her registration record or identification card or the entry of his/her name in the certified list of voters used in the preceding election, together with proof that his/her application was denied or not acted upon by the ERB and that he/she has served notice to the ERB.

SEC. 29. ***Procedure for filing of applications for inclusion of registration record not included in the precinct book of voters***. – Any registered voter whose registration record has not been included in the precinct book of voters may file with the Board an application for inclusion of his/her record. For this purpose, he/she shall personally accomplish in three (3) copies the prescribed application form. The EO shall ensure that the applicant check the box corresponding to the appropriate type of application (*Application for Change/Correction of Entries/ and Inclusion/Reinstatement of Record in the List of Voters/Book of Voters*).

The EO shall verify whether the applicant's name is found in the database. If the result is in the affirmative, the EO shall coordinate and check with the OPES or the National Central File-ERSD whether said voter has an existing VRR. If there is, the EO shall request for a copy.

Upon approval of the Board, the requested copy shall be marked as **"RECONSTITUTED"**.

If it is denied or not acted upon by the ERB the voter may file with the proper Municipal or Metropolitan Trial Court, at any time except one hundred five (105) days prior to a regular election or seventy-five (75) days prior to a special election, a petition for an order directing that the voter's registration record be included in the precinct book of voters.

The voter shall attach to the petition a certified true copy of his/her registration record or identification card or the entry of his/her name in the list of voters used in the preceding election, together with proof that his/her application was denied or not acted upon by the ERB and that he/she has served notice thereof to the ERB.

SEC. 30. ***Procedure for the Updating and Recapturing of corrupted biometrics data in the VRS.*** - During the period of registration, the EO shall verify the completeness of the voters' demographics and biometrics data in the database.

For registration records with blank field/s, the EO shall:

a. Generate the list of registration record with blank field/s, *i.e. application type, registration date, etc.*, in the VRS;

b. Request for access code from the ITD, through EBAD, to allow editing in the VRS.

c. Access the voter demographics data in the VRS, edit and fill- out the mandatory blank fields using as primary reference the approved VRRs.

   In case of lost or destroyed VRRs, request for reconstitution of the copies (*printed or digital*) of VRRs shall be made in the concerned OPES. In the absence of such copy, request shall be made to the ERSD pursuant to the procedures in Section 31 hereof.

For registration records with incomplete *(photograph, fingerprint, and signature)* or no biometrics in the database, the EO shall observe the following procedures:

1. Generate the list of voters with incomplete and no biometrics data in the database prior to the conduct of the resumption of the system of continuing registration of voters;

   For registration records with incomplete biometrics, indicate the lacking biometrics information subject for recapturing;

2. Verify with ITD if the corrupted biometrics data is available in the Central Database. If available, the ITD shall provide the EO with the biometrics data of the affected voter/s. If not available, proceed to the next step.

3. Serve notice, either by personal service or email to the concerned registered voters to personally appear in the OEO on the date specified in the notice;

4. In case of non-appearance, serve FINAL NOTICE to the voter to appear with warning that failure to appear on the said schedule, his/her registration records will be submitted to the ERB for deactivation for failure to validate pursuant to Section 7 of R.A. No. 10367[11]; and

5. In case the applicant personally appears at the OEO and found that the photo in the voter's registration record belongs to a different person, the EO shall make the necessary request with supporting documents to the ITD through EBAD,[12]. Upon approval, the affected voter shall be notified to appear before the OEO to have his biometrics taken during registration period. The VRM Operator, using the old application form number, shall perform the procedure below:

   1. Select *Voter Registry -> Search Voter*;
   2. Type the last name and/or first name and/or maternal name in the space provided and then click SEARCH button;

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[11] "AN ACT PROVIDING FOR MANDATORY BIOMETRICS VOTER REGISTRATION."
[12] Pursuant to Minute Resolution No. 14-0597dated August 19, 2014"IN THE MATTER OF THE UPDATING OF BIOMETRICS DATA IN THE VOTER REGISTRATION SYSTEM (VRS)."

3. Select the record of the applicant, tick the checkbox for CORRECTION OF BIOMETRICS from the displayed application type then click *Process* button;
4. Capture the biometrics of the applicant; and
5. Save the record.

6. The updating or recapturing of the biometrics data shall be made during the conduct of the resumption of the system of continuing registration of voters in accordance with the requirements.

SEC. 31*. Reconstitution of lost or damaged VRRs in case of calamity and force majeure*. - The EO shall immediately request for reconstitution of VRRs to the Commission *En Banc*, through the ERSD for approval. In support of the request, the EO shall submit a narrative report detailing the fact of loss/damage of the VRRs.

Once approved, the OEOs concerned shall observe the following procedure:

1. **<u>For Damaged (partial/total) VRRs with serviceable VRMs</u>**

   a) Coordinate with the OPES for the reproduction of the available copies of VRRs. In the absence of OPES file, request shall be made to the ERSD for the VRRs stored in the central file;

   b) In case of the unavailability of VRRs in the OPES and Central File, generate and print Voters' Certifications (VCs) using the Voter Registration System (VRS);

   c) Print the word "**RECONSTITUTED**" in the upper right top portion of the reproduced VRRs or printed VCs indicating the date of the reconstitution with the EO's signature;

   d) Compile the reproduced VRRs or printed VCs in the precinct book of voters, if available. In the absence of precinct book of voters, the same shall be filed in a folder properly marked as "Precinct Book of Voters"; and

   e) Submit status reports to ERSD and EBAD.

2. **<u>For Damaged (partial/total) VRRs with unserviceable VRMs</u>**

   a) Coordinate with the OPES for the reproduction of available copies of VRRs. In the absence of OPES file, request shall be made to the ERSD for the VRRs stored in the central file;

   b) In case of the unavailability of VRRs in the OPES and Central File, request shall be made to the ITD for the back-up copy of the database used in the immediately preceding elections;

   c) Coordinate with the nearest OEOs, with the assistance of the CMT for the generation and printing of VCs in the VRS;

   d) Print the word "**RECONSTITUTED**" in the upper right top portion of the reproduced VRRs or printed VCs indicating the date of the reconstitution and signed by the EO; and

   e) Proceed with the procedures stated in No. 1, paragraphs (d) and (e).

In order to guide the concerned OEOs in the performance of the aforementioned procedures, EBAD will promptly provide them with a copy of Projects of Precincts (POPs) as their reference.

SEC. 32. ***Applicants' Database*** - The EO shall submit to ITD a ***Monthly/Weekly Backup*** of the applicants' database (*C:|COMELEC|NEW|created backup for applicants*) on or before the 3rd day of the succeeding month/week during the registration period.

SEC. 33. ***Challenges to the right to register.*** - Any person applying for registration may be challenged in writing and under oath during the reception of the application or before the ERB by any voter or representative of a registered political party in accordance with the schedule provided in Section 6 hereof. The challenge shall be attached to the application form together with the proof of notice of hearing to the applicant.

SEC. 34. ***Authority of EO to administer oath and issue summons***. – The EO or in his/her absence, the EA acting as EO, shall administer oath, issue subpoena *duces tecum,* summons and swear in witnesses for purposes of registration. No fees shall be charged for the administration of the oath.

Fees and expenses incidental to the issuance and service of summons shall be collected, subject to audit rules and regulations of the Commission, as follows:

Issuance of Summon/s	P100.00 per respondent applicant voter.
Service of Summon/s	P50.00 (for first 4 kilometers) P10.00 (for succeeding kilometers)

Service of summons shall be made as follows:

a. Personal service - By handing a copy of the opposition to the respondent in person. If the respondent refused to receive and sign for it, by leaving the summons within the view and in the presence of the respondent.

b. Substituted Service - If the respondent cannot be served personally after at least three (3) attempts on two (2) different dates, service may be affected:

   i. By leaving copies of the summons at the challenged applicant's/voter's residence to a person at least eighteen (18) years of age and of sufficient discretion residing therein;

   ii. By leaving copies of the summons, at the applicant's/voter's office or regular place of business with some competent person in charge thereof. A competent person includes, but not limited to, one who customarily receives correspondences for the challenged applicant/voter;

   iii. By leaving copies of the summons, if refused entry upon making his/her authority and purpose known, with any of the officers of the homeowners' association or condominium corporation, or its chief security officer in charge of the community or the building where the challenged applicant/voter may be found; and

   iv. By sending an electronic mail to the challenged applicant's/voter's electronic mail address, as reflected in the filled-out application forms. *(A.M. No. 19-10-20-SC 2019, entitled "The 2019 Proposed*

Amendments to the 1997 Rules of Civil Procedure, which took effect on May 1, 2020")

CHAPTER II
VERIFICATION OF APPLICANTS' NAMES IN THE NATIONAL LIST OF REGISTERED VOTERS (NLRVs)

SEC. 35. *Submission of Lists of Applicants.* - The EOs or in his/her absence, the EAs shall:

1. Within **three (3) days** after the end of weekly reception of applications, **generate, download and submit** to the OREDs in case of National Capital Region, Zamboanga City and Davao City and the OPESs, the:

    a) Lists of applicants using the following procedures:

        i. From the VRS, click *REPORTS* module;
        ii. From the *List of Applicants* menu, select "*List of Applicants - Complete*";
        iii. Input covered period for verification and click *GENERATE* button to continue;

    b) Extract database containing names, dates of birth, places of registration and types of applications using the following procedures:

        i. In the VRS, click *UTILITIES* menu and select "*Extract Applicants Verification*";
        ii. Select "*NLRV*" database and input the date range of extraction for verification of records;
        iii. Click *EXTRACT* button to continue the process;
        iv. Wait for the successful message to be displayed;
        v. Extracted file will be in a comma-separated values (CSV) format and automatically be saved into the default path. The OEOs have an option to transfer into the external drive or save into the CDs for submission to ORED/OPES for verification; and

        vi. Email the file using the Official COMELEC account to the OPES email address for verification in the NLRV.

2. Facilitate the timely and secured submission of the lists of applicants and extracted database (*hard drive/CDs*) to the OREDs/OPESs, thru:

    a) Email using Official COMELEC account to the ORED/OPES email address for verification in the NLRV in areas with internet capability; and/or

    b) Personal delivery of external drive or CDs in areas without internet capability or in far flung municipalities.

3. After receipt of the verified list of applicants with annotation (*external drive or CDs or through email*) from the OREDs/OPES, the following procedures shall be observed:

a) Print the verified list of applicants (*PDF format*) and cause the posting of the name of applicant/s with finding/s in the OEOs bulletin boards;

b) Annotate in the affected application forms the finding/s;

c) Send, before the scheduled ERB hearing, individual notice/s to the affected applicants and indicate the finding/s in the notice/s and advise him/her to appear before the ERB for the purpose of selecting the correct type of application; and

d) Submit all applications to the ERB for approval/disapproval.

SEC. 36. *Verification of Applicants' Names in the NLRV.* - The RED and/or Assistant Regional Election Director (ARED) in NCR; REDs and AREDs exercising direct supervision over Zamboanga City and Davao City, and the PESs shall:

1. Take custody of and access to the NLRV Database.

2. Upon receipt of the lists of applicants transmitted through File Transfer Protocol (FTP) or stored in the *hard drive / CDs / email from Official COMELEC account,* conduct matching verification of the applicants records in the NLRV Database.

3. In the NLRV database matching verification, the following procedures shall be observed:

    a. Insert the medium device or emailed file submitted by the EOs;

    b. Launch the *Applicants Verification System (AVS);*

    c. Multi factor authentication screen will be displayed;

    d. Input USERID and PASSWORD for initial validation and subsequently place the registered fingerprint of the **REDs/AREDs/PESs/EAs** into the fingerprint scanner for authentication;

        i. Applicants Verification System screen will be displayed, click *FILE* menu to display *SEARCH* window;

        ii. Locate the extracted file to be loaded and click *IMPORT* button to display content of the uploaded file;

        iii. After the successful importing of data, click the *VERIFY* button, wait for the successful message to prompt;

        iv. Click *PRINT* button to generate applicants matching results; and

        v. The RED (NCR, IX & XI) / PES has an option to print or export the generated matching report.

4. Transmit the verified applicants' list to the OEOs either through their official COMELEC email account or by personal delivery of the hard drive or CDs, and ensure that the same will be received by the OEOs not later than five (5) days before the scheduled ERB Hearing.

CHAPTER III
ELECTION REGISTRATION BOARD ACTION

SEC. 37. *Election Registration Board (ERB).* - There shall be in each city and municipality as many ERB as there are EOs therein. In densely populated cities/municipalities, the Commission may appoint additional EOs for such duration as may be necessary. The ERB shall be composed of the EO as Chairperson and as Members, the public school official most senior in rank and the local civil registrar, or in his/her absence, the city or municipal treasurer.

SEC. 38. *Substitution.* - In case of absence, disqualification or incapacity for any cause of the Chairperson, the Commission, through the PES, shall designate an Acting Election Officer (AEO) to serve as administering officer for registration purposes, and as Chairman of the ERB, subject to confirmation by the RED. For NCR, Davao City and Zamboanga City, the RED shall designate the as substitute, subject to the confirmation of the Executive Director (ED).

In case of absence, disqualification or incapacity for any cause of the Local Civil Registrar (LCR) or the Municipal Treasurer or public school officials most senior in rank, the Commission, through the PES, shall designate a substitute any appointive civil service official from the same locality, or the next most senior in rank, as far as the public school official is concerned, subject to confirmation by the RED. For NCR and Zamboanga City, the RED shall designate the substitute, subject to the confirmation of the ED.

SEC. 39. *Disqualification.* - No member of the ERB shall be related to each other or to any incumbent city or municipality elective official within the fourth civil degree of consanguinity or affinity.

A verified petition for disqualification may be filed against any member of the ERB not later than ten (10) days from date of the first day of board hearing to the PES and in case of NCR, Davao City and Zamboanga City to the RED. The petition must be accompanied by proof of service to the challenged ERB member. Absence of proof of service is a ground for outright dismissal.

The challenged member may file his/her answer within three (3) days from the receipt of the copy of the petition. With or without the answer, the PES/RED must resolve the petition not later than three (3) days from scheduled hearing of ERB.

No petition for disqualification shall be entertained in the succeeding quarterly ERB hearings, unless there is substitution of members or supervening event that would re-open the issue on qualification. The same periods shall be observed for subsequent petitions for disqualification.

SEC. 40. *Schedule of Hearing and Compensation.* - All applications for registration shall be heard and processed on the schedule provided under Section 6 hereof. Should one day be insufficient to act on all applications, the ERB shall meet until all applications shall have been processed but in no case shall exceed five (5) days.

Unless the Commission provides otherwise, each member of the ERB shall be entitled to an honorarium, to wit:

Number of Applications	Number of day(s) of ERB Hearing	Honorarium
Less than 1,000	One (1)	P 1,000.00
1,000 up to 2,000	Two (2)	P 1,500.00

2,001 up to 3,000	Three (3)	P 2,000.00
3,001 to 4,000	Four (4)	P 2,500.00
Above 4,000	Five (5)	P 3,000.00

The Finance Services Department (FSD) shall ensure that all the non-Comelec members of the ERB shall be paid their respective honoraria within five (5) working days from receipt of the Minutes of the ERB Hearing and submission of pertinent bank details. FSD shall notify in writing the concerned REDs and PESs of the downloaded honorarium of all non-COMELEC ERB Members in their area of responsibility. The EO, in turn, shall have the concomitant duty to inform his/her members that the honorarium was already downloaded to their accounts.

SEC. 41. ***Notice of hearing of applications.*** - Upon receipt of the applications, the EO shall immediately set them for hearing. Notice of hearing with attached list of applicants shall be posted in the bulletin boards of the OEO and in the city/municipality hall in accordance with the schedule provided in Section 6 hereof, furnishing copies thereof to the members of the ERB, heads or representatives of registered political parties and other accredited groups or organization in the city/municipality.

Each applicant will be notified of the date of the ERB hearing of his/her application by indicating the same in the Acknowledgement Receipt, with information that he/she need not appear unless required by the ERB to do so. On the date of the hearing, the EO shall receive such evidence for or against the applicant.

SEC. 42. ***List of Applicants.*** - The EO, prior to the scheduled Board hearing, shall prepare a list of applicants indicating therein the names, addresses of the applicants and type of applications. The List of Applicants shall be posted in the bulletin board of the OEO together with the Notice of Hearing. **Non-compliance with the posting of notice of hearing with list of applicants shall be considered as election offense.**[13]

SEC. 43. ***Watchers.*** - Every registered party and such organizations as may be authorized by the Commission shall be entitled to a watcher during the reception of the applications and in every ERB hearing.

SEC. 44. ***Procedures for Processing Applications.*** **-**

a. **Preliminaries.** The ERB shall meet at the OEO at the date and time indicated in the notice.

Before the hearing begins, the EO as Chairperson shall:

1. Let the members and others present log their names on the attendance sheet;
2. Call the proceedings to order;
3. Request counsels, if any, to enter their appearances; and
4. Determine if there is a quorum. If there is none, the EO shall adjourn and reset the hearing.

b. **Rules to be observed during the hearing.** The proceedings shall be summary. No dilatory tactics or scheme that will delay the proceedings shall be countenanced by the ERB. All arguments made by parties or counsels during the proceedings shall be noted in the Minutes.

Rules to be observed:

[13] Section 45 of Republic Act 8189.

1. **New Registration.** The ERB shall ascertain if the applicant possesses all the qualifications and none of the disqualifications under the law.

2. **Transfer of Registration Records**. The ERB shall determine if the applicant has actually transferred residence to the city, municipality where he/she filed his/her application.

3. **Change of Address in the Same City or Municipality**. If the change of address involves a change in precinct, the ERB shall transfer his/her registration record to the precinct book of voters of his/her new precinct and notify the voter of his/her new precinct.

4. **Correction of Entry/Change of Status**. The ERB shall consider the affidavit and the attached document(s) in support thereto.

5. **Reactivation of Registration.** The ERB shall determine the grounds for which the voter's registration record was deactivated and that said grounds no longer exist.

6. **Reinstatement of records due to transfer from foreign post to same local city/municipality/district.** The ERB shall ascertain that the applicant's name is included in the NROV and that he/she is transferring his/her registration record back to the original place of registration.

c. **Hearing proper -** The hearing proper shall proceed as follows:

1. The Chairperson shall present to the other members of the ERB all applications that are not seasonably objected or without negative findings in the NLRV verification. The ERB shall examine each application and if it finds the application in order, by majority vote shall approve the applications. Otherwise, the application shall be set aside for later consideration;

2. The Chairperson shall then submit to the other members the findings of the ORED/OPES NLRV verification of the names of applicants.

   If the applicant is present, the Chairperson shall appraise the applicant of the finding/s and advise him/her to select/choose the correct type of application in the registration form, if he/she desires.

   If the applicant unjustly refuses to select/choose the correct type of application, such refusal shall be the basis for the disapproval of the application.

   In case the applicant failed to appear during the hearing despite notice, the non-appearance of the applicant shall be construed as waiver of his/her right and consider as ground for the disapproval of the application.

   In the event there is a need to change the type of application/s in the VRS, the Chairperson /EO shall make request for the change of application in the VRS to the ITD, through EBAD.

3. The Chairperson shall next submit to the ERB all applications that are objected/opposed, together with the evidence received in connection therewith:

    a. The Chairperson shall announce the name of the first applicant whose application for registration is objected/opposed and verify if the applicant is physically present and request him/her to stand up and approach the ERB;

    b. The applicant shall be informed of his/her right to rebut or refute the evidence presented and asked if he/she intends to do so;

    c. Allow said applicant to present his/her evidence unless the same has already been filed;

    d. Oppositors/counsel are not allowed to cross-examine the applicants after presenting his/her evidence. However, the ERB may propound clarificatory questions;

    e. Proceed to the next application following the same procedure; and

    f. The ERB shall continue processing the applications previously set aside by taking into consideration the material defects in the processing of the applications.

d. **Approval or Disapproval of Applications.** After processing all the applications with objections/oppositions, the ERB shall, by majority vote, approve or disapprove the applications based on the documents/pleadings submitted.

Actions taken by the ERB need not be declared immediately during the hearing. In case of disapproval, the applicant shall be furnished with a certificate of disapproval stating the ground(s) therefor.

After the termination of the proceedings, the ERB shall put a corresponding check (✓) on the appropriate box provided in Part 3 of the application form, indicate the date of approval/disapproval and affix their signatures in the space provided therein. If the ERB disapproves the application, the reason thereof shall be indicated in the application.

e. **Preparation of the Minutes of Proceedings.** After every meeting, the ERB shall prepare the Minutes of the Proceedings which shall include, among others, the following:

1. Number of all applications submitted to the ERB for consideration;

2. Number of applications with objections/oppositions;

3. List of applicants whose applications for registration/transfer (within and from outside)/deactivation/correction of entries/ change of name/reactivation/inclusion/reinstatement of record, were approved or disapproved by the ERB indicating the application number opposite their names; and

4. Brief narration of the proceedings of the ERB.

f. **Distribution of the Minutes of Proceedings**. The EO shall, within five (5) days from the last day of hearing of the ERB, distribute copies of the Minutes to the following:

1. One (1) copy to the OPES;

2. One (1) copy each to the representatives of the Dominant Majority Party and the Dominant Minority Party;

3. One (1) copy shall be posted in the bulletin board of his/her Office;

4. One (1) copy shall be submitted to Office of the Deputy Executive Director for Operations (ODEDO) as basis for payment of honorarium;

5. One (1) copy in CD form shall be submitted to the Registration Division of EBAD with the required attachments; and

6. File copy for the EO.

Failure to comply with the foregoing requirements shall constitute a ground for disciplinary action/s and withholding of benefits granted by the Commission.

SEC. 45. ***Implementation of court inclusion order.*** – The ERB, through the EO, shall implement Court Inclusion/Exclusion Orders that have become final and executory.

The EO shall immediately submit a report on the implementation of court inclusion order/s by the ERB to EBAD for the issuance of access code by ITD for inclusion of the name of the voter/s in the voter's registration database.

SEC. 46. ***Abatement of double/multiple registration records.*** **–** All registration records found to be double/multiple based on the Automated Fingerprint Identification System (AFIS) results, shall be submitted to the ERB for abatement in the database and be manually crossed-out in the lists of voters.

SEC. 47. ***Deactivation of Registration.*** – a) The deactivation of voter registration records shall be made based on the following grounds, to wit:

a) Those who have been sentenced by final judgment to suffer imprisonment of not less than one (1) year, such disability not having been removed by plenary pardon or amnesty. Provided, that any such person shall automatically reacquire the right to vote upon the expiration of five (5) years after service of sentence as certified by the clerk of court of the Municipal/Municipal Circuit /Metropolitan/ Regional Trial Courts or the Sandiganbayan;

b) Those who have been adjudged by final judgment of a competent court or tribunal of having committed any crime involving disloyalty to the duly constituted government, such as rebellion, sedition, violation of the firearms laws, or any crime against national security unless restored to their full civil and political rights in accordance with law; Provided, that such person shall automatically regain his right to vote upon the expiration of five (5) years after service of sentence;

c) Those declared by competent authority to be insane or incompetent;

d) Those who failed to vote in the two (2) successive preceding regular elections as shown in their voting records. For this purpose, regular elections do not include the Sangguniang Kabataan (SK) elections;

e) Those ordered excluded from the list of voters by the court;

f) Those who have lost their Filipino citizenship.

For this purpose, the clerk of court shall furnish the EO concerned at the end of each month a certified list of persons with their addresses, who have lost their Filipino citizenship; were declared insane/incompetent; have been sentenced by final judgment to suffer imprisonment of not less than one (1) year, or have committed a crime involving disloyalty to the duly constituted government; and

g) Failure to Validate or with incomplete biometrics data pursuant to Republic Act No. 10367.

Deactivation of registration records based on paragraph (d) above shall not be done during the last ERB Hearing. For this purpose, all OEOs are directed to ensure that all registered voters who failed to vote in the two (2) successive preceding regular elections shall be deactivated accordingly by the ERB prior the last ERB hearing to avoid disenfranchisement.

After the voter's registration record has been deactivated, the ERB shall remove the same from the corresponding precinct book of voters. Properly marked and dated in indelible ink, place the same in the inactive file after entering therein the cause/s of deactivation.

SEC. 48. ***Cancellation of registration records.***– The ERB shall cancel the registration records of those who have died based on the following documents:

a. Certified list submitted by the LCR pursuant to Section 29, Republic Act 8189;

b. Sworn declaration of next of kin who have personal knowledge of the death and identity of the deceased; and

c. National List of Deceased Persons per Voting Age to be provided by the Philippine Statistics Authority (PSA), duly verified by EBAD and ITD in the central database.

Before the ERB hearing, the EO shall post in the bulletin boards of his/her Office and in the city/municipal hall the aforementioned lists, furnishing copies thereof to the local heads of registered political parties; the surviving spouse, if married; father or mother, if single; or if he/she has none, the nearest kin.

SEC. 49. ***Publication of action on the application.***– Within five (5) days from approval or disapproval of applications, the ERB shall post notices in the bulletin boards of the OEO and city/municipal hall, stating the names and addresses of the applicants, the dates of the applications and the actions taken thereon. The EO shall serve a copy of the notice either personally or by registered mail or special delivery, to the local heads or representatives of registered political parties in the city/municipality.

CHAPTER IV
UPDATING OF RECORDS OF SKs, PWDs, SCs AND MEMBERS ICCs/IPs

SEC. 50. ***Updating the records of PWDs and SCs and members of ICCs/IPs***. - PWDs and SCs who are already registered but have not indicated the type of their disability, or who may have developed or manifested such disability after having been registered, may update their registration records.

Members of the indigenous communities who have previously registered but have not indicated the name of the IP community to which he/she belongs shall be allowed to update his/her registration records.

The updating of the registration records shall be in accordance with the following procedure:

a. The PWD/SC/member of ICC/IP voters shall personally appear before the OEO/satellite registration office. PWD/ SC voters applying for the updating of their records shall likewise be accommodated in the express lane;

b. The EO shall conduct an interview on the personal circumstances in order to establish the identity of the PWD/ SC/member of ICC/IP voters. He/she shall be required to present any of the identification documents enumerated in Section 16 hereof;

c. Once the identity is established, the PWD/ SC /member of ICC/IP voters shall accomplish the Supplementary Data Form (Annex "B"). PWDs/ SCs shall indicate the type of disability, assistance needed during election day and willingness to vote in the precincts assigned in accessible polling places (APP), while the members of ICC/IP shall indicate his/her tribe or community and submit the accomplished form to the EO.

d. The PWD/SC /member of ICC/IP voters shall be instructed to affix his/her signature in the logbook.

SEC. 51. ***Extraction of records of PWDs, SCs and ICC/IP in the database.*** The records of registered PWDs, SCs and members of ICC/IP who have accomplished the Supplementary Data Form **(Annex "B")** and manifested their intent to vote in the APP shall be tagged in the VRS in a quarterly basis. Final extraction of their records from their original precinct and assignment in the special precinct referred to in the preceding section shall be made after the last Board hearing prior to the scheduled elections.

SEC. 52. ***Withdrawal of intent to vote in APP***. – PWDs, SCs and ICC/IP who have previously manifested their intent to vote in an APP and whose records have been transferred to the special precincts, may revert to their regular precincts, unless the same has reached the maximum number of voters. In such cases, he/she shall be included in another precinct comprising/covering the same territorial jurisdiction. For this purpose, he/she shall update again his/her registration record using the Supplementary Data Form **(Annex "B")** during the period of filling of applications for registration.

CHAPTER V
SEGREGATION, CUSTODY AND BACK-UP OF DATABASE

SEC. 53. ***Segregation, custody and back-up of database in compact discs.***

a. On a daily basis, the EO shall:

1. Gather all accomplished application forms;

2. Back-up the captured data in CDs through the VRM Operator. **Failure to perform the back-up procedure shall be a ground for administrative disciplinary action.**

3. Arrange all accomplished forms alphabetically by surname per barangay and by precinct;

4. Generate a list of those who applied for registration or transfer of registration for the day, and other applications using the VRS Program. Said list shall be posted in the bulletin boards of the OEO and the city/municipality hall;

5. Record in the logbook any untoward incident and the action taken as well as important occurrences and incidents during the registration days; and

6. Store the application forms, CDs and supplies in a safe and secure place. CDs that are not yet full or not have been finalized shall be used in the succeeding registration days.

b. At the end of the registration period (quarterly), the EO shall:

1. Generate Statistical Report on the number of applicants per application type;

2. Submit to the ERB all applications received including the list of applicants and Statistical Report for action;

3. Once approved by the Election Registration Board (ERB), the OEO shall:

   a. Scan the voter registration record (VRR) of the voter; and

   b. Transmit simultaneously the scanned/electronic copy to their respective Office of the Provincial Election Supervisor (OPES) and the Election Records and Statistics Department (ERSD) Central File through Safe File Transfer Protocol (SFTP) within ten (10) days after the conclusion of the ERB Hearing.

   All disapproved applications shall remain in the custody of the EO.

4. Finalize CD and back-up file *APPLICANTS_COVERED_PERIOD.sql* and delete the records of all disapproved applications. The back-up of the *APPLICANTS_COVERED_PERIOD.sql* shall contain only records approved by the ERB;

5. Execute the CONSOLIDATION function in the VRM which will extract records of all approved applications filed during the registration period; and

6. Submit the CDs containing the extracted records (*ITD-VOTERS-COVERED_PERIOD.SQL,* SKS_BACKUP-DATE CREATED THE BACKUP.SQL) to ITD, through the authorized courier service of the Commission, within five (5) days after the ERB hearing.

7. On the last scheduled ERB Hearing submit the full or final backup for the VOTERS, SK and POP databases.

CHAPTER VI
POST-REGISTRATION PROCEDURES

SEC. 54. ***Assignment of Precinct Number*** – In the assignment of precincts the following guidelines shall be observed:

A. Katipunan ng Kabataan:

1. SK Precincts established in the immediately preceding SK Elections shall be maintained; and,

2. Newly approved SK applicants shall be assigned in the established SK precincts of their place of registration. Spin-off precincts shall be created if the numbers of SK voters exceed the maximum of two hundred (200) voters per precinct.

B. Regular Voters:

1. PWDs, SCs, IPs established special precincts in APP during the May 9, 2022 National and Local Elections shall be maintained.

2. For other regular voters, the assignment of precinct shall be in accordance with Section 16 (D6) of these guidelines.

SEC. 55. ***Submission of Quarterly Progress Report (QPR) and POPs***. – The EO shall submit to EBAD soft copy of the Quarterly Progress Report (QPR) within ten (10) days after the conclusion of the quarterly ERB hearing and POP (*regular voters*) after the last quarter ERB hearing, through the fastest means available. Voters' Database shall be submitted to the ITD within the same period of ten (10) days from the last quarter ERB hearing prior to the scheduled elections.

SEC. 56. ***Compilation of VRRs***. – The original copies of the newly approved applications shall be compiled in the Book of Voters.

SEC. 57. ***Petition for Inclusion of Voters in the List.*** – Any person whose application for registration has been disapproved by the ERB or whose name has been stricken out from the list may file with the court a petition to include his/her name in the permanent list of voters in his/her precinct at any time but not later than one hundred five (105) days prior to a regular election or seventy-five (75) days prior to a special election. It shall be supported by a certificate of disapproval of his/her application and proof of service of notice of his/her petition upon the ERB. The petition shall be decided within fifteen (15) days after its filing.

If the decision is for the inclusion of the voters' name in the permanent list of voters, the ERB shall place the application for registration previously disapproved in the corresponding book of voters and indicate in the application for registration the date of the order of inclusion and the court which issued the same.

SEC. 58. ***Petition for Exclusion of Voters from the List.*** – Any registered voter, representative of a political party or the EO, may file with the court a sworn petition for the exclusion of a voter from the permanent list of voters giving the name, address and the precinct of the challenged voter at any time but not later than one hundred (100) days prior to a regular election or sixty-five (65) days before a special election. The petition shall be accompanied by proof of notice to the ERB and to the challenged voter and shall be decided within ten (10) days from its filing.

If the decision is for the exclusion of the voter's name from the list, the ERB shall upon receipt of the final decision remove the voter's registration record from the corresponding book of voters, enter the order of exclusion therein and place the record in the inactive file.

SEC. 59. *ERB Certification of the Lists of Voters.* –The ERB shall post notice of its meeting for the Certification of the Lists of Voters, which shall be made five (5) days prior to the scheduled posting referred to in Section 61 hereof, in the bulletin boards of the OEO and in at least two (2) conspicuous places of the city/municipal hall.

For purposes of signing the Election Day Computerized Voters Lists (EDCVLs) and Posted Computerized Voters Lists (PCVLs) in coordination with the Commission on Elections accredited citizens arm, the ERB shall convene for the conduct of verification and certification of the said lists of voters. Each member of the ERB shall be paid an honorarium based on the number of pages.

The meeting/s of the ERBs shall be held in accordance with the following schedule:

Number of Pages (Combined EDCVL and PCVL)	Number of Days
5,000 or less	1
5,001 to 10,000	2
10,001 to 15,000	3
15,001 and above	4

SEC. 60. *Posting of the certified and final list of voters.* -The ERB shall post the certified and final list of voters in the bulletin board of the OEO ninety (90) days before the election or on the date fixed by the Commission.

SEC. 61. *Mobilization/transportation allowance.* -The FSD shall facilitate the immediate release of the OEOs registration/mobilization/transportation allowance during the registration of voters including the conduct of mandatory satellite registration of voters as provided in Section 9 (A) hereof, in accordance with the existing policy of the Commission, subject to the auditing rules and regulation of the Commission on Audit.

SEC. 62. *Role of the Regional Election Directors (REDs) and Assistant Regional Election Directors (AREDs) and Provincial Election Supervisors (PESs).* – The REDs, AREDs and PESs shall ensure timely compliance of the EOs submission of all the required reports and shall be held directly responsible and accountable for non-compliance within the period herein provided.

SEC. 63. *Generation and printing of the EDCVLs and PCVLs.* –For purposes of the conduct the BSKE,

a) The Information Technology Department shall:

1. Prepare and generate the soft copy (pdf format) of the nationwide PCVLs by precinct stored in compact disk; and

2. Provide, FREE of CHARGE, copy of the PCVLs to accredited Citizens Arms, Civic Organization and Non-Governmental Organizations.

b) The OEOs shall:

1. Generate and print the EDCVLs and PCVLs. Except for printing, EDCVL and PCVL reports can be generated only ***ONCE*** in the VRS;

2. Provide, FREE OF CHARGE, soft copy of the PCVLs to the accredited citizens' arm only;

3. Set the date and time for the ERB meeting and shall send Notices of the same to the other Members of the ERB, Electoral Boards (EBs), accredited citizens' arm, or such other organizations accredited by the Commission for

this purpose.

In the absence of local chapter of the accredited citizens' arm or organizations accredited by the Commission, notice/s shall be served to the representatives of civic organization and non-governmental organizations; and

4. Post in the bulletin boards of the city/municipal hall and in the OEO the notice of ERB meeting and printed copy of the PCVLs.

SEC. 64. *Accredited Citizens' Arms, Civic Organization and Non-Governmental Organizations.* – The Accredited Citizens' Arms, Civic Organization and Non-Governmental Organizations shall use exclusively the PCVLs for comparison with the EDCVLs during the conduct of the verification and certification. They may reproduce and cascade the PCVLs to their respective chapters or affiliates existing in the cities/municipalities and districts.

SEC. 65. *Verification procedure.* – The following procedure shall be observed during the verification of the EDCVLs and PCVLs:

1. The names of voters listed in the EDCVL and PCVL shall be verified, using as reference, the VRS database and soft copy of PCVL in the custody of local representative/s of the accredited citizens' arms or Civic Organization and Non-governmental organizations;

2. In the event that discrepancy/ies is/are noted, the matter shall be reflected in the ERB Minutes and a written report shall be submitted to the ODEDO, through the EBAD. EBAD and ODEDO shall prepare the corresponding recommendation/s to the Commission *En Banc*;

3. Manual cross-outs and manual inclusions of names of voters in the EDCVLs and PCVLs shall be affected pursuant to the policy adopted by the Commission En Banc relative to the conduct of Manual Cross Out of Names in the Lists of Voters.

4. Data Privacy Policies shall, at all times, be observed to protect the sensitive personal information of voters contained in the list of voters. As such, taking of photographs, video recordings, and other methods/means of similar import, which takes images or recordings of any part of the list of voters, are strictly prohibited.

5. The suspension and resumption of the meeting for the purpose of EDCVL verification and certification shall be recorded in the Minutes.

6. Representatives of civic organizations, non-governmental organizations, political parties, and other stakeholders may be allowed to observe and witness the proceedings. However, during the conduct of verification and certification, the strict observance of basic health and safety protocols is a must. Therefore, the EO may limit presence within the venue to necessary parties to ensure that the minimum one (1) meter physical distancing will be practiced. Other interested parties may be allowed viewing from outside the venue.

   For this purpose, the Commission authorizes the PES, subject to the confirmation of the REDs, to approve requests by EOs to transfer to a bigger venue for the ERB meeting to accommodate a significant number of participants and observers and to ensure strict compliance with basic health and safety protocols.

   For the National Capital Region (NCR), Davao City, and Zamboanga City,

the REDs exercising direct supervision shall approve the request. All requests for transfer shall be at no cost to the Commission.

SEC. 66. *Certification procedure.* – The following procedure shall be observed during the certification of the EDCVLs and PCVLs:

1. After the conduct of verification, the ERB members and representative/s of the accredited Citizens Arms or Civic Organization and Non-governmental organizations shall affix their initials at the bottom of every page and signatures in the last page of the EDCVL and PCVL per established precinct; and

2. In the absence of the representative/s of the accredited Citizens' Arms, any representative/s from civic organization and non-governmental organizations shall certify in the EDCVLs and PCVLs.

SEC. 67. *Posting of PCVLs.* – The ERB Chairperson shall cause the posting of the certified PCVLs in the bulletin boards of the city/municipal/district halls and OEOs not later than the date specified in the Calendar of Activities for the conduct of the BSKE.

SEC. 68. *Procedure on the conduct of manual cross-out of names.* - The following are the grounds for the conduct of manual cross-out of names of registered voters in the EDCVLs and the PCVLs:

1. Approved transfer of registration records to another district/city or municipality as stated in the Notices of Approval. - ***"TRANSFERRED TO _____"*** shall be annotated above the crossed-out name and indicating therein the district/city/municipality where the voter has transferred followed by the date of annotation and signature of the EO;

2. Verified and confirmed double/multiple registration records based in the AFIS matching. - ***"ABATED DUE TO DOUBLE/MULTIPLE REGISTRANT AS PER AFIS"*** shall be annotated above the crossed-out name followed by the date of the annotation and signature of the EO;

3. Included in the Certified List of Deceased Registered Voters from the Local Civil Registrar, or National List of Deceased Persons per Voting Age provided by the PSA or based on the Sworn Affidavit of next of kin of the deceased voters who have personal knowledge of the death of the voters. - **"DECEASED AS PER CERTIFIED LIST FROM LCR/SWORN AFFIDAVIT OF NEXT OF KIN"** shall be annotated above the crossed-out name, followed by the date of annotation and signature of the EO;

4. Excluded by Court Orders with Certificate of Finality issued by the Metropolitan/Municipal Trial/ Circuit Courts or by the Regional Trial Courts in case of appeal pursuant to Sec. 35 of Republic Act No. 8189 and indicate on the top of the crossed – out name the annotation "***EXCLUDED PER COURT ORDER ISSUED BY MTC/MCTC/RTC BRANCH _____"*** followed by the date of annotation and signature of the EO.

5. Approved application for certification as overseas voter with name included in the National Registry of Overseas Voters (NROV). ***"APPROVED OVERSEAS VOTER IN _____"*** shall be annotated above the crossed-out name followed by the date of the annotation and signature of the EO.

SEC. 69. *Manual inclusion of voters.* – The manual inclusion of the names of voters in the EDCVLs and PCVLs shall be allowed in the following instances based on the following grounds:

1. Final and executory decisions/ orders of courts in inclusion cases;

2. Registration records which were erroneously deleted due to death; and

3. Abated as double/multiple registration records based on AFIS due to wrong encoding of the type of application in the VRS.

I. OEOs requests for inclusion of voters:

A. The identification of the names of voters not included in the lists of voters shall be made before and during the conduct of verification and certification of the EDCVLs and PCVLs in accordance with the Calendar of Activities.

B. Requests for inclusion in the lists of voters shall be received by EBAD **one (1) week** prior to the last day of posting of PCVLs in accordance with the Calendar of Activities and to be submitted for consideration of the Commission *En Banc,* except in cases of final and executory court inclusion orders;

C. All requests duly approved by the Commission *En Banc*, either through Resolution or Minute Resolution, shall be applicable only to the registered voters included in the requests. The Resolution/Minute Resolution shall not be made applicable by analogy to other similar situations under the legal maxim *"expressio unius est exclusio alterius";*

D. Approved names of voter for inclusion through a Resolution/Minute Resolution shall undergo the following process:

1. Posting of the copy of the Resolution/Minute Resolution with attached names of votes in the OEOs bulletin boards, copy furnished the representatives of the citizens arm and other election stakeholders.

2. Manual insertion of the names in the EDCVLs and PCVLs shall be undertaken by the EO authenticated by his/her signature and by the signature of the representative/ s of the citizens arms or election stakeholder, if available.

II. Court Inclusion Order during election day:

A. In case of court inclusion order received by the EBs on election day, the same shall be coordinated with the concerned EO before the same is implemented. The EO shall secure from the concerned voters a certified copy of the Court inclusion order. Thereafter, the EO shall endorse the same to the proper EBs through the Department of Education Supervisor Official (DESO).

The manual inclusion of the names of voters in the ECVLs and PCVLs shall be authenticated by the signatures of the EBs attested by representatives of citizens arms and/ or election stakeholders present. Such fact shall also be recorded in the Minutes of Voting and Counting and certified copy of the Court Order be attached to the Minutes;

B. OEO shall submit a report of Court inclusion order/s received on election day stating the court branch and names of voters to be included in list to the ERB for confirmation during the first ERB hearing upon the resumption of the system of continuing registration

of voter after the elections, copy furnished EBAD and Law Department.

C. In all cases, the EDCVLs and PCVLs verification, manual cross-out and inclusion of names shall be conducted simultaneously. In the event the EDCVLs will arrive after the period of verification, the manual cross-out and inclusion of names made in the PCVLs shall be reflected also in the EDCVLs subject to the authentication by the signature of the EO duly attested by the representatives of the citizens arms and other election stakeholders, if present.

Article III

REQUEST FOR TRANSFER, CHANGE OF NAME OR ADDRESS OF VOTING A CENTER FOR THE CONDUCT OF BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS

CHAPTER I

SEC. 70. *Mandatory ocular inspection of voting centers.* – All OEOs are mandated under Section 163, *Batas Pambansa Bilang* 881, to conduct ocular inspection of all voting centers within their respective areas of jurisdiction within a reasonable period of time prior to registration and elections, to determine whether or not they are structurally suitable and/or compliant with the legal requirements, as well as if there are any defects in the structure or omissions in their names or addresses. Thereafter, the OEOs shall make the necessary correction by submitting a request for transfer, change or correction of name or address of voting center, whichever is applicable.

OCULAR INSPECTION OF VOTING CENTERS SHALL BE CONDUCTED NOT LATER THAN **AUGUST 15, 2023** FOR PURPOSES OF THE OCTOBER 30 2023 BSKE OR ON SUCH OTHER DATES AS MAY BE FIXED BY THE COMMISSION. The date for the conduct of ocular inspection shall be provided for in the Calendar of Activities specific to a given Barangay and SK polls.

A report on the result of ocular inspection shall be submitted to the Precincts and Voting Centers Division (PVCD) of EBAD within two (2) days from the dates abovementioned or the dates to be provided in resolutions for purposes of subsequent elections as stated in the immediately preceding paragraph or within two (2) days from the date of the conduct of ocular inspection, if done earlier.

SEC. 71. *Modes and requirements for transfer of voting center.*- A request for transfer of voting center shall comply with the requirements of any of the following modes:

A. Through a Petition of Voters

1. A petition for transfer of voting center attached to the PCVL where the signatures of, at least, the majority of the affected voters by precinct is affixed. The petition must state the present and proposed voting centers;

2. A certification of the EO, stating the authenticity or genuineness of the signatures appearing in the PCVL. **A matrix containing the total number of: a) voters with signatures; and b) voters whose signatures are found authentic or genuine MUST be appended to the certification**;

3. A certification of ocular inspection of the EO, stating that he or she conducted ocular inspection of the proposed voting center and found the

same accessible and has sufficient space to accommodate the affected voters and that it is equipped with necessary facilities for the conduct of electoral activities. **The certification MUST also provide the estimated distance: (a) between the present and proposed voting centers; and (b) between the residences of the affected voters and the proposed voting center. Photos of ocular inspection MUST also be attached to the certification**; and

4. A certification of the principal or other responsible officer of the DepEd (in case of a public-school building), manager or administrator (in case of other public building) or the owner, manager, administrator or any person acting in behalf of the owner (in case of a private building or structure), signifying his or her consent to the use of the proposed building or structure as voting center.

B. Through an Agreement of Political Parties

1. A Memorandum of Agreement (MOA) of all registered political parties in the locality, entered into by and between their duly authorized representatives, stating the request for the transfer of voting center, the present and proposed voting centers and the reason/s for the transfer;

2. A certification of the EO, stating that the political parties represented in the MOA are the only political parties in his or her area of jurisdiction. An independent candidate who ran during the immediately preceding election shall be considered as a political party for this purpose, so as not to deprive the voters of using this mode just because of the existence of one (1) political party in the locality. However, if the past election is uncontested, this mode cannot be used since one (1) political party cannot alone enter into a MOA;

3. A certification of the respective heads (city, provincial, regional or national) of political parties participating in the MOA, stating that their signatories have been duly authorized to enter in said MOA in behalf of the parties. A signatory's Certificate of Nomination and Acceptance (CONA), if any, in the custody of the OEO shall suffice for this purpose;

4. A certification of ocular inspection of the EO, stating that he or she conducted ocular inspection of the proposed voting center and found the same accessible and has sufficient space to accommodate the affected voters and that it is equipped with necessary facilities for the conduct of electoral activities. **The certification MUST also provide the estimated distance:(a) between the present and proposed voting centers; and (b) between the residence of the affected voters and the proposed voting center. Photos of ocular inspection MUST also be attached to the certification**; and

5. A certification of the principal or other responsible officer of the DepEd (in case of a public-school building), manager or administrator (in case of other public building) or the owner, manager, administrator or any person acting in behalf of the owner (in case of a private building or structure), signifying his or her consent to the use of the proposed building or structure as voting center.

C. Resolution of the Commission upon prior notice and hearing[14].

SEC. 72. *Approval or denial of a request for transfer of voting center upon resolution of the Commission.* - The following requests for transfer of voting centers shall be submitted to the Commission *En Banc* for consideration:

[14] "Sec. 154, BP 881"

a. Those acted upon by the **Special Panel of Lawyers**, which is composed of **lawyers from the Election and Barangay Affairs Department (EBAD), Electoral Contests Adjudication Department (ECAD), and Law Department**. The "*members*" of the Special Panel shall refer to the component Departments and not to the individual lawyers.

b. Those submitted by the members of the PNP and/or AFP, involving areas which have volatile peace and order situations, which shall be coursed through the Office of the Executive Director (OED) through the ODEDO unless said request falls in letter "a" hereof.

SEC. 73. ***Request for transfer of voting center with administrative transfer of voters.*** – If a request for transfer of voting center involves administrative transfer of voters, the request shall not proceed unless the process of administrative transfer of voters has been affected.

Administrative transfer is the process of correcting the precinct assignment of a voter in the local database of the OEO. For this purpose, the guidelines provided for in the EBAD Memorandum dated November 21, 2019 **(Annex "F")** shall be observed.

SEC. 74. ***Request for change or correction of name of a voting center.*** – A **request for change of name of a voting center** under this Article shall cover instances where the name of a voting center appearing in the POP is actually and in fact existing in the official records of the DepEd or other sources but was either previously or recently changed.

SEC. 75. ***Request for change or correction of address of a voting center.*** – A request for change of address of a voting center is proper only if it can be proven by proper and sufficient documentary evidence that the present voting center had transferred to another or new location within the same or different barangay in the same or different locality.

Hence, if the address of a voting center is erroneous or non-existent from the very beginning, the proper request to be submitted is a **request for correction of address of voting center,** provided that the EO can prove that the building or structure located in the correct address is actually the voting center being used by the affected voters ever since.

SEC. 76. ***Requirements of a request for change of name or address of a voting center.*** – A request for change of name or address of a voting center is proper when it is accompanied by:

1. A certification stating the complete date (month, day and year), if possible, when the change of name or address occurred, which shall be issued by either of the following:

   a. DepEd, in case of a public-school building;

   b. School Board, in case of a private school building;

   c. Barangay Chairman, in case of public building under the management or administration of the barangay; or

   d. The owner, manager or administrator, in case of a private building.

2. A brief background or history of the change of name from the persons or officials enumerated in the preceding number, if available or possible.

3. A certification executed by the EO attesting that an ocular inspection of the concerned voting center was conducted, with attached photo/s of inspection and signage of the voting center.

4. A written explanation of the EO in case the change of name had already occurred for more than one (1) year.

SEC. 77. *Requirements of a request for correction of name or address of voting center.* – A request for correction of name or address of voting center is proper when it is accompanied by:

1. A certification of the EO stating: a) the correct name or address of the voting center; and b) that the request does not involve a transfer but a mere correction of name or address of voting center only;

2. A certification from either of the following, certifying: a) the correct name or address of the voting center; b) that the building or structure has always been the voting center of the affected voters or its location has always been the same and has not been transferred:

   a. DepEd, in case of a public-school building;

   b. School Board, in case of a private school building;

   c. Barangay Chairman, in case of public building under the management or administration of the barangay; or

   d. The owner, manager or administrator, in case of a private building.

3. Other official documents or records showing the correct name or address of the voting center;

4. A certification issued by the EO attesting that an ocular inspection was conducted of the concerned voting center;

5. Photo/s showing the signage of the voting center, in case of a request for correction of name of a voting center; and

6. A written explanation of the EO as to why the erroneous name or address of the voting center has just been discovered.

SEC. 78. *Discrepancy between the signage and the recorded name of the voting center*. – In case of a discrepancy between the photo/s showing the signage of the voting center and its name in the official record of the DepEd or other official sources, the request shall be held in abeyance in view of the confusion that may arise from the approval of the request.

SEC. 79. *Where to file a request for transfer, change or correction of name or address of voting center and deadline for submission.* – All requests under this Article together with all its supporting documents shall be submitted only from 8:00 A.M. to 5:00 PM from Monday to Friday, including Saturday, if overtime is allowed, to the EBAD, through a courier or registered email, or through the official email address at *ebad@comelec.gov.ph* or the personal as well as the official email addresses of the POP Regional In-Charges (RICs) of the PVCD, EBAD (POP RICs). If the request is filed beyond office hours, it shall be considered as filed on the next working day.

The request must be submitted to the EBAD NOT LATER THAN **SEPTEMBER 15, 2023** FOR THE OCTOBER 30, 2023 BSKE or on such other dates as may be fixed by the Commission *En Banc* for the succeeding manual elections. SUBMISSION OF LACKING OR

ADDITIONAL REQUIREMENT/S SHALL ALSO OBSERVE THE SAME DEADLINE. Deadline for submission of any request covered by this Article for subsequent elections shall be provided in the Calendar of Activities for said elections.

SEC. 80. *Automatic denial, exception*. – The following shall automatically be recommended for denial by the PVCD, EBAD to the Executive Director:

1. All requests with incomplete or lacking requirements submitted on or after the deadlines mentioned in the preceding section or in resolutions for subsequent elections; and

2. All requests whose lacking or additional requirement/s are submitted after the deadlines mentioned in the preceding section or in resolutions for subsequent elections.

The foregoing shall be without prejudice to the revival of the denied requests after the 2023 BSKE, or subsequent elections, as the case may be.

This section shall not apply, however, to all requests falling under Section 83 hereof.

SEC. 81. *When is a request considered submitted within the deadline?* - The term **"submitted"** shall be understood to mean as follows:

1. If through a courier or registered mail, the date of the submission shall be the date of the mailing. For this purpose, the EO shall attach to the request a copy of proof of mailing (registry receipt, official receipt, etc.); and

2. If through email, the date of the submission shall be the date when the email was received in the official email address of the EBAD *(ebad@comelec.gov.ph)* or the personal or official email address of the POP RIC, PVCD, EBAD.

SEC. 82. *Exceptional cases*. – A request for transfer of voting center on the ground of the **RECENT** destruction or dilapidation of the present voting center in such a manner that it can no longer be used need not comply with either of the modes for transfer of voting center mentioned in Section 71hereof. However, the request shall be made within a reasonable time from the destruction or dilapidation and the following shall be attached to the request:

1. A certification of ocular inspection of the EO, stating that he or she conducted ocular inspection of the present and proposed voting centers, and found the former already destroyed or dilapidated, while the latter is accessible, has sufficient space to accommodate the affected voters and equipped with necessary facilities for the conduct of electoral activities. **The certification MUST also provide the estimated distance:(a) between the present and proposed voting centers; and (b) between the [present] residences of the affected voters and the proposed voting center. Photos of ocular inspection MUST also be attached to the certification;** and

2. A certification of the principal or other responsible officer of the Department of Education (in case of a public-school building), manager or administrator (in case of other public building) or the owner, manager, administrator or any person acting in behalf of the owner (in case of a private building or structure), signifying his or her consent to the use of the proposed building or structure as voting center.

SEC.83. *Cases not considered as exceptional in character*. – In view of Section 71 hereof, the following shall not be considered as exceptions and therefore must comply with either of the mode for transfer of voting centers mentioned in Section 71 hereof:

1. Congested voting centers; and

2. Voting Centers which have **LONG** been dilapidated, damaged or destroyed for which reason it had been abandoned or not been used for a considerable period of time.

With regard to no. 2 above, the EO shall submit as additional requirement, a written explanation as to the reason/s for the belated discovery of the non-existence or the dilapidation or destruction of the present voting center.

If the explanation is found to be not meritorious, the EBAD may refer the same to the Personnel Department for the determination of a possible administrative liability of the concerned EO. Further, failure to submit such written explanation shall be a ground for the recommendation of the denial of the request.

SEC. 84. *Voting centers transferred temporarily.* – For those voting centers that have been temporarily transferred for the 2022 NLE, the EO shall determine if the same shall be made permanent or not. If the intent is towards the permanency of the voting center, the EO shall submit a request for the purpose with the following attachments:

1. A certification of the principal or other responsible officer of the Department of Education (in case of a public-school building), manager or administrator (in case of other public building) or the owner, manager, administrator or any person acting in behalf of the owner (in case of a private building or structure), signifying his or her consent to the use of the temporary voting center as permanent voting center;

2. A certification of ocular inspection of the EO stating that he or she conducted ocular inspection of the subject voting center, and found the same accessible, has sufficient space to accommodate the affected voters and equipped with necessary facilities for the conduct of electoral activities. **The certification MUST also provide the estimated distance: (a) between the subject voting center; and (b) between the [present] residences of the affected voters. Photos of ocular inspection MUST also be attached to the certification**; and

3. A justification of the EO as to why the transfer should be made permanent.

If the intention is to **revert** to the original voting center, the request must have the following attachments:

1. A certification of the principal or other responsible officer of the Department of Education (in case of a public-school building), manager or administrator (in case of other public building) or the owner, manager, administrator or any person acting in behalf of the owner (in case of a private building or structure) signifying his or her consent for the reversion of the voting center to its original location; and

2. A certification of ocular inspection of the EO stating that he or she conducted ocular inspection of the original voting center, and found the same accessible, has sufficient space to accommodate the affected voters and equipped with necessary facilities for the conduct of electoral activities. **Photos of ocular inspection MUST be attached to the certification.**

The deadlines for submission of a request under Section 79 hereof or in resolutions for subsequent elections shall also apply to all requests submitted under this section.

SEC. 85. *Revival or re-submission of request.* – All requests which have been denied, held in abeyance, withdrawn or otherwise rendered moot and academic relative to the 2022 NLE, may be re-submitted for purposes of the 2023 BSKE provided that all the requirements or supporting documents provided in Section 71 hereof shall be attached to the requests.

The deadline for submission of a request under Section 79 hereof or the deadlines to be provided in resolutions for purposes of subsequent elections shall also apply to all requests submitted under this section.

SEC. 86. *Evaluation of the request and its supporting documents.* The POP RICs, PVCD, EBAD shall have the duty and responsibility of evaluating or assessing the merits and completeness of all requests submitted under this Article, including all its supporting documents.

SEC. 87. *Posting requirements before approval of the request.* – All requests submitted under this Article, which are found to have complete supporting documents shall be required to be posted by the EO for a period of at least three (3) days in case of BSKE, upon receipt of a written instruction from the EBAD. For this purpose, the EO shall follow the posting guidelines and period of submission of proofs of posting provided in the EBAD Memorandum dated September 9, 2022 **(Annex"G").** In addition, the request shall be posted in the present and proposed voting centers.

The requirement of posting shall automatically be suspended for all requests falling under this Section, which are submitted a week before or after the deadlines stated in Section 79 or the deadline to be provided in resolutions for purposes of subsequent elections.

SEC. 88. *Procedure after compliance with posting requirements.* – Upon receipt of proofs of compliance with the posting requirements in accordance with the preceding section, the POP RIC, PVCD, EBAD shall draft the appropriate recommendation relative to the request for the consideration of the Executive Director.

The aforementioned recommendation shall be coursed through the ODEDO.

SEC. 89. *Implementation of the approved or denied request.* – All actions on requests submitted under this Article decided either by the Executive Director or the Commission *En Banc*, shall be returned to the EBAD for implementation by the POP RICs, PVCD, EBAD to the field offices. Such implementation shall be immediately done upon receipt of the Memorandum, Minute Resolution or Resolution containing such approval or denial.

SEC. 90. *Posting of notice of approved or denied request.* – All approved or denied requests shall be posted by the EO within two (2) days from receipt thereof on the bulletin or transparency boards in the OEO, city or municipal halls, barangay halls, in the present and proposed voting centers and in at least three (3) other conspicuous public places within the locality. Proofs of posting shall be submitted to the PVCD, EBAD after three (3) days of posting.

SEC. 91. *Submission of updated Barangay Precinct Map (BPM).* – In case of approved request for transfer, change or correction of name or address of a voting center, the EO shall also be required to submit to the PVCD, EBAD an updated BPM referred to in Section 3 (k)[15] of Republic Act No. 8189. Such BPM shall form part of proof of compliance of posting stated in the immediately preceding section.

In updating the BPM, the guidelines provided in the EBAD Memorandum dated February 4, 2021 **(Annex "H")** shall be followed.

SEC. 92. *Proper source of the request* - All requests submitted under this Article shall come from the OEOs.

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[15]**Precinct Maps refers to a sketch or drawing of a geographical area stated in terms of streets or street blocks or sitios the residents of which would belong to a particular precinct.**

Any request submitted by the public or any field official of the Commission other than the EO directly to the EBAD or any of its PVCD POP RICs, shall be immediately endorsed to the OEO for initial evaluation and verification of the same.

CHAPTERII
ACCESSIBLE POLLING PLACE, SEPARATE POLLING PLACE AND ACCESSIBLE VOTING CENTER

SEC. 93. ***Request for transfer of a voting center of voters assigned in APP.*** – A request for transfer of a voting center of voters (SCs and PWDs) assigned in an APP shall observe the Guidelines that the VSO shall come up for the purpose.

SEC. 94. ***Request for creation of a Separate Polling Place (SPP) and Accessible Voting Center (AVC).*** – A request for creation of SPP and/or AVC exclusively for IP voters shall fall within the authority of the VSO.

SEC. 95. ***Exclusive authority.*** – The VSO shall have exclusive authority to act on all requests submitted under this Article. This Article may, however, serve as suppletory to any guidelines that the VSO may devise with regard to said requests.

All approved requests under this Article shall immediately be coordinated with the PVCD, EBAD for purposes of POP updating.

CHAPTER III
TRANSFER OF A VOTING CENTER IN THE BARMM WITH OR WITHOUT OPPOSITION AND IN NON-BARMM LOCALITIES WITH OPPOSITION

SEC. 96. ***Special Panel of Lawyers.*** – The Special Panel of Lawyers created pursuant to MR No. 21-0498 abovementioned, shall receive evidence, conduct online hearings and submit recommendations for the approval or denial of **ALL REQUESTS FOR TRANSFER OF VOTING CENTERSIN THE BARMM WITH OR WITHOUT OPPOSITIONS AND IN NON-BARMM LOCALITIES ONLY WITH OPPOSITIONS ONLY** to the Commission *En Banc*.

For brevity, the Special Panel of Lawyers shall be called or referred to in the succeeding sections as **"Panel".**

SEC. 97. ***Secretariat of the panel and its functions.***– A Secretariat primarily composed of the BARMM POP RIC, PVCD, EBAD and his or her Assistant RIC (ARIC), shall be created. Non-BARMM POP RICs, PVCD, EBAD and their ARICs, if there are any, shall be considered temporary members of the Secretariat, in cases where requests for transfer of voting centers with oppositions involving areas in their regions are submitted.

The Secretariat shall have the following functions:

1. Receive and evaluate all requests submitted under this Article;

2. Inform the EO of any lacking requirement/s;

3. Pre-mark prior to the scheduled hearing, all the documentary evidence submitted together with the EO or his or her duly authorized representative;

4. Set the date, time and platform to be used for the hearing in coordination with the members of the Panel and the EO;

5. Prepare and send the notice of hearing (containing the date, time and platform to be used) to the members of the Panel and the EO;

6. Request the posting of the notice of hearing to the ITD in the official website of the Commission;

7. Record the hearing of the request and assist the members of the Panel during the hearing;

8. Consolidate and prepare the final recommendation of the Panel for submission to the Commission *En Banc;* and

9. Perform such other functions that the Panel may deem necessary relative to a request submitted or pending before it.

SEC. 98. *Period of submission of requests.* – All requests submitted shall comply with the same deadline provided for in Section 79, hereof or the deadlines provided in resolutions for subsequent elections.

SEC. 99. *When to set hearing.* –Upon receipt of proofs of compliance with the posting requirements under Section 87 hereof, the Secretariat, in coordination with the members of the Panel and the EO, shall set the date, time and platform to be used for the hearing.

SEC. 100. *Duties and responsibilities of the EO.* – The EO shall have the following duties and responsibilities:

1. Submit together with the request, including all its supporting documents, his or her recommendation thereto based on his or her initial evaluation thereof;

2. Post the request in accordance with Section 87 hereof;

3. Furnish copies of the request to political parties, citizen's arm, if any, civic organizations and other stakeholders in the locality;

4. Submit a certification stating that no opposition or objection had been filed against the request, if such is the case;

5. Post the notice of hearing containing the date, time and platform to be used during the hearing, in the same manner as the request;

6. Submit proofs of posting of the request and notice of hearing thereof during the hearing pursuant to Section 87 hereof;

7. Ensure that all resource persons, for and against the request, if any, shall be present on the scheduled hearing;

8. Attend the hearing or send his or her duly authorized representative during the hearing in case of his or her unavailability; and

9. Actively participate during the hearing, where he or she may be assisted by the PES or Regional Election Attorney (REA), when necessary. The PES or REA may also assist in the tagging of exhibits during the hearing.

SEC. 101. *Comments of the PES and RED.* – All requests submitted shall be endorsed by the Secretariat to the PES and RED for their comment/s and/or recommendation/s, which shall be submitted within **two (2) days from receipt thereof**, if no such comments or recommendations have been submitted as yet.

In case the comments or recommendations have already been submitted together with the request but without the proper endorsement of the EO, the provision of Section 92 hereof shall be observed.

SEC. 102. *Parties to the hearing.* The following shall be present at the hearing:

1. The EO or his or her duly authorized representative/s;
2. The requesting party/ties, if any;
3. The oppositor/s, if any; and
4. Counsel/s of the requesting and/or opposing parties, if any; and
5. Other interested parties who have expressed willingness to attend the hearing.

The PES and RED may attend the hearing on their own volition and present their comment/s and/or recommendation/s during the hearing. In their absence, the EO or his or her duly authorized representative shall offer such comment/s and /or recommendation/s in evidence.

SEC. 103. *Hearing procedures.* The following shall be observed during the hearing:

A. *Before the hearing*

1. The notice containing the date, time, and platform to be used during the hearing shall be sent by the Secretariat to the EO. The notice shall contain an instruction for the posting thereof **at least two (2) days prior to hearing**, to apprise the public of the same and give them opportunity to support or oppose the request. The EO shall accept oppositions or objections to the request within the period of posting.

B. *During the hearing*

1. In case there are several requesting parties and/or oppositors, each side shall be represented by only one (1) person only during the hearing;
2. Each representative shall be given only ten (10) minutes each to present their side, including their evidence for and against the request;
3. The counsel present may act as representative of the party/ies during the hearing;
4. The members of the Panel may ask clarificatory questions, which shall be directed to the representative/s of the requesting party/ies or the oppositor/s, as the case may be;
5. If the request is filed *motu proprio* by the EO, he or she or his or her representative shall make a statement with regard to the following:
    a. The request (sitio/s or barangay/s involved, the present and proposed voting centers) and the reason/s therefor;
    b. Evidence or documents supporting the request;
    c. Proof that the request and notice of hearing had been posted and that no opposition or objection was filed with the OEO relative thereto, if such is the case;

d. His or her recommendation relative to the request; and

e. The PES's and RED's comments and/or recommendations, in case either or both officials are absent or unavailable.

6. All evidence or exhibits shall be marked during the hearing.

C. *After the hearing*

The final recommendation to the Commission *En Banc* shall be:

1. Arrived at by the **MAJORITY** of all the members of the Panel who actually participated in the hearing;

2. Prepared and submitted by the members of the Panel to the Secretariat within **two (2) days** from the termination of the hearing;

3. Prepared and consolidated by the Secretariat, incorporating the respective recommendations of all the members of the Panel;

4. Signed by all the members of the Panel except those who are against the recommendation of the majority in which case a separate recommendation shall be signed by the latter. **All recommendations shall be submitted to the Commission *En Banc* for its consideration**;

5. Duly endorsed by the EBAD to the Commission *En Banc*; and

6. Submitted together with all the evidence or exhibits received and marked during the hearing.

SEC. 104. *Nature of hearing*. - The hearing shall be public and summary in nature. It shall be conducted and terminated in one (1) day, as practicable as possible. It shall adopt a speedy method of considering and marking the evidence for and against the request. Failure to present evidence during the hearing shall constitute a waiver thereof unless the request cannot be disposed of in the absence of such evidence, in which case the Panel shall set a date for the deadline of the submission of said requirement/s which shall be strictly observed. In case of non-compliance with the period provided, the Panel shall decide based on the evidence already submitted.

SEC. 105. *Action on request belatedly submitted*. - All requests, with or without complete requirements, submitted beyond the deadline set forth in Section 79 hereof or to be set forth in resolutions for subsequent elections shall **AUTOMATICALLY BE DENIED BY THE PANEL WITHOUT A HEARING** unless the request falls within the exception provided in Section 82 hereof.

SEC. 106. *Automatic delegation of authority of the panel to the Executive Director.* – To ensure the speedy and continuous action on all requests submitted under this Article, all requests submitted **within one (1) week** before the deadlines set forth in Section 79 hereof or to be set forth in resolutions for subsequent elections and those submitted **beyond said deadlines** but squarely falls within Section 83, shall follow the procedures for transfer of voting center provided under Section 71 hereof.

The authority of the Panel shall automatically be delegated to the Executive Director at the start of the working hour of Monday of the last week prior to the deadlines mentioned above. The Executive Director, in his or her discretion, may act directly on the request pursuant to his or her authority or submit the same to the Commission *En Banc* for consideration.

All requests endorsed to the Executive Director under this section shall be coursed through the Deputy Executive Director for Operations.

CHAPTER IV
ACCURACY OF VOTING CENTERS IN THE POPs

SEC. 107. *Exclusive authority.*– No building or structure shall be used as voting center except those appearing in the POPs and those approved in accordance with this Article. Use of a building or structure as voting center other than those herein mentioned shall be a ground for disciplinary action and the person/s liable may also be charged with an election offense.

Transfer, change or correction of name or address of a voting center effected outside of the provisions of this Article shall be considered invalid and illegal.

SEC. 108*. Accuracy of the names or addresses of voting centers in the POPs*. - All approved requests for transfer of voting centers subsequent to the approval of the final nationwide POP for the May 9, 2022 NLE shall be reflected in the POPs for the 2023 BSKE or the final POP for all future manual elections.

SEC. 109*. Responsibilities of PES and RED*. – All PESs and REDs shall have the responsibility to closely monitor and supervise their respective EOs to ensure strict observance of the provisions of this Article.

Article IV

CLUSTERING OF ESTABLISHED PRECINCTS

SEC. 110*. Submission of merged POPs only.* – For purposes of verification, only merged POPs shall be submitted to EBAD. The separate POPs shall only be used as guide by the OEO in preparing the merged POP.

SEC. 111. *Guidelines in the clustering of established precincts.* - In the clustering of established precincts for the BSKE, the following shall be observed:

a. Only established precincts (original/mother and/or spin-off/daughter) belonging to the **same barangay** and located in the **same voting center** shall be clustered together;

b. The original/ mother established precinct and its spin-off/daughter established precinct shall, **as far as practicable**, be clustered together;

c. The territories of the mother/original established precincts to be clustered shall, as far as practicable, be contiguous and compact;

d. Each clustered precinct in separate POPs for Barangay and SK Elections shall have **UNLIMITED NUMBER OF PRECINCTS BUT NOT MORE THAN FOUR HUNDRED (400) VOTERS;**

e. Each clustered precinct in the merged POP (Barangay and SK) shall have **UNLIMITED NUMBER OF PRECINCTS BUT NOT MORE THAN EIGHT HUNDRED (800) VOTERS;**

f. Each precinct in a cluster shall retain its individual precinct number, EDCVL, PCVL, and Book of Voters;

g. Established precincts for SK Election which are comprised of 18-30 years old registered voters which were extracted from the list of registered voters of the regular precincts for the Barangay Election **SHALL BE CLUSTERED OR GROUPED WITH THE LATTER AS COUNTERPART PRECINCTS.** This is to ensure that these voters shall cast their ballots for both the Barangay and SK Elections only in one (1) polling place and thus, prevent confusion and inconvenience on the part of the voters in going to another polling place to vote for the SK Election. For guidance, please refer to the example below:

<table>
<tr><th>Established Precinct and No. of Voters in Barangay POP (also known as regular precinct)
(A)</th><th>Clustered precinct in the Barangay POP with No. of Voters
(B)</th><th>No. of Voters within the 18 to 30 Age Range Extracted from Column A and Assigned to counterpart SK precincts
(C)</th><th>Clustered precinct in the SK POP with No. of Voters
(D)</th><th>Clustered precinct in the Merged POP (Barangay and SK Elections) with No. of Voters
(E)</th></tr>
<tr><td>0001A with 100 voters</td><td rowspan="3">325 voters (0001A – 100, 0001B - 125 and 0001C-100)</td><td>50 voters – SK1A</td><td rowspan="3">110 voters (SK1A – 50, SK1B – 25 and SK1C – 35)</td><td rowspan="3">435 voters (325 - Barangay POP Clustered Precinct + 110 – SK POP)</td></tr>
<tr><td>0001B with 125 voters</td><td>25 voters – SK1B</td></tr>
<tr><td>0001C with 100 voters</td><td>35 voters – SK1C</td></tr>
</table>

h. **All new voters, 15-17 years of age**, who are residing within the territory of the Barangay original/mother established precinct shall be included in the **counterpart SK precinct** as long as the maximum number of 200 voters limit per established precinct is observed. However, new SK spin-off/daughter precincts may be created under the following circumstances:

1. Where there are more 15-17 years old registered voters who can no longer be accommodated in the counterpart SK precinct, the EO may create additional spin-off/daughter SK precincts even without any counterpart precinct at the Barangay level; or

2. Even when the existing SK counterpart established precincts have not yet reach the 200 voter per limit rule but it is practicable under the circumstances, such that the creation of an additional SK spin-off/daughter established precinct will ensure compliance with the clustering of the barangay precinct and their counterpart SK precinct. The table hereunder will provide guidance:

Established Precinct and No. of Voters in Barangay POP *(also known as regular precinct)* **(A)**	**Clustered precinct in the Barangay POP with No. of Voters** **(B)**	**No. of Voters within the 18 to 30 Age Range Extracted from Column A and Assigned to counterpart SK precincts** **(C)**	**Counterpart Established Precinct and Voters in SK POP (also known as SK precinct)** **(D)**	**Clustered precinct in the SK POP with No. of Voters** **(E)**	**Clustered precinct in the Merged POP (Barangay and SK Elections) with No. of Voters** **(F)**
0001A with **100** voters	**325** voters (0001A – **100**, 0001B - **125** and 0001C- **100**)	**50** voters – SK1A	SK1A with **50** voters + **100**new SK voters aged 15 -17 and/or 18-30 years old **Hence, SK1A has now a total of 150 SK voters**	**385** voters (SK1A- **150** registered voters, SK1B – **100** voters AND SK1C – **135** voters)	710 voters (**325** - Barangay POP Clustered Precinct + **385** – SK POP)
0001B with **125** voters		**25** voters – SK1B	SK1B with **25** registered voters + **75**new SK voters aged 15 -17 and/or 18-30 years old **Hence, SK1B has now a total of 100 SK voters**		
0001C with **100** voters		**35** voters – SK1C	SK1C with **35** voters + **100**new SK voters aged 15 -17 and/or 18 -30 years old Hence, **SK1C has now a total of 135 SK voters**		

i. Clustering of established precincts shall, as far practicable, **BE UNIFORM OR EVENLY DONE**, to ensure that the voters shall be fairly distributed among the clustered precincts, resulting to equitable load among the EBs; and

j. The foregoing guidelines shall be without prejudice to the clustering of precincts assigned in APPs and IP precincts assigned in SPPs and AVCs to be adopted by the VSO. In the absence, however, of such separate guidelines, the foregoing rules shall be applied.

SEC. 112. *Authority of the Commission on Elections*. - The Commission shall have the authority to order the adjustment on the maximum number of registered voters per clustered precinct abovementioned, as it may deem necessary based on reasonable grounds present.

SEC. 113. *Deadline of submission of POPs by the OEOs.* – All OEOs shall prepare and submit the final POPs (including amended/corrected POPs) to the EBAD **not later than five (5) days from the last ERB hearing** through email at *ebad@comelec.gov.ph/ebad_precincts@comelec.gov.ph*, facsimile at 8525-4929 or any other fastest means available.

With regard to the submission of the Voters' Databases, the ITD shall issue appropriate instructions for the purpose.

In order to ensure the timely and accurate verification of POPs, the Commission may authorize the deployment of **ON-SITE VERIFICATION TEAMS AND SUPERVISING LAWYERS to OPESs** nationwide pursuant to a duly approved Operational Plan. If pursued, the Teams and Supervising Lawyers shall consist of personnel from the EBAD and the ITD. The manpower complement may be augmented by personnel from other Departments/Offices of the Commission, if necessary.

SEC. 114. *Purpose of POP verification.* - POP verification is necessary in order to ensure:

a. The preparation of accurate, updated, complete and final POPs nationwide;

b. The deployment of sufficient number of ballot boxes, election forms, supplies and paraphernalia;

c. The safe, honest and orderly conduct of elections by providing correct clustering of precincts in all voting centers;

d. That all voters are accounted for and that all voting centers are correct and accurate to prevent voters' disenfranchisement on election day; and

e. Compliance with the clustering scheme herein provided and the 200-limit-voter-per-established-precinct rule.

SEC. 115. *Deadline of submission of POPs to the Commission En Banc.* - The EBAD shall consolidate all POPs and submit the Regional and Provincial Summaries, reflecting the nationwide final electoral data *(total numbers of barangays, precincts, and clustered precincts, voters and voting centers)* for the BSKE to the Commission on Elections within the period fixed by the Commission *En Banc*, for approval.

SEC. 116. *Responsibilities of the EOs.* – The EOs shall be responsible in ensuring that the nationwide final electoral data appearing in the POP are complete, accurate and final. TO ENSURE THAT SUCH PURPOSE SHALL BE ATTAINED, THE EO SHALL BE MANDATED TO CONDUCT THE INITIAL VERIFICATION OF THE POPs AND THE VOTERS' DATABASES BEFORE SUBMITTING THE SAME TO THE EBAD AND ITD, RESPECTIVELY.

SEC. 117. *Responsibilities of the REDs and PESs.* – All REDs and PESs shall have the responsibility to closely monitor and supervise their respective EOs to ensure their strict observance to the provisions of this Article.

Article V

CALENDAR OF ACTIVITIES

SEC. 118. *Calendar of Activities.* – The Calendar of Activities for the conduct of the Barangay and SK Elections shall be set forth in the resolution to be promulgated by the Commission in connection with the specific BSKE, subject to the following parameters:

DATE/PERIOD	ACTIVITIES	PROHIBITED ACTS
Not beyond 120 days before Election Day	Updating of Registration Records 1. Deactivation; 2. Recapturing of Corrupted Biometrics Data	
Not beyond 100 days before Election Day	Inclusion	
Not beyond 105 days before Election Day	Exclusion	
2nd Monday of every quarter	Election Registration Board (ERB) Hearing for the Updating of Registration Records.	
Not beyond 120 days before Election Day	Filing of: (1) applications for registration of voters for the *Barangay* elections; and(2) applications for membership to the *Katipunan ng Kabataan* (KK).	
Not later than two(2) weeks before date of ERB hearing	Last day to post notice of hearing with list of applicants	
Not later than one (1) week before date of ERB Hearing	Last day to file opposition to the applications for:(1) registration as voters for the *Barangay* elections; and (2) membership to the *Katipunan ng Kabataan.*	
Every 2nd Monday of the Quarter	Approval or disapproval of applications for:(1)registration as voters for the *Barangay* elections; and (2) membership to the *Katipunan ng Kabataan.*	
Not later than one (1) week from date of ERB Hearing	Last day to post the list of approved and disapproved applications for:(1) registration as voters for the *Barangay* elections; and (2) membership to the *Katipunan ng Kabataan.*	

Not later than five (5) days before posting of the list of voters	Last day for the ERB, Citizens' Arm and Civic Organizations to verify, certify and seal the List of Voters for the *Barangay* and *Sangguniang Kabataan* elections.	
	Period to constitute the members of the Electoral Board and Barangay Boards of Canvassers(BBOC).	
Not later than ninety (90) days before Election Day	Last day to post the *Barangay* and *Sangguniang Kabataan* Computerized Voters' Lists (CVL). (Sec. 30, R.A. 8189 in relation to Sec. 29, R.A.6646).	
Sixty (60) days before and thirty (30) days after the election.		Illegal release of prisoners before and after election.(Sec. 261 (n), OEC).
Forty-five (45) days before the day of the election.	Last day of submission of requests/petitions for transfer of voting centers/polling places.	Release, disbursement or expenditure of public funds. (Sec. 261 (v),OEC)
Not later than ten (10) days before the day of the election.	Filing of Certificates of Candidacy (Sec.7, R.A.6679) in relation to Sec. 29, R.A. 6646.	
Thirty (30) days before and seven (7) days after the day of the election.	**ELECTION PERIOD**	Alteration of territory of a precinct or establishment of a new precinct. (Sec.5, R.A. 8189).
		Carrying of firearms or other deadly weapons (Sec.32, R.A.7166).
		Use of security personnel or body guards by candidates (Sec. 33, R.A.7166).

		Transfer or detail of officers and employees in the civil service including public school teachers. (Sec.261(h), OEC).
		Organizing or maintaining reaction forces, strike forces or similar forces. (Sec.261(u), OEC).
		Suspension of any elective provincial, city, municipal or barangay officer. (Sec. 261(x), OEC).
Thirty (30) days before until the day of the election.		Vote-buying and vote-selling [Sec. 261 (a), OEC].
		Raising of funds thru dances, lotteries, cockfights, etc. (Sec. 97, OEC.)
		Removing, destroying, obliterating, defacing, tampering or preventing distribution of lawful election propaganda. (Sec. 83, OEC).
		Making any donation or gift in cash or in kind. (Sec. 104, OEC). (Note: prohibition includes the day before election and election day).
Thirty (30) days before day of election until proclamation of winning candidate.		Wagering upon result of election. [Sec. 261 (c), OEC].
		Coercing, threatening, intimidating or terrorizing any election official or employee in the

		performance of his election functions or duties. [Sec. 261 (f), OEC].
Ten (10) days before and until day before the eve of the day of election.	**CAMPAIGN PERIOD** (Sec.7, R.A. 6679)	Construction or maintenance of barangay-funded roads and bridges. (Sec. 261 (v) (w), OEC)
	Holding of *barangay* assemblies and candidates' *fora.* (Sec. 47, OEC)	
Ten (10) days before and until day of the election.		Appointing or using special policemen, special/ confidential agents or the like. (Sec.261 (m), OEC). (Note: prohibition includes the day before election and election day).
		Using armored land, water or aircraft (Sec. 261 (r), OEC). (Note: prohibition includes the day before election and election day).
		Policemen and provincial guards acting as bodyguards or security guards of public officials or candidates. [Sec. 261 (t), OEC] *(NOTE: Prohibited on the day before and on election day)*
Ten (10) days before until the eve of the election.		Construction or maintenance of *public works, delivery of materials for public works, and issuance of treasury warrants and similar devices* (Sec. 261 (v &w) of the OEC).
		Appointment or hiring of new

		employees, creation of new position, promotion, giving of salary increases, remuneration or privileges. (Sec. 5, RA No. 10952 in relation to Sec. 261 (g) of the OEC).
One (1) day before the day of election	**EVE OF ELECTION**	Campaigning (Sec. 3, OEC).
		Selling, furnishing, offering, buying, serving or taking intoxicating liquor, etc., (Sec. 261 (dd),OEC).
		Giving, accepting free transportation, food, drinks and things of value (Sec.89,(OEC).
		(Note: Acts mentioned in the three preceding paragraphs are prohibited until election day).
	ELECTION DAY Casting of votes (From 7:00 o'clock a.m. to 3:00 o'clock p.m.) (Sec.190,OEC)	Campaigning (Sec. 3, OEC).
		Using the voter's affidavit of another for the purpose of voting, whether or not he actually succeeds in voting. [Sec. 261 (y) (10), OEC].
		Destroying, substituting, or taking away from the possession of those having legal custody thereof, or from the place where they are legally deposited,

		any election form or document or ballot box which contains official ballots or other documents used in the election. [Sec. 261 (z) (12), OEC]. *(NOTE: May be committed before or even after election day)*
	Counting and canvassing of votes and proclamation of winning candidates immediately after closing of polls.	Voting more than once or in substitution of another (Sec. 261 (z) (2) and (3), OEC).
		Soliciting votes or undertaking any propaganda for or against any candidate within the polling place or within thirty (30) meters thereof. (Sec. 261 (cc), (6), OEC).
		Selling, furnishing, offering, buying, serving or taking intoxicating liquor, etc. (sec. 261, (dd), OEC).
		Opening of booths or stalls for the sale, etc. of wares, merchandise or refreshments within thirty (30) meters radius from the polling place (Sec. 261, (dd) (2), OEC).
		Giving, accepting free transportation, food, drinks and things of value (Sec. 89, OEC).
		Holding of fairs, cockfights, boxing, horse races or similar sports (Sec. 261 (dd), (3), OEC).
Not later than one (1) month after the day of the election	Last day to file Statements of Contributions and	

	Expenditures (SOCE) (Sec.14, R.A. 7166).	

The above-mentioned calendar of activities is without prejudice to the powers vested upon the Commission to designated other dates for certain pre-election activities pursuant to Section 29 of Republic Act 6646.

Article VI

CONSTITUTION, COMPOSITION, AND APPOINTMENT OF ELECTORAL BOARDS, DESO, AND SUPPORT STAFF

SEC. 119. *Scope.* –This Article shall apply to the constitution, composition, and appointment of the EBs, DESO, and Support Staff.

SEC. 120. *Electoral board.*– There shall be an EB for every clustered precinct.

SEC. 121. *Authority to constitute and appoint the members of the electoral board.* – The Commission, through the EOs, shall constitute and appoint, within the period provided in the Calendar of Activities, the EB for every clustered precinct in the district, city, or municipality using the prescribed form (*CEF No. A5 and A5-A – copies of Appointment and Oath*).

Copies of CEF No. A5 and A5-A shall be distributed as follows:

a) The first and second copies shall be retained by the EO. One copy shall be for filing and the other shall be attached to the payroll for payment of honorarium of the EB; and

b) The third copy shall be issued to the chairperson and members of the EB concerned.

SEC. 122. *Composition of the electoral board.* – The EB shall be composed of a chairperson, poll clerk, and third member.

As far as practicable, women EB members may not be assigned in areas with security concerns, far flung barangays, or areas likely to cause gender-based violence or to result in physical, sexual, or psychological harm.

SEC. 123. *Right of preference.* - In the appointment of the members of the EB, the EO shall give preference to public school teachers who are qualified, willing, and available to render election service.

For this purpose, the highest DepEd/MBHTE official, as the case may be, in the district, city, or municipality shall submit to the EO a certified list of public-school teachers and substitutes who are qualified, willing, and available to render election-related service within five (5) days upon request, based on the POPs. The EO shall give preference to those with permanent appointments and those who served in previous elections. The request shall be accompanied by a copy of the POP.

The number of substitutes shall be 20% of the total number of members of the EB to be appointed (i.e. 20 clustered precincts x 3 = 60 x 20% = 12, hence, 12 substitutes).

In the preparation of such list, the DepEd or MBHTE official shall exercise due diligence to ensure that the persons appearing in the said list are indeed public-school

teachers, who are qualified, willing, and available to serve as members of the EB. Further, the list is *for recommendatory purposes only.*

Within three (3) days from receipt of the list, the EO shall immediately conduct verification on the qualifications of the persons appearing in the said list based on the qualifications set forth in the immediately succeeding section.

Public-school teachers not included in the list, who are qualified, willing and available, may apply directly to the EO.

SEC. 124*. Qualifications of members of the electoral board.-* No person shall be appointed as a member of the EB, whether regular, temporary, or as a substitute, unless such person is:

a) A registered voter in the city or municipality;
b) Of good moral character and irreproachable reputation;
c) Of known integrity and competence;
d) Has never been convicted of any election offense or of any crime punishable by more than six (6) months of imprisonment, or has no pending Information for any election offense; and
e) Able to speak and write Filipino, English, or the local dialect.

SEC. 125.Disqualification of members of the electoral board.– No person shall be appointed as a member of the EB if said person is related, within the fourth (4^{th}) civil degree of consanguinity or affinity, to any member of the same EB, to any candidate to be voted for in the polling place of assignment, or to the said candidate's spouse.

SEC. 126. Notice of disqualification. – The chairperson or any member of the EB who is disqualified to serve for any reason shall immediately notify, in writing, the EO concerned.

SEC. 127. Posting of the list of the constituted members of the electoral boards. – A day after the constitution of the EB, the list of the constituted members and substitutes shall be posted for five (5) days on the bulletin boards in the OEO and in the city or municipal hall.

SEC. 128. Opposition to the constituted members of the electoral boards. Within three (3) days from the posting of the list of constituted members of the EB or the posting of the final list of candidates, any interested party may file a **written opposition under oath** against any constituted members of the EB at the OEO.

In case an opposition is filed, the EO shall observe the following procedures:

a) Receive the written opposition. No opposition shall be acted upon by the EO, unless there is proof that a copy of the opposition has been furnished to the contested member;

b) Issue a notice to the contested member to answer the opposition. A **written answer under oath** shall be filed within two (2) days from receipt of such notice. No answer shall be considered by the EO, unless there is proof that a copy of said answer has been furnished to the opposing party;

c) With or without an answer, issue a notice stating the date, time, and place of the evaluation of the opposition. The notice shall be personally delivered to the known addresses of the parties;

d) Within a period of seven (7) days from receipt of the opposition, the EO shall resolve the opposition in writing stating the reason/s for the decision. The decision shall be final and non-appealable; and

e) Copies of the decision shall be furnished to the parties and the concerned DepEd/MBHTE official.

Non-appearance of the parties shall not be a ground for the dismissal of the opposition or disqualification of the contested member, nor shall effectively bar the EO from conducting further investigation on the qualifications of the contested member.

SEC. 129. *Appointment of public-school teachers as substitutes.* – In case of disqualification of a member of the EB, the EO shall appoint a substitute who is qualified, willing, and available.

In the appointment of substitutes, the EO shall observe the procedures in Sections 124 and 125, hereof.

If the designation of public-school teachers as substitutes is no longer feasible, other qualified substitutes as enumerated in the succeeding rule may be appointed.

SEC. 130. *Appointment of qualified substitutes.* –In case there are not enough public-school teachers, who are qualified, willing, and available, other qualified substitutes may be appointed by the Commission, through the EO, in either of the following grounds:

a) There is a lack of public-school teachers to be constituted as members of the EB based on the certified list submitted by the DepEd/MBHTE official to the EO *vis-à-vis* the number of clustered precincts in the district, city, or municipality; or

b) One or more of the public-school teachers in the certified list has or have been disqualified by the EO and there are no other public-school teachers in the locality who are qualified, willing, and available to be appointed as substitute/s.

Substitutes shall be on-call on election day. The EO shall cause the deployment of a substitute in case any member of the EB fails to report in their designated polling place. Except in the following instances when there is a need to fill in a temporary vacancy, the members of the EB who are present, may appoint a qualified non-partisan registered voter, who shall serve until the regular or substitute member appears:

a) There is considerable distance between the residence of the substitute and the location of the polling place;
b) Lack or difficulty of means of transportation; or
c) Inability of the EB to inform the EO of the non-appearance of any of the member.

SEC. 131. Order of preference. – In case any of the circumstances mentioned in the preceding section exists, the EO may appoint the following persons based on their order of preference, who shall likewise be qualified, willing, and available to render election related service, to wit:

a) Private school teachers, giving preference to:

a.1. Those employed in private schools being utilized by the Commission as voting centers. If the voting center is a public building, private school teachers whose place of employment is within the vicinity may be appointed as members of the EB in that particular area.

a.2. Those teaching in high school or college level, holding regular positions who have previously served as member of the EB.

For this purpose, the highest private school official shall submit to the EO, within five (5) days upon request, a certified list of private school teachers who are qualified, willing, and available to render election-related service.

b) National government employees;

b.1. DepEd/MBHTE non-teaching personnel;

b.2. Other national government officials and employees holding regular or permanent positions, excluding uniformed personnel of the Department of National Defense (DND), all its attached agencies, and the Philippine National Police (PNP), except in cases provided in Sec. 147 hereof;

c) Members of the Commission-accredited citizens' arms of other Civil Society Organizations (CSOs) and Non-government Organizations (NGOs) duly accredited by the Commission; and

d) Any registered voter of the city or municipality of known integrity and competence who is not connected with any candidate or political party;

d.1. Connection with any candidate shall mean:
d.1.1. relationship within the fourth (4^{th}) civil degree of consanguinity and affinity, including the spouse of the candidate;
d.1.2. supporter;
d.1.3. contributor, donor; or
d.1.4. other analogous cases.

d.2. Connection with any political party shall mean:

d.2.1. members of officials of the political party and their spouses and members of the family within the fourth (4^{th}) civil degree of consanguinity and affinity;

d.2.2. contributor, donor;

d.2.3. supporter; or

d.2.4. other analogous cases.

For this purpose, the following persons shall endorse a certified list of their respective personnel, who are qualified, willing, and available to render election-related service, based on the POP to the EO within five (5) days upon request, to wit:

a. The highest official of the private school in the district, city or municipality, in case of letter (a) above. In case there are two or more private schools in the district, city or municipality, the EO shall send a request simultaneously;

b. The DepEd or MBHTE official in case of letter b.1. above;

c. The highest official of other national government agencies in the district, city, or municipality in case of letter b.2. above, if any; or

d. The highest officer authorized representative of the local chapter of Commission-accredited citizens' arms or other CSOs and NGOs duly accredited by the Commission in the district, city, or municipality, in case of letter c above. In case there are two or more organizations in the district, city, or municipality, the EO shall send the request simultaneously;

e. In cases of letters a and d, the EO shall observe the policy on first-come first-served basis.

The endorsement of the heads of the agencies shall serve as an authority for their respective employees who shall render election-related service to be on

official business for purposes of attending trainings or seminars relative to their appointments as members of the EB.

In the preparation of the list, the aforementioned officials shall exercise due diligence to ensure that the persons appearing therein are indeed qualified, willing, and available to render election-related service.

Private school teachers, national government employees, DepEd/MBHTE non-teaching personnel, other national government officials, and employees holding regular or permanent positions, excluding uniformed personnel of the DND and all its attached agencies, and members of the Commission-accredited citizen arms, or other civil society organizations, and non-governmental organizations duly accredited by the Commission, not included in the Lists, who are qualified, willing and available, may apply directly to the EO.

Further, the Commission shall provide, free of charge, an application form, which shall be made available at the OEOs for any registered voter who intends to be appointed as a member of the EB. The ITD of the Commission shall ensure that the said form may be downloaded from its official website for easy access thereto.

SEC. 132*. Posting of notice of date, time, and place of filing of application of qualified substitutes*. – The Commission shall set the period within which applications for qualified substitutes falling in Section 131 (d) may be filed. At least three (3) days before the start of the period for the filing of applications, the notice of the date, time, and place of filing shall be posted on the bulletin boards in the OEO and in the city or municipal hall.

SEC. 133*. Posting of the List of applicants and filing of opposition.* – Upon receipt of the certified lists mentioned in Section 131 above and after the last day of the period for filing of applications, the EO shall observe the procedures mentioned in Sections 127 and 128, hereof.

SEC. 134. *Authority to administer oath.* – The EO shall have the power to administer oath in all cases where said oath is required, *free of charge.*

SEC. 135*. Oath of the chairperson and members of the electoral board.* Before assuming office, the chairperson or members of the EB shall take and sign an oath using CEF No. A5 and A5-A before an officer authorized to administer oath or, in the absence of said officer, before any other member of the EB present, or in case no one is present, before any voter.

SEC. 136*. Powers and functions of the electoral board.* – In addition to the powers and functions prescribed by law or by the rules and regulations issued by the Commission, the EB shall:

a) Verify the identity of a voter using the EDCVL;

b) Conduct the voting in the polling place and administer the counting of votes;

c) Act as deputies of the Commission in the supervision and control of the conduct of elections in the polling place;

d) Maintain order within the polling place and its premises to keep an open and unobstructed access thereto;

e) Prohibit the use of cellular phones, cameras, or any recording device by the voters during voting;

f) Enforce obedience to its or the Commission's lawful orders.

If any person refuses to obey the lawful orders of the EB or of the Commission or conducts in a disorderly manner in the presence of the former, or within

its hearing and thereby interrupts or disturbs its proceedings, the EB may issue an order in writing directing any peace officer to take such person into custody until the adjournment of the meeting, but in no case shall such order be executed as to prevent such person from voting.

In the absence of any peace officer, such order may be implemented by any other competent and able person deputized by the EB in writing. A copy of such written order shall be attached to the Minutes;

g) Furnish copies of the Certificate of Votes (C.E. Form No. 13) upon request of the watchers; and

h) Perform such other functions prescribed by law or by the rules and regulations promulgated by the Commission.

SEC. 137. *Voting privilege of the members of the electoral board* – Members of the EB may vote in the polling place where they are assigned on election day, provided that:

a) They are registered voters of the barangay where they are assigned; and
b) They shall add their names and precinct numbers and the place where they are actually registered in the EDCVL, and note such fact in the Minutes.

Any member of the EB, who is a registered voter of another barangay, may vote in the polling place where they are actually registered, provided that:

a) The voting in their place of assignment is light;

b) Their absence shall not be for more than thirty (30) minutes;

c) The members of the EB shall schedule the voting so that only one (1) member shall leave at any given time;

d) They must be given priority in voting; and

e) The fact that they exercised their voting privilege shall be noted in the Minutes.

SEC. 138. *Meetings of the electoral board.* – The meetings of the EB shall be public and held only in the polling place authorized by the Commission.

The EB shall act through its chairperson, and without delay, decide by majority vote, all questions that may arise in the performance of its duties.

SEC. 139. *Prohibition on political activity.* – No member of the EB shall engage in any partisan political activity or take part in the election, except to vote and discharge his/her duties as such.

SEC. 140. *Temporary vacancies in the electoral board.* – If at the time of the meeting of the EB, any member is absent or a position in the EB is still vacant, the members present shall call upon the substitute of the absent members to perform the duties of the latter. In case such substitute cannot be found, the members present shall appoint any qualified non-partisan registered voter of the polling place to temporarily fill in said vacancy until the absent member appears or the vacancy is filled. In case there are two (2) or more members present, they shall act jointly.

SEC. 141. *Arrest of absent member.* – The members of the EB present may order the arrest of any member or substitute thereof, who, in the member's or members judgment, is absent with the intention of obstructing the performance of the duties of the EB.

SEC. 142. ***Relief and substitution of the members of the electoral board.***

The members of the EB shall not be relieved unless disqualified as provided in this Article.

SEC. 143. ***Support staff of the electoral board.*** **–** The EO shall, during the period for the constitution and appointment of the EB, appoint one (1) support staff to assist the EB in the performance of its duties.

The support staff need not be a registered voter of the city or municipality but must possess all the other qualifications and none of the disqualifications for appointment to the EB.

The numbers of additional support staff that may be appointed per EB are as follows:

Number of Established Precincts in the Clustered Precincts (for both Barangay and SK)	Number of Additional EB Support Staff
1 to 3	0
4	1
5 or more	2

The EB support staff cannot participate in the deliberation of the EB or vote on any issue or question that may arise during the proceedings.

In case of absence of any of the support staff on the day of the election, the EB, by majority vote, may designate a substitute who need not be a registered voter of the city or municipality, but possesses all the other qualifications and none of the disqualifications for appointment as support staff.

For purposes of the October 30, 2023 BSKE, the foregoing section shall not apply.

SEC. 144. ***Department of Education/Ministry of Basic, Higher and Technical Education Supervisor Official and support staff; composition, qualification and functions.*** **–**For purposes of the October 30, 2023 BSKE, the EO shall, within the period for the constitution and appointment of the EB, constitute one (1) DESO and one (1) DESO Support Staff, for every voting center.

DESO and Support Staff need not be registered voters of the city or municipality or district where they are assigned but must possess all the other qualifications and none of the disqualifications for appointment to the EB.

For the succeeding BSKEs and whenever applicable, the EO may constitute an additional DESO and support staff in accordance with the following table:

(a) For DESO:

Number of Clustered Precincts	Number of Additional DESO
11-20	1
21-30	2
31-40 and so forth using the same ratio	3

(b) For DESO Support Staff

Number of Clustered Precincts	Number of Additional DESO Support Staff
6-10	1
11-15	2
16-20 and so forth using the same ratio	3

The DESO, in coordination with the EO, shall:

a. Plan, organize, lay-out, and supervise the setting up of a Voters' Assistance Desk (VAD) at the voting center to assist voters in locating their polling places or precinct assignments, including APPs and EAPPs;

b. Supervise the strategic posting of the layout of the voting center indicating/showing the location of the polling places of the clustered precincts in the voting center, as well as the posting of other signages, which shall guide the voters in the voting process.

c. Plan, organize, and supervise the crowd management at the ingress and egress areas of the polling places;

d. Maintain a list of PNP and AFP personnel, assigned in the voting center for efficient coordination;

e. Supervise and maintain the APP and EAPP or makeshift EAPP, as the case may be, in the voting center;

f. Serve as the contact and point person of the EO in the polling place or voting center;

g. Supervise the Support Staff in the exercise of their duties and functions as provided in the succeeding sections hereof;

h. Designate each DESO Support Staff to their respective clustered precincts; and

i. Perform such other functions prescribed by law or by the rules and regulations promulgated by the Commission.

SEC. 145. *DESO EAPP support staff.* – The EO shall appoint EAPP support staff in every voting center, where an EAPP will be set-up as approved by the Commission. The EAPP support staff shall enjoy the same emoluments as other support staff members as provided in this Article.

SEC. 146. *Reportorial requirements.* –The EO shall, within three (3) days from the constitution, appointment and designation of the (a) members of EB and their support staff (b) DESO and their support staff, (c) EAPP DESO Support Staff, submit to the OPES, the following:

a. List containing the names of the appointed members of the EB, their designations and an indication whether they are public school teachers or

private school teachers or civil service employees or private citizens, arranged by precinct;

b. List containing the names of the appointed support staff of the EB, an indication whether they are public school teachers or private school teachers or civil service employees or private citizens, arranged by precinct; and

c. List containing the names of the appointed DESO and their support staff, an indication whether they are public school teachers or private school teachers or civil service employees or private citizens, arranged by polling/voting center.

The PES shall, within three (3) days from receipt of above enumerated documents, submit the same to the ORED, which shall then submit immediately the lists to the FSD and EBAD through the fastest possible means. Soft copies in PDF format are likewise to be submitted through email at finance@comelec.gov.phand ebad@comelec.gov.ph.

SEC. 147*. Deputation of members of the PNP.* – Uniformed personnel of the PNP who have undergone trainings may be deputized as a Member of the EB, in the following instances:

A. In areas classified under RED category or declared under COMELEC Control, the Regional Election Director (RED) as Head of the Regional Joint Security Coordinating Council (RJSCC) shall:

1. Coordinate with the PNP Regional Director on the briefing of PNP personnel as EB members;
2. Determine the exact number of PNP personnel needed, where to source them out, venue and other relevant matter;
3. Provide the lecturer and the briefing materials;
4. Prepare the contingency deployment plan for the utilization of PNP personnel as EB members; and
5. Submit corresponding report to the Commissioner – in Charge (CIC) through the PMO 2023 BSKE.

B. In areas with requests for utilization of PNP personnel:

1. The EO shall forward any request to the Provincial Joint Security Coordinating Council (PJSCC) through the Provincial Election Supervisor (PES) being the Head of the PJSCC, for evaluation;
2. The PJSCC shall submit its corresponding recommendation to the RJSCC;
3. The RJSCC shall submit the same to the Committee on the Ban of Firearms and Security Concerns (CBFSC), for approval/disapproval, copy furnished the CIC through the PMO 2023 BSKE; and
4. Upon approval thereof, the RED shall follow the protocol provided in letter A above.

C. In areas with no qualified, willing and available public-school teachers to render election related service and that the hierarchy of the order of preference provided in the "Election Service Reform Act" (ESRA) has been exhausted, based on the certification issued by concerned officials mentioned in the Order of Preference.

1. The EO shall submit a report to the PJSCC, with attached certification that there are no other qualified, willing and available persons to render election service in the concerned district, city or municipality issued by the concerned officials above mentioned;
2. The PJSCC shall forward the report to the RJSCC;

3. The RJSCC shall transmit the same to the CBFSC, for approval/disapproval, copy furnished the PMO BSKE; and
4. Upon approval thereof, the RED shall follow the protocol provided in letter A above.

The required **CERTIFICATION,** that there are no other qualified, willing and available persons to render election service in the concerned district, city or municipality shall be issued by the following:

1. The highest DepEd official for both public school teachers and DepEd non-teaching personnel;

2. The highest official/s of the private school/s;

3. The highest official/s of other national government agencies; and

4. The highest officer/s or authorized representative/s of the local chapter of Commission-accredited citizens' arms or other CSOs and NGOs duly accredited by the Commission.

D. In the event that the EBs failed to report during the deployment of forms and supplies in the early morning of Election Day:

1. The EO shall report the matter to the RJSCC through the RED, copy furnished the PJSCC;
2. The RJSCC shall authorize the deployment of PNP who were trained as standby EBs, referred to in the preceding paragraph and submit a report to the CIC through the PMO BSKE, re: Deployment of PNP Personnel.

SEC. 148*. Entitlement of honoraria, allowances, service credits and other benefits*. – Persons rendering election-related service shall be entitled to the following:

a. Honorarium and allowance. - The Chairperson and members of the EB, the DESO and their respective Support Staff shall be entitled to the corresponding honoraria and allowances:

Chairperson of the EB	P10,000.00
Member of the EB	P9,000.00
DESO	P9,000.00
Support Staff	P5,500.00

b. Service Credit. – A minimum of five (5) days service credit shall accrue to all government officials and employees serving as EB, DESO, and Support Staff.

SEC. 149*. Period of payment*. – The honoraria and allowances mentioned in the immediately preceding section shall be paid within fifteen (15) days from the date of election.

SEC. 150*. Delay in the payment of honoraria and allowances; effec*t. – Any person who makes or causes delay in the payment of honoraria and allowances due to persons who rendered election-related service beyond fifteen (15) days from the date of election shall be liable for an election offense.

SEC. 151. *Other benefits.* – Persons rendering election service shall be entitled to the following:

a. Death Benefits – The amount of Five Hundred Thousand Pesos (P500,000.00) shall be awarded to the beneficiaries of persons who died due to election-related risk.

b. Medical Assistance – An amount not exceeding Two Hundred Thousand Pesos (P200,000.00) shall be awarded to the person who rendered election-related service and suffered election-related injury or illness.

SEC. 152. Legal indemnification package. – An equitable legal indemnification package for persons who rendered election-related service and have been a party in any administrative, civil, or criminal action, suit or proceeding, by reason of or on the occasion of performance of their functions or duties as such is hereby established in the form of:

a. Legal assistance;
b. Lawyer's fees;
c. Indemnification for legal costs and expenses reasonably incurred; and
d. Other forms of legal protection.

The Legal indemnification shall not cover any action or suit initiated by the claimant in the latter's personal capacity or on behalf of the Commission, unless such action, proceeding or claim was authorized by the Commission.

SEC. 153. *Funds for legal indemnification package.* – The amount of Fifty Thousand Pesos (P50,000.00) as legal indemnification package shall be made available to each claimant.

SEC. 154. *Committee on Claims and Assessment.* – Claims for other benefits and legal indemnification package shall be filed with the Committee on Claims and Assessment (CCA) through the EO. The CCA shall be composed mainly of the ODEDO, Law Department, Personnel Department and FSD.

SEC. 155. *Legal assistance.* – A person who rendered election-related service is hereby authorized to engage the services of a government or private lawyer immediately upon receipt of a notice that a civil or criminal action, suit or administrative proceeding relating to any election service has been filed against said person.

SEC. 156. *Lawyer's fees.* – In the engagement of the services of a government lawyer, no claims for lawyer's fees shall be awarded.

Should the claimant prefer to engage the services of a private lawyer, the Commission, upon the recommendation of the CCA of the concerned national government agency shall bear the reasonable lawyer's fees of the counsel of choice, which, in no case, shall exceed the maximum limit of the legal indemnification package herein provided, otherwise, the former shall bear the excess.

In the event that private lawyers accept the case "pro bono", no claims for lawyer's fees shall be awarded.

SEC. 157. *Legal costs and other reasonable expenses.* – Legal costs shall constitute the expenses directly incurred by reason of the election-related service case, such as but not limited to:

a. Filing fees, if applicable;
b. Mailing;
c. Notarial fees; and
d. Gathering of and photocopy of evidence.

A reasonable amount from the legal indemnification package shall be allocated by the Commission for the payment of the actual expenses incurred for legal costs and other reasonable expenses.

SEC. 158. ***Other forms of legal protection.*** **–** The claimant may avail of any legal protection and remedies available under existing laws by filing a request for legal protection with the CCA.

If, upon evaluation, the CCA finds the request to be meritorious due to existing or imminent threat, violence, harassment or intimidation against the claimant or any immediate member of claimant's family, it shall recommend to the Commission *En Banc,* the deputation of law enforcement agencies to provide security to the claimant and/or claimant's immediate family member within a specified period of time or until such time that the condition for the protection no longer exists.

SEC. 159. ***Entitlement to legal indemnification package.*** **–** The Claimant shall be allowed reimbursement for reasonable legal expenses incurred if found not guilty of an election offense or exonerated from civil, criminal or administrative case filed against him, in relation to election-related service, subject to usual accounting and auditing rules and regulations of the COA.

Article VII

Chapter I
FILING OF CERTIFICATE OF CANDIDACY

SEC. 160. ***Officials to be elected.*** - The officials to be elected in each *barangay* are the following:

a. For the *Barangay* Elections: One (1) *Punong Barangay* and seven (7) Members of the *Sangguniang Barangay* (SB);

b. For the *Sangguniang Kabataan* (SK) Elections: One (1) Chairperson and seven (7) Members of the SK.

SEC. 161. ***Qualifications for punong barangay and member, SB.***

a. A citizen of the Philippines;

b. A registered voter in the barangay where the aspirant intends to be elected;

c. A resident in the said barangay for at least one (1) year immediately preceding the day of the election;

d. Able to read and write Filipino or any other local language or dialect; and

e. At least 18 years of age on election day.

SEC. 162. ***Qualifications for chairperson and member, SK.***

a. A citizen of the Philippines;

b. A qualified voter of the Katipunan ng Kabataan (KK);

c. A resident of the barangay for not less than one (1) year immediately preceding the day of the elections;

d. At least eighteen (18) years old but not more than twenty-four (24) years of age on the day of the elections;

e. Able to read and write Filipino, English or the local dialect;

f. Must not be related within the second (2nd) civil degree of consanguinity or affinity to any incumbent elected national official or to any incumbent elected regional, provincial, city, municipal, or barangay official in the locality where aspirant seeks to be elected; and

g. Must not have been convicted by final judgment of any crime involving moral turpitude.

SEC. 163. *Voter registration requirement* – Aspirants for the positions of *Punong Barangay* and SB Member must be registered voters in the *barangay* where they respectively intend to be elected, while aspirants for the positions of Chairperson and SK Member must be qualified voters of the *KK.*

For this purpose, the Election Officer shall verify from the database as to whether the aspirant is a registered voter in the *barangay* where he or she intends to be elected or a qualified voter of the KK.

SEC. 164*. Age requirement of chairperson and member, SK*. – Aspirants for the positions of Chairperson and Member, SK must be at least eighteen (18) years but not more than twenty-four (24) years of age on the day of the elections.

For purposes of the October 30, 2023 BSKE, aspirants should be born on October 30, 1999 to October 30, 2005 to qualify for the position aspired for.

SEC. 165. *Remedy for Non-Acceptance by the Receiving Officer of the Certificate of Candidacy in Case of Apparent Non-Compliance with Voter Registration and Age Requirements.* – The Receiving Officer shall not receive the COC in any of the following instances:

a. The aspirant is not a registered voter or qualified voter of the KK as verified from the database of the Election Officer concerned;

b. The aspirant for the position of Punong Barangay, SB Member, Chairperson or SK Member failed to pass the age requirement for the position aspired for.

The non-receipt based on the enumerated grounds shall be without prejudice to the filing of appropriate petition with the Clerk of the Commission by the aspirant whose COC was not accepted by the Receiving Officer.

SEC. 166*. Certificate of Candidacy.* - No person may run for the position of *Punong Barangay*, SB Member, SK Chairperson, or SK Member unless the aspirant accomplishes a sworn COC in the form prescribed by the Commission for the position aspired for.

No person shall be eligible to run for more than one office to be filled in the same election.

SEC. 167*. Effect of filing a Certificate of Candidacy for more than one office*. - An aspirant who files a COC for more than one office shall not be eligible for any of them.

However, the aspirant may personally, or through an authorized representative, file with the Office of the Election Officer concerned, a sworn Statement of Cancellation to

maintain the desired office and cancel the COC for the other office or office/s, before the expiration of the period for the filing of COC.

SEC. 168*. Contents and form of Statement of Cancellation; Statement of Cancellation if not personally filed.* – The Statement of Cancellation shall be under oath and shall contain the following:

a. The date of filing of aspirant's COC;

b. The receiving office that received aspirant's COC;

c. The COC for the office/s to be cancelled by the aspirant;

d. The COC for the desired office to be maintained/retained by the aspirant.

The Statement of Cancellation may be filed by an authorized representative of the aspirant, provided that the authorized representative shall present *(i)* valid Identification Cards of the aspirant and the authorized representative, and *(ii)* Authority to Submit Statement of Cancellation, which must be under oath and containing the original specimen signatures of both the aspirant and the authorized representative.

Sample forms of the Statement of Cancellation and Authority to Submit Statement of Cancellation are attached as **Annexes "J"** and **"J-1",** respectively.

SEC. 169*. Contents and forms of Certificate of Candidacy.* - The COC shall be under oath and shall state:

a. Office aspired for;

b. Name of the aspirant;

c. Age on election day;

d. Sex;

e. Civil Status;

f. If married, the name of the spouse;

g. Place and date of birth;

h. Citizenship;

i. Execution of a sworn renunciation of foreign citizenship (if applicable);

j. Complete address for election purposes;

k. Residence, giving the exact address and the number of years residing in the barangay where the aspirant intends to be elected up to the day before the election;

l. The barangay, city or municipality and province where the aspirant is a registered voter;

m. Profession or occupation;

n. Official e-mail address of the aspirant, for notice and election purposes;

o. That the aspirant is eligible for said office;

p. That the aspirant is not a permanent resident or an immigrant to a foreign country;

q. That the aspirant will file, with the Commission, within 30 days after Election Day, a full, true and itemized Statement of Contributions and Expenditures (SOCE) in connection with the election;

r. That the aspirant will support and defend the Constitution of the Republic of the Philippines and will maintain true faith and allegiance thereto;

s. That the aspirant will obey the laws, legal orders, decrees, resolutions, rules and regulations promulgated and issued by the duly-constituted authorities;

t. That the aspirant assumes the foregoing obligations voluntarily without mental reservation or purpose of evasion;

u. That the aspirant shall not advocate violence or unlawful means to achieve one's goals;

v. That the aspirant gives consent to the Commission to collect, disclose or share, and process the personal data provided for election and other lawful purposes in accordance with the Privacy Notice and as may be authorized by existing laws;

w. That the facts stated in the certificate are true and correct to the best of the aspirant's knowledge;

x. Original signature over the printed name of the aspirant/candidate or digital signature as defined under existing laws and rules; and

y. Whether the aspirant has been found liable for an offense/s which carries with it the accessory penalty of perpetual disqualification to hold public office, which has become final and executory.

Unless there was an official change of name through a court-approved proceeding, an aspirant shall use in the COC: *(i)* the name registered in the Office of the Local Civil Registrar; *(ii)* the name by which such aspirant has been baptized or *(iii)* any other name under the provisions of existing law or in the case of a Muslim, a Hadji name after performing the prescribed religious pilgrimage. However, when there are two or more aspirants for an office with the same name and surname, each aspirant, shall need to state a paternal and maternal surname, except the incumbent who may continue to use the name and surname stated in the COC when last elected.

Aspirant may include one nickname or stage name by which the aspirant is generally or popularly known in their locality; Provided that, no aspirant shall use the nickname or stage name of another. Only one nickname or stage name shall be considered.

Aspirant shall also affix a passport-size photograph taken within the last six (6) months, and may attach a bio-data and program of government not exceeding one hundred (100) words.

A P30.00 documentary stamp tax shall be attached to one (1) of the copies of the COC and the documentary stamp tax number shall be written on the remaining two (2) copies of the COC. Provided that the COC with the attached document stamp tax shall be deemed the original copy of the COC.

In case a documentary stamp of P30.00 is unavailable, two (2) documentary stamps of P15.00 shall be attached to the COC. The COC shall not be invalidated if all the copies have attached documentary stamps.

The COC shall be sworn to before a Notary Public or any official authorized to administer oath. For this purpose, Election Officers within their areas of jurisdiction shall be allowed to administer oath on the COC and all other related documents, free of charge even in their capacities as notaries public.

In case of discrepancy or inconsistency in the three (3) copies of the COC submitted, the copy in possession of the Election Records and Statistics Department (ERSD) shall prevail.

Aspirants must ensure that all items in the COC are filled out completely, both in the front and back pages. If in case certain item in the COC is not applicable to the aspirants, they shall indicate "N/A" or "Not Applicable".

The aspirant/candidate shall affix an initial following any corrections or erasures in the COC form.

The forms of the COC shall be printed on both sides (front and back) of a folio size (8.5" x 13") or legal size (8.5" x 14") copy paper.

The COC forms are attached as **Annexes "K", "K-1", "K-2", and "K-3".**

SEC. 170. *Contents of Certificate of Candidacy applicable to SK positions.* - The COC for SK positions shall likewise state under oath that:

a. Aspirant is a qualified voter of the *KK* of the *barangay* where one seeks to be elected;
b. Aspirant is not related within the second (2nd) civil degree of consanguinity or affinity to any incumbent elected national official or to any incumbent elected regional, provincial, city, municipal, or barangay official in the locality where aspirant seeks to be elected to; and
c. Aspirant must not have been convicted by final judgment of any crime involving moral turpitude.

SEC. 171. *Where to file Certificate of Candidacy.* – The COC shall be filed in three (3) legible copies with the Office of the City or Municipal Election Officer having jurisdiction over the *barangay* where the aspirant seeks to be elected.

In cities or municipalities where there are two (2) or more Election Officers, the COC shall be filed with the Office of the Election Officer of the District having jurisdiction over the aspirant's *barangay*.

Any COC filed with the incorrect office shall be deemed as not filed. No COC filed by mail, electronic mail or facsimile shall be accepted. The filing of the COC of a substitute aspirant, in case of valid substitution, shall be filed in accordance with Section 186 of these guidelines

The COC shall be filed by the aspirant personally or through an authorized representative with a sworn and signed Authority to File the COC.

No filing fee shall be imposed for the filing of the COC.

A sample form of Authority to File COC is attached as **Annex "L".**

SEC. 172. *Period for filing Certificate of Candidacy.* – For the October 30, 2023 BSKE, the COC shall be filed on **August 28,2023 (Monday) to September 2, 2023 (Saturday) from 8:00 AM to 5:00 PM.** For succeeding BSKEs, the Commission shall set the period for the filing of COC which shall be not later than ten (10) days before the day of the election.

If at 4:45 PM during the filing of the COC, there are aspirants inside the designated queuing/waiting area intending to file their respective COCs, the Office of the Election Officer shall:

a. List down the names of aspirants inside the designated queuing/waiting area with completely filled out COCs. If the COCs are not properly filled out, the name of the aspirant shall not be listed and instead, aspirant shall be instructed to complete the COC;

b. The names of the aspirants shall be consecutively numbered, indicating the time of listing (queue time);

c. Announce the name of the aspirant in the order listed to proceed with the filing of COC at a later time.

d. If the name of the aspirant is called beyond 5:00 PM and he fails to appear as called, the Receiving Officer is authorized to refuse acceptance of the COC.

The same procedure shall be observed if at 5:00 PM of the last day of filing of the COC, there are still aspirants inside and within thirty (30) meters from the designated queuing/waiting area.

Only the COCs of those whose names were listed by the Office of the Election Officer shall be accepted.

The Receiving Officer shall only stamp each copy of the COC the word "received" with the date and actual time of receipt and shall be deemed filed on time.

An incomplete COC shall not be accepted and shall not be stamped as received on time even when the aspirant is present and waiting to be called. An incomplete COC includes but not limited to the following: *no documentary stamp attached, no original signature of the aspirant or digital signature as defined under existing laws and rules, not notarized COC, no signature of the notary public, incomplete address, no photograph, not completely filled out COC.*

Sample forms of the List of Aspirants in the Queuing/Waiting Area at 4:45 PM during the period for the filing of COC and 5:00 PM of the last day for the filing of COC are attached as **Annexes "M"** and **"M-1"**, respectively.

SEC. 173. *Report of non-receipt of Certificate of Candidacy.* - The Office of the Election Officer shall submit a report on the list of aspirants whose COCs were not received during the period for filing of COC, providing the reasons therefor, and date it is presented for filing.

If there is no such occurrence for the duration of the period for filing of COC, this fact shall be indicated in the report.

Sample form of the report is attached as **Annex "N".**

SEC. 174. *Effects of filing Certificate of Candidacy.*

a. Any person holding a public appointive office or position, including active members of the Armed Forces of the Philippines (AFP), and other officers and employees in government-owned or controlled corporations, shall be considered *ipso facto* resigned from office and must vacate the office at the start of the regular office hours of the day when the aspirant filed the COC.

b. Any person holding an elective office or position shall not be considered resigned upon the filing of a COC whether for the same or any other elective office or position.

SEC. 175. ***Ministerial Duty of Receiving and Acknowledging Receipt of Certificate of Candidacy.*** - The Receiving Officer has the ministerial duty to receive and acknowledge receipt of the COC; **Provided that it is filed in conformity with these guidelines.**

For this purpose, the Receiving Officer shall evaluate the COC whether on its face, it conforms to the rules and regulations of these guidelines and must ensure that all three (3) copies of the COC pertain to the same office and are completely and properly filled-out by the aspirant.

If the COCs are completely filled-out, the Receiving Officer shall stamp each copy of the COC the word "received" with the date and actual time of receipt and shall affix a signature thereon.

Otherwise, when any item of the COC both in the front and back pages is left unfilled, the Receiving Officer shall require the aspirant to complete and fill out the item. In case the COC is filed by an authorized representative of the aspirant, the Receiving Officer shall not receive the COC and instead instruct the authorized representative to inform the aspirant to complete and fill out the item left and file the same before the end of the period for the filing of the COC.

Should the aspirants refuse to completely fill out all the items in the COC, the Receiving Officer shall not accept the COC.

In any case, a COC not in the form prescribed by the Commission for the position aspired for, incomplete COC, not signed or digitally signed under existing laws and rules and those filed beyond the prescribed period, shall not be accepted.

The Receiving Officer who fails to observe these guidelines shall be held administratively liable.

SEC. 176. ***Recording by the Receiving Officer of the Certificate of Candidacy as filed.*** **–** The Receiving Officer shall maintain separate log sheets for each position and barangay, and enter the following data, leaving no space between entries:

a. Date and actual time of receipt;

b. Assigned consecutive number thereof;

c. Full name of the aspirant;

d. The office for which the candidate is seeking election;

e. The number of copies actually received;

f. The name and signature of the duly authorized representative, if the COC is not filed personally by the candidate.

g. The name and signature of the Receiving Officer; and

h. Signature of the candidate.

SEC. 177. ***Log Sheets of the Certificate of Candidacy as Filed.*** **-** The Receiving Officer shall observe the following guidelines in the entry of the preceding data in the log sheets:

a. There shall be separate log sheets for each position and barangay;

b. The data shall be recorded in chronological order as they have been received. Numbering shall be continued on the next day and should not be restarted on each day for the duration of the period for filing of COC;

c. If a wrong entry is recorded, the Receiving Officer shall strikethrough with a single line the wrong entry and affix a signature;

d. At 5:00 PM or after the time allowed for the filing of the COC, the Receiving Officer shall close the log sheets by placing a line immediately after the last entry and writing the word "closed";

e. The Receiving Officer and at least two (2) witnesses, shall affix their signatures immediately below the word "closed" and indicate the date and exact time of closing;

f. In case no COC is filed on a given date, the Receiving Officer shall enter such fact in the log sheet or indicate the statement, "No COC filed", and shall write the date and affix a signature;

g. The Receiving Officer shall record the data continuously on the log sheet and may use extra sheets if necessary.

The Log Sheets on the Filing of COC for each position and barangay are attached as **Annexes "O", "O-1", "O-2"** and **"O-3",** respectively**.**

SEC. 178*. Submission of the number of aspirants who filed their Certificate of Candidacy.* - On a daily basis, the Receiving Officer shall submit to their respective Provincial Election Supervisors, the Daily Report on the Number of Aspirants who filed their COCs per elective position and by sex. The Office of the Regional Election Director shall consolidate the reports and submit to the ERSD, through electronic mail at *ersd@comelec.gov.ph* and copy furnish *ersd.rsd@comelec.gov.ph.*

The forms of the Daily Report on the Number of Aspirants who filed their COCs per elective position and by sex are attached as **Annexes "P", "P-1"** and **"P-2".**

SEC. 179*. Reports of the Certificates of Candidacy received.* **-** The Head of the Receiving Office shall:

a. Print a Certified List of Candidates as entered in the log sheets, affix a signature and submit it to the ERSD, in PDF format through electronic mail at *ersd@comelec.gov.ph*; and

b. Using the program and the format provided by the Information Technology Department (ITD), encode the candidates' information and save the same in a compact disc (CD).

The Head of the Receiving Office shall make sure that the candidate's information encoded are accurate and complete as stated in the COC of the candidate.

The Receiving Officer shall submit, through electronic mail, the Certified List of Candidates to the ERSD.

For purposes of the October 30, 2023, it shall be submitted not later than **September 6, 2023**. For the succeeding BSKEs, the Commission shall set **the period of submission of the Certified List of Candidates to ERSD**.

SEC. 180*. Preparation of the Certified Consolidated List of Candidates.* - Immediately after the last day for filing of COCs, the Election Officer shall prepare a

certified consolidated list of all candidates in two (2) copies. The first copy shall be retained by the Election Officer concerned while the second copy shall be submitted pursuant Section 182 of these guidelines.

SEC. 181. *Distribution of Certificates of Candidacy.* - Copies of the COC for the *Barangay* and SK Officials shall be distributed as follows:

a. Original Copy, to the ERSD, Commission on Elections, Manila;

b. Second Copy, to the Election Officer for file; and

c. Third Copy, to the candidate.

SEC. 182. *Delivery of Certificates of Candidacy and other documents.* – For purposes of the October 30, 2023 BSKE, on or before **September 5, 2023 (Tuesday)**, the Election Officer concerned shall submit to the Provincial Election Supervisor or to the Regional Election Director in case of the National Capital Region (NCR), Davao City and Zamboanga City who shall, in turn, personally deliver, on **September 6, 2023 (Wednesday)**, the same to the ERSD, the following documents:

a. Original copies of the COC;

b. Report of Non-Receipt of Certificate of Candidacy;

c. Log sheets;

d. CD containing the candidates' information as encoded; and

e. Hard Copies of the Certified Consolidated List of all Candidates for the Barangay and SK elections for each barangay.

For the succeeding BSKEs, the Commission shall set the period within which to submit the documents.

SEC. 183. *Posting of the Certified Consolidated List of Candidates.* - At least ten (10) days before Election Day, the Election Officer shall post copies of the certified consolidated lists of candidates both for the *Barangay* and SK Elections in the *Barangay* Hall, Office of the Election Officer and two (2) other conspicuous places in the *Barangay*.

SEC. 184. *Withdrawal of Certificate of Candidacy.* - Any person who has filed a COC may withdraw the same at any time before Election Day, by personally filing a sworn Statement of Withdrawal in triplicate copies with the Office where the COC was filed.

The Statement of Withdrawal shall be distributed in similar manner as the COC, furnishing the Electoral Board(s) concerned a copy of the same.

No Statement of Withdrawal filed by mail, electronic mail, or facsimile shall be accepted.

No Statement of Withdrawal shall be filed by a person other than the aspirant, except in cases provided in Section 185 of the guidelines.

The filing of a Statement of Withdrawal of a COC shall not affect whatever civil, criminal or administrative liability a candidate may have incurred.

The form for the Statement of Withdrawal is attached as **Annex "Q".**

SEC. 185. *Filing of Statement of Withdrawal by the duly authorized representative of the Candidate.* - The duly authorized representative may file, on behalf of the withdrawing candidate, the sworn Statement of Withdrawal of COC, only in the following instances:

a. The withdrawing candidate was tested positive for COVID19;
b. The withdrawing candidate was identified as a close contact with any person who was tested positive for COVID19 and on quarantine or isolation;

The form for the Authority to File Statement of Withdrawal is attached as **Annex "R".**

SEC. 186. *Substitution of candidates in case of death.* – If a candidate dies after the last day for filing of COC, the candidate who died can be substituted by the spouse of the deceased candidate.

For this purpose, the candidates shall enter the name of his or her spouse at the back of the COC.

The substitute possessing all the qualifications and none of the disqualifications provided by law for the office affected, may file a COC up to mid-day of election and shall submit the certified true copy of the Death Certificate of the original candidate.

The substitute may file a COC for the office affected with the Receiving Officer concerned. On the same day, the Receiving Officer shall immediately distribute the COC in accordance with Section 181 of these guidelines.

The Regional Election Director is authorized to evaluate and act on all substitution. All actions of the Regional Election Director shall remain valid and effective unless otherwise reversed or set aside by the Commission. For this purpose, the Receiving Officer shall immediately furnish the Regional Election Director concerned with a copy of the COC of the substitute candidate.

If the death should occur between the day before the election day and mid-day of election day, the substitute may file the COC with any of the Electoral Boards in the political subdivision where the deceased candidate sought to be voted.

No substitution due to withdrawal or disqualification of the candidate shall be allowed.

SEC. 187. *Inclusion of the substitute in the list of official candidates.* - The name of the substitute shall be reflected in the Certified List of Official Candidates.

In case the name of the substitute is not reflected in the Certified List of Candidates, the Election Officer concerned shall manually strike out in the list the name of the deceased candidate and shall write the name of the substitute in the space beside the struck-out name of the deceased candidate. The Election Officer shall inform the Electoral Boards concerned of the fact of substitution and shall also cause the widest dissemination thereof.

SEC. 188. *Appreciation of ballots in case of substitution.* –

a. If the name of the substitute is included in the List of Official Candidates, votes cast in favor of the substitute shall be counted in favor of said candidate;
b. If the name of the substitute is not included in the List of Official Candidates, votes cast in favor of the deceased candidate shall be counted in favor of the substitute.

SEC. 189. *Forms.* - All forms mentioned in these guidelines are available at the COMELEC Offices for free and may be photocopied or reproduced or downloaded from the COMELEC official website at *www.comelec.gov.ph*.

The COC form shall be printed on both sides (front and back) of a folio (8.5" x 13") or legal (8.5" x 14") size copy paper.

SEC. 190. ***Compliance with the Data Privacy Act of 2012 and its Implementing Rules and Regulations.*** – The Commission shall ensure that all its procedures are compliant with the *Data Privacy Act of 2012 and its Implementing Rules and Regulations.*

CHAPTER II

REQUEST FOR AUTHORITY TO TRANSFER VENUE FOR THE FILING OF CERTIFICATE OF CANDIDACY

SEC. 191. ***Request to Transfer Venue for the Filing of the Certificate of Candidacy.***– The Election Officer concerned may file a request for transfer of venue for the filing of COC due to reasons such as, but not limited to security of aspirants and/or Comelec employees, limited space or other valid grounds.

For purposes of the October 30, 2023 BSKE, the request to transfer venue for the filing of COC shall be filed not later than **July 28, 2023 (Friday).** For succeeding BSKEs, it shall be filed on such date as may be fixed by the Commission.

SEC. 192. ***Where to file.*** – The Election Officer shall file the request for transfer of venue for the filing of COC with the Provincial Election Supervisor concerned.

Within three (3) days from the filing of the request, the Provincial Election Supervisor shall recommend the approval or disapproval of the request to the Regional Election Director.

The Regional Election Director shall act on the request within three (3) days from receipt of the recommendation of the Provincial Election Supervisor.

In case of the NCR, Zamboanga City and Davao City, the Election Officer shall file the request for transfer of venue with the Regional Election Director.

The decision of the Regional Election Director shall be final and executory unless a timely opposition is filed. All approved request for transfer of venue for the filing of COC shall be immediately posted in the bulletin board of the Office of the Election Officer concerned and of the city or municipal hall, and in at least three (3) conspicuous places in the city or municipality.

SEC. 193. ***Requirements for the transfer of venue for the filing of COC.*** **–** The venue where the filing of COC may be transferred shall be located in a public building or if none is available, in a private building, provided that either must not be owned, leased, or occupied by any incumbent official or any person who is related to any incumbent official within the fourth civil degree of consanguinity or affinity, or any officer of the government or leader of any political party, group or faction, nor in any building or surrounding premises under the actual control of a private entity, political party or religious organization.

The venue must be, as far as practicable, of sufficient size to admit and comfortably accommodate a reasonable number of aspirants at one time. The venue for the filing of

COC shall be located within the territory or jurisdiction of the receiving office as centrally as possible, and whenever possible, such location shall be along a public road.

The venue for the filing of COC shall not be located within the perimeter of or inside a military or police camp or reservation or within a prison compound.

SEC. 194. Notice. - Upon approval of the request, the concerned Election Officer shall notify the public, by posting a notice of change of venue of filing of COCs, in the bulletin boards of the OEO and of the city or municipal hall, and in at least three (3) conspicuous places in the city or municipality.

SEC. 195*. Opposition to the Transfer of Venue for the Filing of COC.* - Any registered voter may, within three (3) days from the approval of the request for the transfer of venue for the filing of COC, file an Opposition with the Regional Election Director who issued such approval.

The Opposition shall be decided by the Regional Election Director within three (3) days from filing. The decision shall be final and executory, and shall be posted in the bulletin board of the OEO concerned.

SEC. 196. *Responsibility of the receiving offices.* – At least two (2) weeks before the start of the period for the filing of COC, the Office of the Election Officer shall ensure that the minimum health and safety standards are in place in the receiving office or venue.

SEC. 197. *COVID19 Marshal, functions.*– Whenever necessary, a COVID19 Marshal shall be deployed in all receiving offices to ensure an orderly filing of COC, taking into consideration the strict observance of the health and safety protocols provided in these guidelines, if necessary.

SEC. 198*. Deployment of AFP/PNP, security and assistance.* – The Commission may seek assistance from the AFP and/or PNP, in coordination with the IATF-EID, in manning the premises of the receiving offices during the filing of COC.

SEC. 199. *Changes in procedures and protocols*. – The guidelines provided in this Article may be modified depending on the rules to be issued by the national government, IATF-EID and Local Government Unit concerned due to supervening circumstances beyond the control of the Commission.

Article VIII

DEPUTATION

SEC. 200*. The Department of the Interior and Local Government (DILG) and the National Police Commission (NAPOLCOM), duties and functions.* - The DILG and NAPOLCOM, through the Philippine National Police (PNP) or other concerned law enforcement agencies, if applicable, are hereby deputized with the concurrence of the President, to perform the following duties and functions:

a) Provide security to polling places, voting centers, canvassing/ consolidation centers, and such other places or buildings, including election paraphernalia, equipment, forms, and supplies, that will be used in connection with the elections;

b) Provide security to the personnel of the Commission, its deputies, and other persons performing election-related functions;

c) Deploy, at the least time possible, troops for election duty in coordination with the concerned Regional Election Director, Provincial Election Supervisor, and Election Officer;

d) Make available, at the least time possible, land, air, and water-craft assets, communication systems, and other equipment, in connection with the conduct of the elections;

e) Look into the existence of any armed group organized to commit, or which is committing or attempting to commit, acts of terrorism, or threats to intimidate or coerce any person to vote for or against a candidate, and to suppress or prevent said acts of terrorism or threats;

f) Assist the Commission in implementing more effectively election laws and/or rules and regulations, particularly the laws governing prohibition against military, policemen, and provincial guards acting as bodyguards or security guards for the candidates, the use of armored vehicles and air or water-craft, and the prohibition on bearing, carrying or transporting firearms and other deadly weapons in public places;

g) Provide security escorts to candidates, incumbent public officials whether elected or appointed and private individuals, subject to the conditions and restrictions on the COMELEC Resolution imposing the ban on the carrying of firearms and other deadly weapons and the ban on the use of security personnel or bodyguards;

h) Conduct a periodic assessment of the peace and order conditions in critical areas and recommend measures that may be adopted by the Commission in the interest of free, orderly, honest, peaceful, and credible elections;

i) Comply with and/or implement directives or resolutions of the Commission, which shall take precedence over and above the orders and directives issued by any other office or agency of the Government, except the Supreme Court and those issued in *habeas corpus* proceedings; and

j) Render periodic reports on action taken in accordance with these guidelines to be submitted to the Commission, through the Committee on the Ban on Firearms and Security Concerns (CBFSC) via electronic mail (e-mail) at *gunban@comelec.gov.ph*.

SEC. 201*. Other law enforcement agencies, duties, and functions*. - The following law enforcement agencies are hereby deputized, with the concurrence of the President, to perform the following duties and functions:

SEC. 201.1*. The Bureau of Jail Management and Penology (BJMP) and the Bureau of Corrections (BuCor).* - The BJMP and BuCor shall:

a) Enforce the following provision of the Omnibus Election Code:

> *"Sec. 261 (n). Illegal release of prisoners before and after election. - The Director of the Bureau of Prisons, any provincial warden, the keeper of the jail or the person or persons required by law to keep prisoner in their custody who illegally orders or allows any prisoner detained in the national penitentiary, or the provincial, city or municipal jail to leave the premises thereof sixty days before and thirty days after the election. The municipal or city warden, the provincial warden, the keeper of the jail or the person or persons required by law to keep prisoners in their custody shall post in three conspicuous public places a list of the prisoners or detention*

prisoners under their care. Detention prisoners must be categorized as such"; and

b) Comply with all orders, directives, and resolutions which the Commission may issue or promulgate in relation thereto or relative to the objective of ensuring the free, orderly, honest, peaceful, transparent, and credible conduct of elections.

SEC. 201.2. ***The National Bureau of Investigation (NBI).*** - Upon prior order of the Commission, the NBI shall:

a. Deploy its agents to designated areas in order to effectively carry out the objective of these guidelines, furnishing the Commission with the list of said agents;

b. Direct its agent to arrest any person who violates the provisions of the Omnibus Election Code and other pertinent election laws and the rules and regulations promulgated by the Commission, without prejudice to Section 266 of the Omnibus Election Code;

c) Render periodic reports on action taken in accordance with these guidelines to be submitted to the Commission, through the CBFSC via electronic mail (e-mail) at *gunban@comelec.gov.ph*;

d) Comply with the orders, and directives of the Commission, which shall be given priority over orders and directives from other sources, except the Supreme Court and those issued in *habeas corpus* proceedings.

SEC. 202. ***Departments and offices under the executive branch.*** - The Department of Education (DepEd) or the Ministry of Basic, Higher and Technical Education (MBHTE), Department of Finance (DOF), Department of Transportation (DOTr), Department of Information and Communications Technology (DICT), Bureau of Fire Protection (BFP), Department of Public Works and Highways (DPWH), Philippine Information Agency (PIA), and Department of Health (DOH) are hereby deputized, with the concurrence of the President, to perform the following duties and functions:

SEC. 202.1. ***The Department of Education or the Ministry of Basic, Higher and Technical Education (MBHTE).*** - The DepEd/MBHTE shall:

a. Comply with and enforce all orders and instructions of the Commission relative to the election duties and functions of its personnel;

b) Allow the use of public school buildings for election purposes;

c) Not to hold, during the election period, conferences, seminars, or any school activity, which might interfere, restrict, or prevent the performance of election duties of its personnel, except upon prior written authority from the Commission; and

d) Perform such other duties and functions as the Commission may prescribe from time to time.

SEC. 202.2. ***The Department of Finance.*** - The DOF shall:

a. Comply with and enforce all orders and instructions of the Commission relative to the election duties and functions of its personnel;

b) Ensure that all provincial, city, and municipal treasurers remain in their present assignments and neither transferred/ detailed, reassigned, whether temporary or permanent, to another province, city, or

municipality, except upon prior written authority of the Commission, nor allowed to go on leave of absence from office during the period starting two weeks before and two weeks after election day, except upon prior written approval of the Commission;

c) Not to designate a temporary or casual employee as Acting Treasurer; and

d) Perform such other duties and functions as the Commission may prescribe from time to time.

SEC.202.3. ***The Department of Transportation (DOTr) and the Department of Information and Communications Technology (DICT).*** - The DOTr and DICT, including its attached agencies, shall:

a. Circularize to all owners and operators of land and air transportation facilities and telecommunications services, holders of certificates of public convenience, franchises, or other forms of authorization, that the following provisions under the Omnibus Election Code are election offenses:

   i. Sec. 89, which prohibits any candidate, political party or organization or any person from giving or accepting transportation, free of charge, directly or indirectly during the five (5) hours before and after a public meeting, on the day preceding the election and on election day;

   ii. Sec. 95, which prohibits contributions for partisan political activity given directly or indirectly by natural or juridical persons operating a public utility; or by natural or juridical persons who hold contracts or subcontracts to supply the government or any of its agencies, subdivisions or instrumentalities with goods or services or to perform construction or other work; or by natural or juridical persons who have been granted franchise, incentives, exemptions, or allocations or similar privileges or concessions by the government or any of its agencies, subdivisions or instrumentalities including government-owned or controlled corporations; or by natural or juridical persons who within one (1) year prior to the date of the election have been granted loans or other accommodations in excess of P100,000.00 by the government or any of its agencies, subdivisions or instrumentalities including government-owned or controlled corporations;

   iii. Sec. 97, which makes it unlawful for any person or organization, whether civic or religious, to directly or indirectly solicit and/or accept from any candidate for public office or from his campaign manager, agent or representative, or any person acting in their behalf, any gift, food, transportations, contribution or donation in cash or in kind from the commencement of the election period up to and including election day;

   iv. Sec. 261 (o), which prohibits the use under any guise whatsoever, directly or indirectly of (a) any printing press, radio or television station or audio-visual equipment operated by the government or by its subdivisions, instrumentalities, agencies or instrumentalities, including government-owned or controlled corporations, or (b) any equipment, facility, apparatus, paraphernalia or vehicle owned by the government or by its political subdivisions, agencies or instrumentalities,

including government-owned or controlled corporations or by the Armed Forces of the Philippines for any election campaign of for any partisan political activity; and

v. Sec. 261 (dd) (4), which penalizes any operator or employee of a public utility or transportation company operating under a certificate of public convenience who refuses to carry official election mail matters free of charge during the election period.

b) Require all transportation companies engaged in the operation of transportation facilities to report within thirty (30) days following the day of the election, the use, rental or hiring of their facilities by any candidate in connection with the election campaign, including the amount paid for such use, rental or hiring, as provided for and in accordance with the guidelines on campaign finance and disclosure in connection with the conduct of BSKEs.

c) Perform such other duties and functions as the Commission may prescribe from time to time.

SEC. 202.4. ***The Department of Public Works and Highways (DPWH).*** The DPWH shall:

a) Assist the Commission in removing and tearing down all unlawful election materials;

b) Coordinate with the Department of Environment and Natural Resources (DENR), DILG, PNP, and Metropolitan Manila Development Authority (MMDA) in areas under the latter's jurisdiction;

c) Provide facilities and/ or equipment necessary in the tearing down of illegal propaganda materials; and

d) Perform such other duties and functions as the Commission may prescribe from time to time.

SEC. 202.5. ***The Philippine Information Agency (PIA).*** - The PIA shall:

a. Assist the Commission in its education and information campaign;

b. Make available to the Commission its facilities and services of its personnel, as may be necessary to ensure implementation of the programs of activities or operation plans for the Commission's education and information campaign;

c. Produce such information materials as the Commission may deem necessary to ensure the conduct of free, orderly, honest, peaceful, and credible BSKE; provided, that in all cases:

i. The Agency shall adhere strictly to the policy of the Commission that the education and information campaign must be absolutely impartial, objective, and neutral;

ii. The expenses it may incur as such deputy for the information campaign of the Commission, i.e., production of information materials shall be for the exclusive account of the Agency; and

iii. Any information material which the Agency, as such deputy, shall produce upon the direction of the Commission, shall be published, distributed or released only upon prior clearance from the Commission to ensure that nothing therein contained shall detract from or violate the policy of impartiality, objectivity, and neutrality.

d) Perform such other duties and functions as the Commission may prescribe from time to time.

SEC. 202. 6. *The Department of Health (DOH).* - The DOH shall:

a) Provide the necessary resources, essential medicines, appropriate number of personnel, and communication facilities, in cities/municipalities, where there are established DOH-funded hospitals on election day to provide, free, timely, and effective first-aid assistance to voters and persons rendering election-related services;

b) Consult the Commission through the appropriate field offices, for the establishment of health stations;

c) Coordinate with the Commission, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-EID), and DILG in implementing the necessary COVID 19 preventive measures as well as health and safety protocols during election day, as may be required by existing regulations;

d) Perform such other duties and functions as the Commission may prescribe from time to time.

SEC. 203*. The Philippine Postal Corporation (PHILPost) and the National Telecommunications Commission (NTC), duties and functions*. - The PHILPost and NTC are hereby deputized, with the concurrence of the President, to perform the following duties and functions:

a) Instruct their respective personnel and the management of all private telecommunications firms to give special preference to, and effect immediate transmission, and delivery of messages of the Commission, its field personnel, and deputies during the election period;

b) Impress upon such personnel and management that non-compliance with the provisions of Sec. 9 of the Omnibus Election Code on preferential transmissions of official mails, and messages relative to the elections, constitute an election offense punishable under Sec. 264 of said Code with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold a public office and deprivation of the right of suffrage;

c) Assign a sufficient number of personnel to receive, transmit and deliver election messages ten (10) days before election day, on election day, and ten (10) days after election day;

d) Make operational all its stations during the election period; and

e) Perform such other duties and functions as the Commission may prescribe from time to time.

SEC. 204. *Government financial institutions, other government agencies and other government-owned or controlled corporations, to provide means of transportation in connection with the conduct of elections.* - The Bangko Sentral ng Pilipinas (BSP), Land Bank of the Philippines (LBP), Development Bank of the Philippines (DBP), Government Service Insurance System (GSIS), Social Security System (SSS), Philippine National Oil Company (PNOC), Department of Agriculture (DA), Department of Agrarian Reform (DAR), DENR, National Irrigation Administration (NIA), National Food Authority (NFA), National Electrification Administration (NEA), and Philippine Ports Authority (PPA) shall place at the disposal of the Commission their land, air and watercraft, such as airplanes and helicopters, trucks, jeeps, vans, cars and the like, ships, launches, barges, and speedboats, and communication facilities, as the Commission may need from time to time. Said vehicles shall be used to ferry the personnel of the Commission and its deputized agencies in the performance of their election duties, and to transport election forms, supplies, and materials to their places of destination, particularly in areas with inadequate or without regular means of transportation.

For the above purposes, they shall provide the Commission with a list of available vehicles, together with the pilots/ captains, shipmasters, or drivers assigned to said crafts or vehicles. These crafts or vehicles shall be at the disposal of the Commission immediately and until the end of the election period.

SEC. 205. *Provision of sufficient electrical power supply in connection with the conduct of elections.* – Other government agencies such as NEA, National Power Corporation (NPC), Local Electrification Cooperatives (LEC), Department of Energy (DOE), DENR, DPWH, DILG, PNP, Department of National Defense (DND) and Armed Forces of the Philippines (AFP) shall ensure that there will be sufficient uninterrupted electrical power supply and secured transmission infrastructure and facilities during the critical days of the elections.

SECTION 205.1. *Duties and functions.* - As such deputies, they shall have the following duties and functions:

a) Provide and maintain stable and continuous nationwide electric power requirements from the start of voting, until the termination or conclusion of the counting of votes and the proclamation of the winning candidates;

b) Provide sufficient personnel to secure the nationwide transmission lines, substations, and other related power facilities;

c) Provide assistance to and coordinate with the National Grid Corporation of the Philippines (NGCP) to implement clearing of the nationwide transmission facilities to include substations, towers, and other related power facilities, in support of its systems operation functions. Towards this end, the DENR shall facilitate the clearing of trees within the required transmission right-of-way;

d) Provide pertinent information to cause the prosecution of any person or offender for any election offense such as, but not limited to, violation of Section 261 (z) (11) which states that:

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

e) Perform such other duties and functions as the Commission may prescribe.

SEC. 205.2. *Support from COMELEC field offices.* - All Commission field offices are directed to provide whatever support they can extend to the DOE and other concerned government agencies in the information dissemination of public awareness materials.

SEC. 206. *The Civil Service Commission (CSC).* - The CSC shall implement and enforce:

a) Section 2, Paragraph 4 of Article IX (B) and Section 6 Article IX (B) of the Constitution, which provides that:

> *"Section 2. (1) xxx*
> *(4) No officer or employee in the civil service shall engage, directly or indirectly, in any electioneering or partisan political campaign. xxx"*
>
> *"Section 6. No candidate who has lost in any election, shall within one year after such election, be appointed to any office in the Government or any government-owned or controlled-corporation or in any of its subsidiaries."*

b) Section 5 of Republic Act No. 10952 in relation to Comelec Resolution on the prohibition against appointment or hiring of new employees, creation of new position, promotion or giving of salary increases, remuneration or privileges in the barangay, insofar as the period of prohibition:

> *"Section 5. Prohibition on Appointments of Government Officials and Employees. – The appointment or hiring of new employees, creation of new position, promotion, or giving of salary increases, remuneration or privileges in the barangay shall be prohibited for a period of ten (10) days immediately preceding the election, the provisions of Section 261, paragraph (g), of the Omnibus Election Code to the contrary notwithstanding."*

c) Section 261 (h) and (i) of the Omnibus Election Code and other related provision of law, in relation to Comelec Resolution on the prohibition against transfer or detail of civil service employees, and filing of leave of absences of local treasurers, insofar as the period of prohibition:

> *"Section 261. Prohibited Acts. - The following shall be guilty of an election offense:*
>
> *h.) Transfer of officers and employees in the civil service. - Any public official who makes or causes any transfer or detail whatever of any officer or employee in the civil service including public school teachers, within the election period except upon prior approval of the Commission.*
>
> *i.) Intervention of public officers and employees. - Any officer or employee in the civil service, except those holding political offices; any officer, employee, or member or the Armed Forces of the Philippines, or any police force, special forces, home defense forces, barangay self-defense units and all other para-military units that now exist or which may hereafter be organized who, directly or indirectly, intervenes, in any election campaign or engages in any partisan political activity, except to vote or to preserve public order, if he is a peace officer."*

SEC. 207. *The Commission on Audit (COA) and the Department of Budget and Management (DBM)*. - The COA and DBM shall enforce and implement Section 4 of Republic Act No. 10952:

> *"Section 4. Ban on Government Projects. - The construction or maintenance of barangay-funded roads and bridges shall be prohibited for a period of ten (10) days immediately preceding the date of election, the provisions of Section 261, paragraphs (v) and (w), of the Omnibus Election Code to the contrary notwithstanding."*

SEC. 208. *Precedence of Commission orders*. - Orders issued by the Commission in connection with the conduct of the BSKE shall take precedence over and above the orders and directives issued by any other office or agency of the Government.

However, nothing contained herein shall be construed as in any manner affecting or constituting an impairment of the Constitutional powers of the President of the Philippines to conduct and direct the general peace-keeping functions of the PNP.

SEC. 209. *Deputizing the Armed Forces of the Philippines, the Philippine National Police and the Philippine Coast Guard*. - The AFP, PNP and PCG are hereby deputized, with the concurrence of the President, to perform duties and functions which the Commission may prescribe from time to time to ensure the conduct of a free, honest, orderly, peaceful and credible *BSKE*.

SEC. 209.1. *Duties and functions of the Armed Forces of the Philippines and the Philippine National Police as deputies*. - The AFP and PNP are deputized to perform the following duties and functions:

a. Provide security to polling places, voting centers, canvassing centers, and such other places or buildings, including election paraphernalia, equipment, forms and supplies, that will be used in connection with the elections;

b. Provide security to the personnel of the Commission, its deputies and other persons performing election-related functions;

c. Deploy, at the least time possible, troops for election duty in coordination with the concerned Regional Election Director, Provincial Election Supervisor and Election Officer;

d. Make available, at the least time possible, land, air and water craft assets, communication systems and other equipment, in connection with the conduct of the elections;

e. Look into the existence of any armed group organized to commit, or which is committing or attempting to commit, acts of terrorism or threats to intimidate or coerce any person to vote for or against a candidate, and to suppress or prevent said acts of terrorism or threats;

f. Assist the Commission in implementing more effectively election laws and/or rules and regulations, particularly the laws governing prohibition against military, policemen and provincial guards acting as bodyguards or security guards for the candidates, the use of armored vehicles and air or water craft, and the prohibition on bearing, carrying or transporting firearms and other deadly weapons in public places;

g. Provide security escorts to candidates, subject to the conditions and restrictions on the COMELEC Resolution imposing the ban on the carrying of firearms and other deadly weapons and the ban on the use of security personnel or bodyguards; provided that, the AFP can provide security escorts

only in the absence of personnel of the PNP and other law enforcement agencies;

h. Conduct a periodic assessment of the peace and order conditions in critical areas and recommend measures which may be adopted by the Commission in the interest of free, orderly, honest, peaceful and credible elections; and

i. Comply with and/or implement directives or resolutions of the Commission, which shall take precedence over and above the orders and directives issued by any other office or agency of the Government, except the Supreme Court and those issued in *habeas corpus* cases; and

j. Render periodic reports on action taken in accordance with this Resolution.

The AFP, despite being deputized, shall continue with the conduct of all Internal Security Operations or its own functions and responsibilities.

During the election period, no changes in the assignments of PNP personnel shall be made except upon prior written permission of the Commission.

SEC. 209.2. *Duties and functions of the Philippine Coast Guard as deputy of the Commission.* - The PCG is deputized, with the concurrence of the President, to perform the following duties and functions:

a. Provide security to, and render assistance in the deployment of:

   i. personnel and deputies of the Commission as well as other persons performing elections related duties; and/or

   ii. election paraphernalia, equipment, forms and supplies;

b. Assist the Commission in implementing election laws and/or rules and regulations especially within the maritime jurisdiction of the country, including ports;

c. At the least time possible, deploy within the maritime jurisdiction of the country, troops for election duty in coordination with the concerned Regional Election Director, Provincial Election Supervisor and Election Officer;

d. Make available, at the least time possible, land, air and water craft assets, communication system and other equipment, in connection with the conduct of the elections;

e. Look into the existence of any armed group organized to commit, or which is committing or attempting to commit, acts of terrorism or threats to intimidate or coerce any person to vote for or against a candidate, and to suppress or prevent said acts of terrorism or threats;

f. Conduct a periodic assessment of the peace and order conditions in the maritime jurisdiction of the country and recommend measures which may be adopted by the Commission in the interest of free, orderly, honest, peaceful and credible elections;

g. To render aid, including rescue operations, to (i) personnel and deputies of the Commission as well as other persons who, in the performance of election-related duties, are in distress at sea, and/or (ii) vessels in

distress which are carrying election paraphernalia, equipment, forms and supplies;

h. To conduct inspections and emergency readiness evaluation on ships and vessels which will carry (i) personnel and deputies of the Commission as well as other persons, performing election-related functions; and/or (ii) election paraphernalia, forms and supplies;

i. Render periodic reports on action taken in accordance with these guidelines; and

j. Comply with and/or implement directives or resolutions which the Commission may issue or promulgate from time to time.

Despite being deputized, the PCG shall continue its own functions and responsibilities.

During the election period, no changes in the assignments of PCG personnel shall be made except upon prior written permission of the Commission.

SEC. 210. *Precedence of Commission orders.* - Orders issued by the Commission in connection with the conduct of the BSKE shall take precedence over and above the orders and directives issued by any other office or agency of the Government, except the Supreme Court and those issued in *habeas corpus* cases.

Article IX

ACCREDITATION

CHAPTER I
MASS MEDIA

SEC. 211. *General requirements for accreditation.* – Media practitioners, whether foreign, local, or national media, applying for accreditation shall submit the following:

a) A fully accomplished COMELEC Media Accreditation Form (CMAF);

b) Two (2) recent 1.5" x 1.5" colored photographs;

c) Where applicable, an endorsement from the publisher, editor-in-chief, assignment editor, station manager, or similar officer of the newspaper, television, radio station, or online publication employing the applicant;

d) An endorsement from the appropriate officer for the broadcast organization or film distributor which has committed to air or distribute the work; and

e) In the case of freelancers, a valid assignment letter from the *bona fide* media organization for which the freelancer is on assignment.

Endorsements from any person other than those mentioned above shall not be honored; *Provided*, that the application of freelancers whose previous accomplishments are highly visible, respected and widely recognized need not be endorsed, as determined by the Education and Information Department (EID).

In addition, media representatives engaged in blogging/vlogging and other online publications shall be subject to the following requirements:

a) Submit the Uniform Resource Locator (URL)/Webpage Address of the online publication or blog/vlog including the applicant's name, and indicating whether as a sole account owner or as a contributor to a website or social media platform developed by a team;

b) Submit a copy of regular online articles or blogs/vlogs related to the topic of politics, elections, governance or other related topics, by-lined or published on the applicant's website or similar online sites or blogs in the last six (6) months from the time of submission of application for accreditation;

c) The website or online publication should be updated at least once a week with contents which are original, dated and not mere shared links and community boards;

d) No personal websites, fan sites, community boards, and sites containing personal diaries will be eligible for accreditation. Only website editors and writers shall qualify for accreditation;

e) Blogs/vlogs must be well-established, updated at least once every two (2) weeks, contain content on politics, elections, or related topics, and show an acceptable level of readership. A notarized certification to this effect must be submitted by the blogger/vlogger;

f) Commercial or company blogs/vlogs are not eligible for accreditation; and

g) Online publications which are communications outreach or advocacy publications of non-governmental organizations do not qualify for media accreditation.

SEC. 212. *Specific requirements for accreditation of visiting foreign media.* - In addition to the requirements mentioned in the immediately preceding section, all visiting foreign media seeking accreditation – including reporters, correspondents and stringers, cameramen, photographers and other members of the news/editorial staff of foreign wire agencies, regardless of nationality - shall submit individual **endorsements** from the embassy or consulate with jurisdiction over the foreign media entity or organization they are representing or are on assignment for.

SEC. 213. *Period for filing application for accreditation.* - The period for filing application for accreditation shall be within the date/s fixed by the Commission *En Banc*.

SEC. 214. *Venue of filing of applications for accreditation.* –Applications for media accreditation shall be filed at the following offices:

a) Applications for accreditation of national media, foreign media and other media, both domestic and foreign, such as novelists, screenwriters, playwrights, and those involved in the production of feature films and documentaries shall be filed at **the Education and Information Department (EID)** via **online** through the following links:

   For National Media and other media: _____

   For Foreign media: _____

b) Applications for accreditation of local media shall be filed at the **Office of the Provincial Election Supervisor (OPES)** concerned, by submitting the prescribed application form for accreditation of **Local Media** together with the requirements, personally or through an authorized representative. Said application form can be downloaded at the COMELEC website.

Applications with incomplete requirements shall not be processed.

SEC. 215. *Approval of applications for accreditation.* - Approval of applications for accreditation is hereby delegated to:

a) The Director IV of the EID for national, foreign, visiting foreign media and media practitioners; and
b) The concerned PES for local media.

SEC. 216. *Report on actions taken on applications for accreditation.* - Within seven (7) days from the date/s fixed by the Commission En Banc, the PES shall furnish the EID, via e-mail, a list of all applications received, indicating the status of each individual application, whether approved or denied.

SEC. 217. *Media card.* - Upon approval of the application, the EID and PES shall issue media cards to all accredited media practitioners. Media cards must be personally claimed personally or through an authorized representative, from the EID, for national, foreign media and other media practitioners; and from the concerned OPES, in case of local media.

The COMELEC media card is strictly *non-transferable* and is valid only for the purpose for which it was issued. It shall be worn prominently whenever the media practitioners are covering or observing any official event, open to the public, relating to the elections for which accreditation was sought.

Improper use of the media card, or use thereof not in accordance with these guidelines, shall be considered abuse of the accreditation and carries the penalty of summary revocation.

SEC. 218. *Access.* - Duly accredited media shall be allowed maximum access to voting, counting and canvassing, and all other stages of the electoral process, including but not limited to preparatory activities, and other related activities organized and conducted by any of the COMELEC's Accredited Citizen's Arms and Deputies, subject to such conditions as may be necessary for the protection of COMELEC personnel, property, privileged information, and the integrity of the elections and compliance with the relevant guidelines of Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID). PROVIDED FURTHER, that the COMELEC Media Accreditation shall not be used to undermine any of the protections mandated by Republic Act No. 10173, or the Data Privacy Act of 2012.

SEC. 219. *Rules of conduct.* - All accredited media shall observe the following rules of conduct:

a) Respect the authority of the Electoral Board (EB) or Barangay Board of Canvassers (BBOC) with regard to the number of accredited media which shall be allowed inside the polling place at any one time;

b) Immediately identify themselves upon entry into the polling places, before the EB and BBOC by presenting their media cards and if required, their proof of Covid-19 vaccination, if necessary;

c) Strictly observe the minimum health protocols and other prescribed safety measures as stated in the relevant guidelines of the IATF-MEID, COMELEC and concerned local government units.

d) Maintain professionalism at all times. Unprofessional activities shall not be tolerated. The accreditation of any media practitioner found to be engaged in any unprofessional activity shall be summarily revoked by the EB or BBOC where the activity complained of is committed, by confiscating the media card of the offender;

Unprofessional activities shall include, but shall not be limited to:

a. Any behavior deemed disruptive of the conduct of voting, counting, or canvassing, such as, but not limited to, conducting interviews inside the polling place or canvassing room;

b. Engaging in partisan political activities, which refer to acts designed to promote the election or defeat of a particular candidate or candidates to public office;

c. Any behavior intended to unduly influence the choice of voters, such as, but not limited to, directly swaying the voter to speak for or against a candidate;

d. Distributing campaign materials;

e. Refusal to submit to the authority of the EB, BBOC, or the Department of Education Supervising Official (DESO) of the voting center where the coverage is being conducted; and

f. Any behavior deemed unlawful.

The revocation shall be noted in the Minutes of Voting and Counting, stating therein the reasons therefor.

CHAPTER II
OBSERVERS

SEC. 220. *Qualifications for accreditation.* – Applicants must have a bona fide intention to participate in the conduct of the October 30, 2023 *Barangay and Sangguniang Kabataan Elections* exclusively as observers or monitors of the electoral process, must be free from any political, economic or other conflicts of interests that would interfere with conducting observations/monitoring impartially, and must comply with the provisions of Sections 222 and 230 hereof. Applicants are required to disclose their intention to take part in the conduct of the elections as domestic or foreign observers or monitors.

SEC. 221. *Application for accreditation.* – Filipino or foreign nationals, whether as individuals or in groups, whether representing governmental or private interests, who are interested to observe or monitor the conduct of the October 30, 2023 Barangay and Sangguniang Kabataan Elections, shall file an application for accreditation at the following offices:

A) For foreign observers and domestic observers with official addresses in the National Capital Region, it shall be filed at the COMELEC Education and Information Department (EID) via online through the following links:

   For foreign observers: https:// _____

   For domestic observers: https:// _____

B) For domestic observers residing within the provinces in the region, it shall be filed personally or through an authorized representative at the Offices of the Regional Elections Director (ORED) concerned. The prescribed application form for domestic observers is downloadable at the COMELEC website, www.comelec.gov.ph.

SEC. 222. *Documentary requirements.* – The application shall be supported by the following documents:

a. Duly accomplished application form for accreditation[16] for domestic observers residing within the provinces of the region;
b. Two (2) recent 1.5" x 1.5" colored photographs of the applicant;
c. Proof of Covid-19 vaccination, if necessary based on existing regulations;
d. If foreigner or foreign group, committee or association organization, endorsement issued by the ambassador or consul of the applicant's home country;
e. For Association of Asian Election Authorities (AAEA) members, an endorsement from their respective Head of Office in lieu of the endorsement issued by the ambassador or consul of the applicant's home country; and
f. Terms of Reference or similar documents, explaining the purposes of election observation mission and their proposed itinerary.

Applications with incomplete requirements shall not be processed.

SEC. 223. *Period for filing application for accreditation.* – The period for filing applications for accreditation shall be within the date/s fixed by the Commission En Banc.

SEC. 224. *Posting of applications for accreditation.* – The EID and the OREDs concerned shall post the list of applicants for accreditation in their bulletin boards or in their official social media accounts within three (3) days from the deadline of filing for applications for accreditation.

SEC. 225. *Opposition to the application for accreditation.* – Any opposition to applications for accreditation shall be filed within five (5) days from the posting of the list of applications stated in the above section. The opposition for accreditation shall be filed in the Office where the application being contested was filed.

SEC. 226. *Grounds for opposition.* – The opposition shall be filed on any of the following grounds:

a) The applicant has a previous derogatory record;
b) Any of the submitted documentary is not authentic, falsified or contains any information which is false; or
c) Other meritorious grounds.

The Director IV of the EID or the Regional Election Director (RED) concerned shall resolve the opposition within three (3) days from the receipt thereof.

SEC. 227. *Approval of applications for accreditation.* – The individual application forms shall be reviewed and evaluated by EID and OREDs concerned, as follows:

a) Director IV of the COMELEC EID – For foreign observers and domestic observers with official addresses in the National Capital Region; and to
b) The concerned Regional Election Director (RED) – For domestic observers residing within the provinces in the region.

Thereafter, the concerned REDs shall submit to the Director IV of EID the final list of domestic observers who applied for accreditation within 10 days from the deadline of the filing of oppositions and their resolution of oppositions, if any. The final list shall indicate the names of the observers, organization or office, mailing address, telephone numbers, email addresses, and the recommendation of the RED on the approval or denial of each application.

The EID shall thereafter submit a consolidated recommendation to the Commission *En Banc* of the list of qualified foreign and domestic observers for the approval of their accreditation for election observation for the October 30, 2023 BSKE.

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[16] A COPY OF THE APPLICATION FORM FOR DOMESTIC OBSERVERS RESIDING IN THE PROVINCES IS HERETO ATTACHED AS ANNEX "A" AND WHICH WILL LIKEWISE BE ACCESSIBLE THRU COMELEC.GOV.PH.

Prior to the October 30, 2023 BSKE, the EID shall provide the ORED concerned a list of the foreign observers intending to visit their area for their information and for any appropriate security measures needed.

SEC. 228. *Accredited observer passes*. – Upon approval of the applications for accreditation by the Commission *En Banc*, the EID and OREDs shall issue the official observer identification cards to the accredited observers/monitors.

SEC. 229. *Privileges*. – Duly accredited domestic or foreign observers or monitors shall have the following privileges subject to such conditions as may be necessary for the protection of COMELEC personnel, property, privileged information and integrity of the elections and compliance with the relevant guidelines of Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID):

a) Unimpeded access to all stages of the electoral processes;
b) Unimpeded access to all persons concerned with electoral processes, including, but not limited to:

    1. Electoral officials at all levels, upon reasonable requests;
    2. Members of legislative bodies and government and security official whose functions are relevant to organizing democratic elections;
    3. All persons participating in the elections, in whatever capacity; and
    4. News media personnel.

SEC. 230. *Code of conduct*. – All duly accredited observers/ monitors shall be deemed bound by the following Guidelines:

a) Respect the authority of election officials and their duly accredited deputies at all times;
b) For foreign observers and monitors, present themselves to the local COMELEC (ORED, PES or OEO), who shall in turn, inform the EID via email of their arrival in their area of election observation/s.
c) Prominently display the Accredited Observer Pass, provided by the COMELEC, at all times;
d) Refrain from interfering with, obstructing, or otherwise hampering the conduct of any election related activity, including preparatory and post-election activities;
e) Maintain proper personal behavior and respect others, including exhibiting sensitivity to the country's cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure times;
f) Maintain impartiality and objectivity in carrying out the observation/ monitoring mission; and
g) If required, observe the minimum health protocols and other prescribed safety measures as stated in the prevailing guidelines of Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID), COMELEC and concerned local government units. As added measure, all observers shall present proof of anti-Covid 19 vaccination on election day to the Electoral or Canvassing Board of the polling places or voting centers where they will be observing.

SEC. 231. *Summary revocation of accreditation.* – The accreditation of any observer/ monitor may be summarily revoked by the Electoral Board or Barangay Board of Canvassers (BBOC) by confiscating the accredited observer's ID, and removing him/her or the group from the polling station or canvassing center due to any of the following grounds:

a) Any violation of the Code of Conduct;
b) Any disruptive behavior by anyone in the group;
c) Misconduct which may include but not limited to:
    1. Breaching or attempting to breach the secrecy of the ballot;

2. Knowingly obstructing electoral proceedings;
3. Asking voters about their voting preference while observing at the polling station.

The accreditation of the organizations may also be revoked if it refuses to promptly remove an observer found to be in breach of this Code from their list of nominated individuals.

The power of the Electoral Board or BBOC to remove observers/monitors for misconduct is in addition to their general power to keep order at the polling place or canvassing room.

SEC. 232. *Period of validity of accreditation.* – Accreditation of domestic or foreign election observers/monitors shall be valid from the date of the approval of the application until the end of election period.

SEC. 233. *Prohibited acts.* – It shall be unlawful for any domestic, foreigner, domestic or foreign group, organization, committee or association to:

a) Aid in person or group of persons in whatever manner, directly or indirectly, relative to the conduct of the elections (Sec. 81 and 89, OEC);
b) Take part or influence in any manner the conduct of the elections (Sec. 81 and 261 (j), OEC);
c) Engage in partisan political activities, which refer to acts designed to affect the results of the elections (Sec. 79 (b), OEC);
d) Contribute or make any expenditure in connection with any election campaign or partisan political activity (Sec. 81 and 261 (j), OEC);
e) Enter any polling place without consent of the chairman of the Electoral Board concerned (Sec. 192, OEC);
f) Mingle and talk with voters inside any polling place, or otherwise disrupt the proceedings in the polling place (Sec. 192, OEC);
g) Threaten, intimidate, or actually causes, inflicts or produces any violence, injury, punishment, damage, loss or disadvantage upon any person (Sec. 261 (e), OEC); and
h) Propagate false and alarming reports or information, transmit or circulate false orders, directives or messages relating to the conduct of the elections (Sec. 261 (z.11), OEC).

SEC. 234. *Penalty for violation.* – Any violation of the immediately preceding Section shall be punishable as an election offense which, if found guilty, may be penalized by an imprisonment of not less than one (1) but nor more than six (6) years and shall not be subject to probation. In addition, if the guilty party is a Filipino, the offender shall be sentenced to suffer disqualification to hold public office and deprivation of right of suffrage. On the other hand, if the guilty party is a foreigner, he shall be sentenced to deportation, which shall be enforced after the prison term has been served (Sec. 264, OEC).

SEC. 235. *Reportorial requirements.* – Accredited domestic and foreign observers shall submit a report of their observation to the Commission *En Banc*, thru the office where they have applied for accreditation. A template for their reporting shall be provided as a guide for their written report of their observations and a conference for this purpose may likewise be called should there be a necessity for one. The deadline for the submission of reports shall be on such date/s as may be fixed by the Commission *En Banc*.

Article X

CAMPAIGN

SEC. 236. *Campaign period*. – The campaign period shall be as specified in the Calendar of Activities and Periods of Certain Prohibited Acts in connection with the upcoming Synchronized Barangay and Sangguniang Kabataan Elections (BSKE).

SEC. 237. *Prohibited campaigning*. - It is unlawful for any person, whether or not a voter or a candidate to engage in an election campaign or partisan political activity on the **eve of Election Day** and on **Election Day**.

SEC. 238. *Prohibition against Foreign Intervention*. - It is unlawful for any foreigner, whether a juridical or natural person, to directly or indirectly aid any candidate, or to take part in, or influence in any manner, any election, or to contribute or make any expenditure in connection with any election campaign or partisan political activity.

SEC. 239. *Lawful election propaganda*. - Election propaganda, whether on television or cable television, radio, newspaper, the internet or any other medium, is hereby allowed for all *bona fide* candidates seeking Barangay and SK elective positions, subject to the limitation on authorized expenses of candidates, observation of truth in advertising, and to the supervision and regulation by the COMELEC.

Lawful election propaganda shall include:

a. Pamphlets, leaflets, cards, decals, stickers or other written or printed materials the size of which does not exceed eight and one-half inches (8 ½") in width and fourteen inches (14") in length;

b. Handwritten or printed letters urging voters to vote for or against any candidate for public office;

c. Posters or standing displays ("standees") made of cloth, paper, cardboard or any other material, whether framed or posted, with an area not exceeding two feet (2') by three feet (3');

d. Streamers not exceeding three feet (3') by eight feet (8') in size displayed at the site and on the occasion of a public meeting or rally. Said streamers may be displayed five (5) days before the date of the meeting or rally and shall be removed within twenty-four (24) hours after said meeting or rally;

e. Mobile units, vehicles, motorcades of all types, whether engine or manpower driven or animal drawn, with or without sound systems or loud speakers and with or without lights, subject to the size limitations set under this Section;

f. Paid advertisements in print and broadcast media subject to the requirements set forth in Section 243 hereof and the Fair Elections Act;

g. In the headquarters and residences of candidates, lawful election paraphernalia may be displayed, but banners or streamers referred to in paragraph (d) above shall not be allowed;

h. All other forms of election propaganda not prohibited by the OEC or these rules.

Candidates are hereby encouraged to use recyclable and environment-friendly materials and avoid those that contain hazardous chemicals and substances in the production of their campaign and election propaganda.

In Local Government Units (LGUs) where a local legislation governing the use of plastic and other similar materials exist, candidates shall comply with the same.

Candidates are required to incorporate sign language interpreters and closed captioning in broadcast election propaganda intended for exhibition on television and/or

the internet, and are encouraged to ensure the availability of their respective printed campaign materials in Braille.

SEC. 240. *Prohibited forms of election propaganda.* - During the campaign period, it is unlawful:

a. To print, publish, post, or distribute any newspaper, newsletter, newsweekly, gazette or magazine advertising, pamphlet, leaflet, card, decal, bumper sticker, poster, comic book, circular, handbill, streamer, sample list of candidates, or any published or printed political matter, and to air or broadcast any election propaganda or political advertisement by television or radio for or against a candidate or group of candidates to any public office, unless they bear and be identified by the reasonably legible, or audible words "*political advertisement paid for*," followed by the true and correct name and address of the candidate for whose benefit the election propaganda was printed or aired.

   It shall likewise be unlawful to publish, print or distribute said campaign materials unless they bear, and are identified by, the reasonably legible, or audible words "*political advertisements paid by*," followed by the true and correct name and address of the payor.

b. To print, publish, broadcast, display, or exhibit any such election propaganda donated or given free of charge by any person or publishing firm or broadcast media entity to a candidate without the written acceptance of the said candidate, and unless they bear and be identified by the words "*printed free of charge*," or "*airtime for this broadcast was provided free of charge by*", respectively, followed by the true and correct name and address of the said publishing firm or broadcast entity;

c. To show, display, or exhibit publicly in a theater, through a television station, a video sharing site, social media network, or any public forum, any movie, cinematography or documentary, including concert or any type of performance portraying the life or biography of a candidate, or in which a character is portrayed by an actor or media personality who is himself or herself a candidate;

d. For any newspaper or publication, radio, television or cable television station, or other mass media entity, or any person making use of the mass media to sell or give free of charge print or advertising space or airtime for campaign or election propaganda purposes to any candidate in excess of the size, duration or frequency authorized by law or these Rules;

e. For any radio, television, cable television station, announcer, or broadcaster to allow the scheduling of any program, or permit any sponsor to manifestly favor or oppose any candidate by unduly or repeatedly referring to, or unnecessarily mentioning his or her name, or including therein said candidate;

f. To post, display, or exhibit any election campaign or propaganda material outside of authorized common poster areas, in public places, or in private properties without the consent of the owner thereof.

   Public places include any of the following:

   1. Publicly-owned electronic announcement boards, such as light-emitting diode (LED) display boards located along highways and streets, liquid crystal display (LCD) monitors posted on walls of public buildings, and other similar devices which are owned by local government units, government-owned and controlled corporations, or any agency or instrumentality of the Government;

2. Motor vehicles used as patrol cars, ambulances, and for other similar purposes that are owned by local government units, government-owned and controlled corporations, and other agencies and instrumentalities of the Government, particularly those bearing government license plates;

3. Public transport vehicles owned and controlled by the government such as the Metro Rail Transit (MRT), Light Rail Transit (LRT), and Philippine National Railway trains and the like.

4. Waiting sheds, sidewalks, street and lamp posts, electric posts and wires, traffic signages, and other signboards erected on public property, pedestrian overpasses and underpasses, flyovers and underpasses, bridges, main thoroughfares, center islands of roads, and highways;

5. Schools, public shrines, barangay halls, government offices, health centers, public structures and buildings, or any edifice thereof; and

6. Within the premises of public transport terminals, owned and controlled by the Government, such as bus terminals, airports, seaports, docks, piers, train stations, and the like; and

g. To print, publish, post, show, display, or distribute any election campaign or propaganda materials that violates gender sensitivity, considered as obscene or offensive, or constitutes violation of Republic Act No. 9710[17].

The printing press, printer, or publisher who prints, reproduces, or publishes said campaign materials, and the broadcaster, station manager, owner of the radio or television station, or owner or administrator of any website who airs or shows the political advertisements, without the required data or in violation of these rules shall be criminally liable with the candidate and, if applicable, further suffer the penalties of suspension or revocation of franchise or permit in accordance with law.

Nothing in these rules shall be construed as limiting the authority of the appropriate agencies and instrumentalities of the government to promulgate their own rules and regulations, regarding the posting of political print advertising on any regulated land, sea and air vehicle, including but not limited to public utility vehicles and tricycles.

SEC. 241*. Request for authority to use other election propaganda.* - Any person seeking authority to use other forms of election propaganda not covered by those enumerated in Section 242 hereof and not prohibited by law may file with the COMELEC *En Banc,* through the Commission Secretary, a request describing the election propaganda sought to be authorized with samples thereof.

SEC. 242*. Requirements and/or limitations on the use of election propaganda through mass media.* - All bona fide candidates shall have equal access to mass media time and space for their election propaganda during the campaign period subject to the following requirements and/or limitations:

A. Broadcast Election Propaganda

The duration of air time that a candidate may use for their broadcast advertisements or election propaganda shall be, as follows:

[17] REPUBLIC ACT NO. 9710 (AN ACT PROVIDING FOR THE MAGNA CARTA OF WOMEN).

For Candidates for Barangay and SK Elective Positions	Not more than a total of sixty (60) minutes of television advertisement, on a per station basis, whether appearing on national, regional, or local, free or cable television, and ninety (90) minutes of radio advertisement, on a per station basis, whether airing on national, regional, or local radio, whether by purchase or donation.

In cases where two or more candidates whose names, initials, images, brands, logos, insignias, symbols, or forms of graphical representations are displayed, exhibited, used, or mentioned together in the broadcast election propaganda or advertisements, the length of time during which they appear or are being mentioned or promoted will be counted against the airtime limits allotted for the said candidates.

In like manner, the cost of the length of time during which individual candidates, groups of candidates, appear or are being mentioned or promoted, shall be computed as a fraction of the total cost of the advertisement, and such fraction shall be considered their respective expenditures, to be deducted from the total cost of the advertisement.

The balance shall be counted against the expenditure limits of whoever paid for the advertisements or to whom the said advertisements were donated.

Appearance or guesting by a candidate on any bona fide newscast, bona fide news interview, bona fide news documentary, provided that the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary, or on-the-spot coverage of bona fide news events, including but not limited to events sanctioned by the COMELEC, political conventions, and similar activities, shall not be deemed to be broadcast election propaganda within the meaning of this provision.

For purposes of monitoring by the COMELEC and ensuring that candidates were afforded equal opportunities to promote their candidacy, the broadcast media entities shall give prior notice to the COMELEC, through the appropriate Regional Election Director (RED), or in the case of the National Capital Region (NCR), the Education and Information Department (EID).

If such prior notice is not feasible or practicable, the notice shall be sent within twenty-four (24) hours from the first broadcast or publication. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under Section 244 and 245 of these guidelines.

B. Printed or Published Election Propaganda

The maximum size of print advertisements for each candidate for barangay and SK elective positions shall be, as follows:

In broadsheets	One fourth (1/4) page
In tabloids	One half (1/2) page

Two or more candidates may cause the publication of coordinated print advertisements, featuring more than one candidate provided that the size and frequency limitations provided for in this paragraph shall apply to each candidate appearing, mentioned or promoted in such a coordinated advertisement.

The cost of coordinated print advertisements shall be pro-rated among each candidate appearing in each advertisement, and shall be reported by them accordingly.

Print advertisements, whether procured by purchase or given free of charge, shall not be published more than three (3) times a week per newspaper, magazine or other publication during the campaign period.

C. Common requirements and/or limitations:

Any printed or published, and broadcast election propaganda for or against a candidate or group of candidates to any public office shall bear and be identified by the reasonably legible or audible words "*political advertisement paid for*," followed by the true and correct name and address of the candidate for whose benefit the election propaganda was printed or aired. It shall also bear, and be identified by, the reasonably legible, or audible words "*political advertisement paid by*," followed by the true and correct name and address of the payor. This rule shall also apply to online advertisements.

The notices required in the immediately preceding paragraph shall be considered reasonably legible on printed materials, if it complies with the following:

(i) The notice must be of sufficient type size to be clearly readable by the reader of the information.

A notice in twelve (12)-point type size satisfies the size requirement of this paragraph when it is used for signs, posters, flyers, newspapers, magazines, or other printed material that measure no more than two (2) feet by three (3) feet.

(ii) The notice must be contained in a printed box, set apart from the other contents of the sign, poster, flyer, or newspaper advertisement.

(iii) The notice must be printed with a reasonable degree of color contrast between the background and the printed statement. A notice satisfies the color contrast requirement of this paragraph if it is printed in black text on a white background or if the degree of color contrast between the background and the text of the notice is no less than the color contrast between the background and the largest text used in the communication.

The notices required in the immediately preceding paragraph shall be considered reasonably legible on television, if it complies with the following:

(i) The notice must appear in letters equal to or greater than four (4) percent of the vertical picture height;

(ii) The notice must be visible for the duration of the broadcast advertisement; and

(iii) The notice must appear with a reasonable degree of color contrast from the background. A notice satisfies the color contrast requirement of this paragraph if it is displayed in black text on a white background or if the degree of color contrast between the background and the text of the notice is no less than the color contrast between the background and the largest type size used in the communication.

If the space for printed or published election propaganda is donated by the publishing firm, or the airtime for broadcast election propaganda is given free of charge by the radio, or television station or cable television, they shall bear and be identified by the reasonably legible or audible words "*printed free of charge*," or "*airtime for this broadcast was provided free of charge by*," respectively, followed by the true and correct name and address of the said publishing firm or broadcast entity. This rule shall also apply to online advertisements.

For the immediately preceding purpose, each broadcast entity and website owner or administrator shall submit to the COMELEC, certified true copies of broadcast logs, certificates of performance, affidavits of publication or other analogous records that can only be generated after broadcast or publication, for review and verification of the frequency, date, time and duration of advertisements aired for any candidate through:

For Broadcast Entities in the NCR- The Campaign Finance Office (CFO) of the COMELEC within seven (7) days after the election.

For Broadcast Entities outside of the NCR - The City/Municipal Election Officer concerned, who in turn, shall furnish copies thereof to the CFO of the COMELEC within five (5) days from the receipt thereof.

For website owners or administrators – The City/Municipal Election Officer concerned, who in turn, shall furnish copies thereof to the CFO of the COMELEC within five (5) days from the receipt thereof.

All broadcast and digital mass media entities shall preserve their broadcast logs or analogous records for a period of five (5) years from the date of broadcast for submission to the COMELEC whenever required. Certified true copies of broadcast logs, certificates of performance, and certificates of acceptance, or other analogous record for purposes of the 2023 BSKE shall be submitted one (1) week after Election Day.

For the subsequent BSKE, the schedule for the submission of reports shall be prescribed by the COMELEC.

SEC. 243. ***Written acceptance of election propaganda and/or political advertisements.*** –Election propaganda materials donated or contributed by any person to a candidate shall not be printed, published or broadcasted, or exhibited, unless they are accompanied by the written acceptance by said candidate.

Such written acceptance of the donated election propaganda materials must be personal to the candidate and cannot be delegated to their duly authorized representatives designated to receive donations or contributions.

SEC. 244. ***Reporting requirements to be submitted by mass media entities, contractors and business firms***. – The following shall be submitted to the COMELEC:

a. ***For Mass Media Entities***: All copies of advertising contracts must be accompanied by a Summary Report of Advertising Contracts, which will serve as a cover report for all the advertising contracts submitted by the mass media entity on that day.

The copy of advertising contracts attached to the Summary Report of Advertising Contracts must be clear and legible and must contain the following information:

i. the period when the political advertisement is scheduled to be published, broadcasted, or exhibited;
ii. the date when the contract was entered into;
iii. the name and signature of the person who placed the advertisement, regardless of whether said person is a contributor or donor, or the duly authorized representative of the candidate;
iv. the name and signature of the candidate who will benefit from the advertisement as a sign of acceptance;
v. the particulars of the political advertisement (e.g., the size of the advertisement as published on periodicals, duration of the advertisement as published on periodicals, duration of the advertisement in terms of airtime, frequency, number of spots, and program or timeslot, etc.);
vi. the serial number of the official receipt issued to the candidate by the mass media entity; and
vii. the amount or consideration paid for the advertisement contract.

It must likewise be supported by a copy of the official receipt issued to the contributor or donor, candidate, who paid for the advertising contract.

Agencies producing and placing on-line political advertisements shall also submit a similar report and copies of their advertising contracts.

Mass media entities with offices within the National Capital Region (NCR) must make their submissions directly to the CFO of the COMELEC. For mass media entities located outside of the NCR, they must furnish a copy of the advertising contracts in accordance with the formal requirements stated in the COMELEC Rules and Regulation Governing Campaign Finance and Disclosure to the nearest COMELEC Field Office. The COMELEC Field Officer concerned shall then be responsible for sending the soft copy of said submissions via electronic mail to the CFO within twenty-four (24) hours upon receipt.

It shall be the duty of the Campaign Finance Office, in case of mass media entities located in the NCR, and the concerned COMELEC Field Officer for mass media entities located outside of the NCR, to formally notify mass media entities that the latter's failure to comply with the mandatory provisions of this Section shall be considered an election offense punishable pursuant to Section 13 of the Fair Elections Act.

b. *For Contractors and Business Firms.* Within thirty (30) days after the conduct of the election, every person or firm to whom any electoral expenditure has been made shall file a written Report of Contractors and Business Firms using the prescribed form which shall contain the following information and accompanied with the official receipt issued to the person with whom the contractor or business firm had transacted:

i. The full name of the candidate who incurred such expenditures;

ii. The nature or purpose of each expenditure;

iii. The description of the goods or services provided by the contractor or business firm;

iv. The date when the expenses were incurred;

v. The amount or cost thereof; and

vi. The serial number of the official receipt, cash invoice, or other BIR-approved document issued.

For contractors and business firms with offices or places of business in Metro Manila, they should submit their report to the CFO. For those with offices or places of business outside the NCR, they must submit the same to the nearest COMELEC field office.

The form and required contents for filing of the Report of Contractors and Business Firms shall be those provided in the COMELEC Rules and Regulations Governing Campaign Finance and Disclosure.

SEC. 245*. Fair and accurate reporting*. - All members of the news media, television, radio, print, or online, shall scrupulously report the news, taking care not to suppress essential facts or distort the truth by omission or improper emphasis. They shall recognize the duty to air the other side and the duty to correct substantive errors promptly and without prejudice to the right of said broadcast entities to air accounts of significant news or newsworthy events and views on matters of public interest.

SEC. 246*. Right to reply* - All *bona fide* candidates shall have the right to reply to charges published or aired against them. The reply shall be given publicity by the newspaper, television, and/or radio station which first printed or aired the charges with the same prominence or in the same page or section, or in the same time slot as the first statement.

Candidates may invoke the right to reply by submitting within a non-extendible period of thirty-six (36) hours from first broadcast or publication, a formal verified claim against the mass media entity to the COMELEC, through the appropriate RED, or in the case of the NCR, the EID. The claim shall include a detailed enumeration of the

circumstances and occurrences which warrant the invocation of the right of reply and must be accompanied by supporting evidence, such as a copy of the publication or recording of the television or radio broadcast, as the case may be. The claimant must likewise furnish a copy of the verified claim and its attachments to the mass media entity concerned prior to the filing of the claim with the COMELEC.

The COMELEC, through the appropriate RED or the EID, shall review the formal verified claim within thirty-six (36) hours from receipt thereof, and if circumstances warrant, endorse the same to the mass media entity involved, which shall, within twenty-four (24) hours, submit its report to the RED or EID, as the case maybe, explaining the action it has taken to address the claim. The mass media entity must likewise furnish a copy of the said report to the claimant invoking the right to reply.

Should the claimant insist that his/her right to reply was not addressed, he/she may file the appropriate petition and/or complaint, within two (2) days from the inaction of the filed verified claim, before the Office of the Clerk of the Commission.

SEC. 247. *Rates for political propaganda.*[18]- During the election period, media outlets shall give bona fide candidates a discounted rate for their election propaganda from the average of the published rates in the last three (3) calendar years prior to the election, as follows:

a. For television – Fifty percent (50%);
b. For radio – Forty percent (40%);
c. For print - Ten percent (10%)

In no case shall rates charged to bona fide candidates be higher than rates charged to non-political advertisers.

Media outlets may give discounts higher than the above-mentioned rates. Provided, that the discount given to one candidate shall be the same given to other candidates for the same position. For this purpose, media outlets shall submit the average published rates charged during the last three (3) years preceding the elections five (5) days before the start of the election period.

It shall also submit a certification to the Campaign Finance Office that the above discounted rates or higher discounted rates were applied in charging the candidates on their election propaganda.

SEC. 248. *Regulation of election propaganda through mass media.* - In all instances, the COMELEC shall supervise the use and employment of press, radio, online, and television facilities insofar as the placement of political advertisements is concerned to ensure that candidates are given equal opportunity under equal circumstances to make known their qualifications and their stand on public issues within the limits set forth in the OEC, the FEA, and these Rules.

SEC. 249. *Posting of campaign materials.* – Candidates may post lawful campaign material in:

a. Authorized common poster areas in public places, subject to the requirements and/or limitations set forth in the next following section; and

b. Private property, provided that the posting has the consent of the owner thereof and that the applicable provisions of Section 242 herein are complied with.

The posting of campaign materials in public places outside of the designated common poster areas, on private property without the consent of the owner, or in violation of Section 242 hereof, and in those places enumerated under Section 240

[18]REPUBLIC ACT NO. 11207 (AN ACT PROVIDING FOR REASONABLE RATES FOR POLITICAL ADVERTISEMENTS, AMENDING FOR THE PURPOSE SECTION 11 OF REPUBLIC ACT NO. 9006, OTHERWISE KNOWN AS THE "FAIR ELECTIONS ACT").

(f) hereof and the like, is prohibited. Persons posting the same shall be liable together with the candidates and other persons who caused the posting.

For this purpose, there is a presumption that the candidates caused the posting of campaign materials outside the common poster areas if they do not remove the same within three (3) days from notice issued by the Election Officer of the city or municipality where the election propaganda is posted or displayed.

Members of the PNP and other law enforcement agencies called upon by the Election Officer or other COMELEC officials may file the appropriate charges against the violators of this Section.

SEC. 250. *Common poster areas*. – Candidates may, upon authority of the COMELEC, through the City or Municipal Election Officer concerned, construct common poster areas, at their expense, wherein they can post, display, or exhibit their election propaganda to announce or further their candidacy subject to the following requirements and/or limitations:

a. A common poster area does not refer to a post, a tree, the wall of a building or an existing public structure that is in active use, but a structure, the location and number of which are specified below, that is temporarily set up by the candidates for the exclusive purpose of displaying their campaign posters;

b. In no instance shall an Election Officer designate as common poster areas, any trees, plants, shrubs located along public roads, in plazas, parks, school premises or in any other public grounds. In cases where candidates still persist in displaying, posting, or exhibiting their campaign or election propaganda on trees and plants, they shall be prosecuted for violation of these Rules, without prejudice to the institution of a criminal complaint for the violation of Republic Act No. 3571[19];

c. Each candidate, with prior consent from the COMELEC, may put up common poster areas in every barangay, subject to the following limitations:

5,000 registered voters or less	1 common poster area
For every increment of 5,000 registered voters, or a fraction thereof, thereafter	1 additional common poster area

d. Such common poster areas shall be allowed by the Election Officer only in selected public places such as plazas, markets, barangay centers and the like, where posters may be readily seen or read, and with the heaviest pedestrian and/or vehicular traffic in the city or municipality;

e. The Election Officer shall make, and post in his office, a list of the common poster areas in each city or legislative district in said city or municipality, indicating therein their exact locations, and furnish each candidate copies of said list at the latter's expense, and also the Provincial Election Supervisor and the EID Director;

f. The Election Officer shall comply with his obligations in the immediately preceding paragraph not later than five (5) days before the start of the campaign period and failure to do so shall make him liable for gross neglect of duty;

[19] AN ACT TO PROHIBIT THE CUTTING, DESTROYING OR INJURING OF PLANTED OR GROWING TREES, FLOWERING PLANTS AND SHRUBS OR PLANTS OF SCENIC VALUE ALONG PUBLIC ROADS, IN PLAZAS, PARKS, SCHOOL PREMISES OR IN ANY OTHER PUBLIC PLEASURE GROUND PROMULGATED ON JUNE 21, 1963.

g. The size of each common poster area for candidates shall not exceed four (4) by six (6) feet or its equivalent but not exceeding a total area of twenty-four (24) square feet.

h. The sizes of individual posters that may be posted in each common poster area shall not exceed two (2) by three (3) feet. However, in case of space limitations, posters of candidates may be reduced to a uniform size to accommodate all candidates. This regulation is also violated by making single letters of names having the maximum size or lesser and then putting them together to form a size exceeding two (2) by three (3) feet;

i. The common poster areas allocated to candidates shall not be used by other candidates even with the consent of the former;

Candidates shall file their applications to construct common poster areas with the Office of the City/Municipal Election Officer concerned within five (5) days from the effectivity of these guidelines or on such other date as may be determined by the Commission; otherwise, they must accept the listing prepared by the Election Officer;

Within five (5) days after the elections and without need of notice, the candidates who applied for the putting up of common poster areas shall tear down the same at their own expense and restore the site into its original condition. All other campaign materials outside of the common poster areas shall likewise be removed;

Non-performance of this obligation shall be deemed a violation of the law and regulation on the observance of common poster areas for which the candidate concerned shall be liable for an election offense;

j. No lawful election propaganda materials shall be allowed outside the common poster areas except on private property with the consent of the owner or in such other places mentioned in these guidelines. Any violation hereof shall be punishable as an election offense;

k. In all cases, the parties shall agree among themselves how their individual posters in the common poster areas shall be placed. In case no agreement is reached, the Election Officer concerned shall determine said placement by drawing of lots.

l. The Election Officer shall act on all applications for common poster areas within three (3) days from receipt thereof. For this purpose, he/she shall determine whether the proposed common poster area sites are public places with heavy pedestrian or vehicular traffic, or business or commercial centers, or densely populated areas, and equitably and impartially allocate the sites to ensure maximum exposure of the lawful propaganda materials of all candidates.

m. Any candidate aggrieved by the action of the Election Officer may appeal the same within two (2) days from receipt of the order of said Election Officer to:

1. The Provincial Election Supervisors (PES); or
2. The Regional Election Director (RED), in the case of the National Capital Region (NCR).

n. The Provincial Election Supervisor (PES) or Regional Election Director (RED) concerned shall decide the appeal within two (2) days from receipt thereof, furnishing copies of the decision to the parties concerned and to the Law Department of the COMELEC. The decision shall be final and executory.

SEC. 251. ***Prohibition on the removal, destruction or defacement of lawful election propaganda.*** - During the campaign period, it is unlawful for any person to remove, destroy, take down or, in any manner, deface or tamper with, or prevent the distribution of any lawful election propaganda enumerated in Section 239 hereof.

SEC. 252. ***Removal, confiscation, or destruction of prohibited propaganda materials.*** - Any prohibited form of election propaganda shall be stopped, confiscated, removed, destroyed, or torn down by COMELEC representatives, at the expense of the candidate for whose apparent benefit the prohibited election propaganda materials have been produced, displayed, and disseminated.

Any person, association, government agency may likewise report to the COMELEC any prohibited form of election propaganda for confiscation, removal, destruction and/or prevention of the distribution of any propaganda material on the ground that the same is illegal, as listed in these guidelines.

The COMELEC may, *motu proprio*, immediately order the removal, destruction and/or confiscation of any prohibited propaganda material, or those materials which contain statements or representations that are illegal.

SEC. 253. ***Creation of task force to tear down and remove unlawful election materials.*** - A task force shall be created in each city and municipality, composed of the Election Officer as Chairman, the Chief of Police of the Philippine National Police (PNP) as Vice Chairman, and representatives from Department of Public Works and Highways (DPWH) and the Department of Environment and Natural Resources (DENR) as Members, to tear down and remove all unlawful election materials. For NCR, a representative from the Metro Manila Development Authority (MMDA) shall also be designated as member. The Chairman of the Task Force may, at his/her discretion, include other agencies or organizations in the Task Force.

The Task Force shall have the following duties and functions:

a. To tear down and remove campaign propaganda materials posted in public places outside the common poster areas;
b. To tear down and remove all prohibited forms of campaign materials wherever posted or displayed in public places;
c. To monitor and watch out for persons posting or distributing said unlawful election paraphernalia; and
d. To submit a report of said activities to the Office of the Regional Election Director (ORED).

SEC. 254. ***Modes of removal or dismantling of prohibited forms of campaign materials.*** -

a. Simple Abatement or the summary removal of illegal campaign materials clearly seen in prohibited locations such as those outside the common poster areas or in public places.

b. Punitive abatement or the removal of illegal campaign materials subject to Notice and preparatory to the filing of appropriate legal action.

The procedure for this form of abatement are as follows:

i. The Election Officer shall survey his or her respective area of jurisdiction and document illegal campaign materials by taking photographs, indicating their location, date and time. The date and time shall be proven by a newspaper of the day, and there shall be at least one article prominently visible to authenticate the date when it was taken. The photo must be strategically taken showing the landmarks of the location where the illegal campaign material is posted.

ii. The Election Officer shall immediately send the Notice to Remove to the candidates to their designated "address for Election Purposes" indicated in their Certificates of Candidacy. The Notice to Remove shall contain the following:

1. Description of the illegal campaign material/s;
2. Location where it was seen with landmarks;
3. Specific violation/s committed;
4. Instruction to remove the campaign material within seventy-two (72) hours with mention of the penalty in case of failure to comply;
5. Signature of the Election Officer; and
6. A clear photo of the campaign material earlier documented shall be attached to the Notice for reference of the candidate. Seventy-two (72) hours shall be counted after receipt of the Notice by the candidate concerned or a person of sufficient age and discretion at the address indicated with his/her full name, signature and date of receipt of the copy, either by personal service or express mail.

A sample template of said Notice is attached hereto as **Annex "S".**

In case of failure to remove the same within seventy-two (72) hours from Notice, such candidate is presumed to be the owner or the person who caused such violation.

iii. An Affidavit of Service shall be executed by the COMELEC staff who has served or mailed the same.

iv. After seventy-two (72) hours, the Election Officer, in coordination with partners shall return to the place where the illegal campaign material is located to inspect the same. If the material is still there, he/she shall take a photo of it with the newspaper of the day, to authenticate the fact that it is still there despite the lapse of seventy-two (72) hours, after which it will be taken down in a manner that will preserve its evidentiary value. For purposes of proper identification of evidence, the following shall be written at the back thereto:

i. Name of the Candidate/s
ii. Specific place where campaign posters was removed
iii. Date of removal
iv. Nature of violation (oversized, placed outside the CPA, and the like)
v. Names and signatures of witnesses
vi. Name of Election Officer and his/her signature

v. The Election Officer shall prepare a Complaint-Affidavit or *Sinumpaang Salaysay* on the circumstances of the commission of the election offense and attach the original Notice to Remove (with attached photo/s) with proof of receipt, a notarized Affidavit of Service, a photo to show non-compliance to the Notice on the date of the removal after seventy-two (72) hours, and the actual campaign material with the signatures of the Election Officer and witnesses therein.

For this purpose, all Regional Directors, Assistant Regional Directors, Regional Election Attorney, Provincial Election

Supervisors and Election Officers who are members of the bar are authorized to administer oath.

vi. Submit to the Law Department for evaluation and/or docketing.

vii. The Law Department, after evaluation and finding basis for probable cause, shall refer to the Regional Election Director for the conduct of a Preliminary Investigation.

viii. The Regional Election Director may designate an Investigating Officer who must be a member of the bar.

ix. The Investigating Officer shall conduct preliminary investigation by:
   1. Requiring respondent/s to submit verified Counter-Affidavits with affidavits of witnesses;
   2. Conduct of clarificatory hearing/s, if necessary, to ascertain factual issues; and
   3. Submit the Findings/Recommendations in accordance with the periods required by the Law Department.

x. The ORED shall transmit to the Law Department the Findings and Recommendation of the Investigating Officer;

xi. The Law Department shall review the Findings and Recommendation of the Investigating Officer and submit to the Commission *En Banc* its own recommendation; and

xii. The Commission *En Banc* shall issue a resolution affirming, denying, modifying and/or amending the recommendation of the Law Department.

SEC. 255. *Removal of prohibited propaganda materials before the start of the campaign period.* –All prohibited forms of election propaganda as described in Section 242 of these Rules shall be immediately removed, or caused to be removed, by said candidate at least seventy-two (72) hours before the start of the campaign period.

The prohibited forms of propaganda contemplated in this Section include any names, images, logos, brands, insignias, initials, and other forms of identifiable graphical representations placed by incumbent officials on any public structures or places as enumerated in Section 240 (f) of these guidelines.

SEC. 256*. Removal of propaganda materials after the elections.* - Within five (5) days after the elections and without need of notice, the candidates shall remove or cause to remove all their election propaganda at expense of the candidate for whose apparent benefit the election propaganda materials have been produced, displayed, and disseminated.

SEC. 257. *Application for permit to hold public meetings, rallies or other political activities.*– All applications for permits to hold public meetings, rallies and other similar political activities shall be filed with the authorized city or municipal official who shall acknowledge thereof in writing. Immediately after its filing, the application shall be posted in a conspicuous place in the city hall or municipal building.

The official before whom the application is filed shall submit to the Election Officer concerned on the first working day of each week the list of applications, if any, filed during the previous week and the action taken thereon.

SEC. 258. *Action on application for permit.* - Within three (3) days after the filing of an application for permit to hold public meetings, rallies or other political activities,

the local authority concerned shall act in writing on said application. Any application not acted upon within three (3) days from the date of its filing shall be deemed approved.

In acting on the application, the approving official shall give all candidates equal and fair opportunity as to date, time and place, to hold public political meetings or rallies. During the campaign period, all candidates shall be entitled to hold at least one public meeting or rally, in the public plaza or place where public political meetings or rallies are usually held.

An application for permit shall be denied only on the ground that a prior written application by another candidate has been approved. Denial of any application may be appealed to the Provincial Election Supervisor or to the Regional Election Director, for cases in the National Capital Region, who shall decide the same within forty-eight (48) hours after the filing of the appeal, and shall give notice of the decision to the parties. The decision shall be final and executory.

SEC. 259*. Affidavit of compliance with health p*rotocols. – Within twenty-four (24) hours after the conclusion of any in-person campaign activity, the campaign organizing staff shall submit a notarized Affidavit of Compliance with Health Protocols to the COMELEC with territorial jurisdiction over the place where the in-person campaign activity was conducted.

Failure to submit an Affidavit of Compliance with Health Protocols shall constitute non-cooperation of the person or entities punishable under Section 9 par. (d) or (e), as the case may be, of Republic Act No. 11332, otherwise known as the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act, and its Implementing Rules and Regulations. (As introduced by Paragraph C of IATF Resolution NO. 106-B, March 28, 2021).

SEC. 260*. Prohibited acts during public meetings*. - It is unlawful for any candidate or any person to give or accept, free of charge, directly or indirectly, transportation, food and drinks, or anything of value during and within the five (5) hours before and after a public meeting, or to give or contribute, directly or indirectly, money or things of value for such purpose.

It shall likewise be unlawful for any candidate or any person to act in a manner that violates the minimum health and safety protocols, and other applicable guidelines prescribed by the COMELEC and the Inter-Agency Task Force on Emerging Infectious Diseases.

SEC. 261. *E-rallies and livestreams allowed.* – Any candidate, individually or jointly with other aspirants, may hold peaceful online political meetings, rallies or other similar activities during the campaign period. Such online political meetings, rallies, and similar activities are not covered by the limitations on broadcast advertising.

Livestreaming on the candidate's social media platforms shall be considered a form of e-rally, subject to the following rules:

a. All e-rallies shall include a disclosure that identifies it as a political meeting or rally, confirms compliance with minimum health protocols, and provides the relevant date, time, and location information. For this purpose, a livestream on the candidate's social media platforms shall be considered a political meeting or rally.
b. Candidates may receive in-platform gifts and game currency but shall not be allowed to give gifts to livestream audiences, nor to run promotions and campaigns that will award in-platform gifts or game currency to platform users and livestream audiences.

SEC. 262*. Mass media columnist, announcer or personality running for public office or is a campaign volunteer*. - Any mass media columnist, commentator, announcer, or reporter who is a candidate for any elective public office, or is a campaign volunteer for or employed or retained in any capacity by any candidate shall be deemed resigned, if so required by their employer, or shall take a leave of absence from his/her work as such during the campaign period. *Provided*, that after he/she has filed his

certificate of candidacy but before the campaign period, it shall be his/her obligation not to use his media work for premature election campaign or partisan political activity. *Provided, finally*, that any media practitioner who, while not himself a candidate, is a member of the campaign staff of a candidate shall not use his/her time or space to favor any candidate.

SEC. 263. *Deputization* - The COMELEC hereby deputizes the Philippine Information Agency (PIA) and enlists the assistance of the *Kapisanan ng mga Brodkasters ng Pilipinas* (KBP) to assist the Commission, in coordination with the EID, in the dissemination of these Rules.

The COMELEC hereby deputizes the Local Government Units (LGUs), the Department of the Interior and Local Government (DILG), the Department of Environment and Natural Resources (DENR), the Department of Public Works and Highways (DPWH), and the Metro Manila Development Authority (MMDA) to assist the Commission in removing and tearing down of unlawful election propaganda materials without any partiality and to provide facilities and/or equipment necessary in tearing down of illegal propaganda materials and perform such other duties and functions as the Commission may prescribe from time to time.

SEC. 264. *Prohibition against intervention by political party, coalition of political parties, or any other organization.* – No person who files a certificate of candidacy shall represent or allow himself to be represented as a candidate of any political party or any other organization; and no political party, political group, political committee, civic, religious, professional, or other organization or organized group of whatever nature shall intervene in his nomination or in the filing of his certificate of candidacy or give aid or support, directly or indirectly, material of otherwise, favorable to or against his campaign for election; Provided, that this provision shall not apply to the members of the family of a candidate within the fourth civil degree of consanguinity or affinity nor to the personal campaign staff of the candidate in his barangay; Provided, however, that without prejudice to any liability that may be incurred, no permit to hold a public meeting shall be denied on the ground that the provisions of this paragraph may or will be violated.

Nothing in this Section, however, shall be construed as in any manner affecting or constituting an impairment of the freedom of individuals to support or oppose a candidate for any barangay office.

Violation of this Section by any political party, group, or coalition of political parties shall be a ground for the cancellation of its registration with the Commission.

SEC. 265. *Election offense.* - Any violation of the Fair Elections Act (FEA) and these guidelines shall constitute an election offense punishable under the first and second paragraph of Section 264 of the Omnibus Election Code (OEC) and other pertinent laws, rules and regulations, whenever applicable. Any aggrieved party may file a verified complaint for violation of these guidelines with the COMELEC Law Department.

Article XI

RULES ON GUN BAN

SEC. 266. *Prohibited acts.* – During the election period:

a. No person shall bear, carry or transport firearms or deadly weapons outside his/her residence or place of business, and in all public places, including any building, street, park, and in private vehicles or public conveyances, even if he/she is licensed or authorized to possess or to carry the same, unless authorized by the Commission, through the Committee on the Ban of Firearms and Security Concerns (CBFSC).

b. No person shall employ, avail him/herself or engage the services of security personnel or bodyguards, whether or not such security personnel or bodyguards

are regular members or officers of the AFP, PNP, other law enforcement agencies of the government or from a private security service provider, unless authorized by the Commission, through the CBFSC, in accordance with the provisions of this Resolution.

c. No person or entity shall transport and deliver firearms and/or their parts, ammunitions and/or their components, and explosives and/or their components, unless authorized by the Commission, through the CBFSC, in accordance with the provisions of these guidelines.

SEC. 267*. Suspension of Permit to Carry Firearm Outside of Residence (PTCFORs) and Letter Order (LO) / Mission Order (MO).* – Any PTCFOR, LO or MO issued by the PNP Chief, AFP Chief of Staff, Commanding General or Flag Officer in Command of the different branches of the AFP and their sub-units, or their duly authorized representatives, or any other head of the government law enforcement agency are hereby declared suspended, ineffective, and without force and effect during the election period, unless properly covered by a certificate of authority duly issued by the CBFSC.

CHAPTER I
THE COMMITTEE ON THE BAN ON FIREARMS AND SECURITY CONCERNS

SEC. 268. *The CBFSC.* – The CBFSC refers to the Committee in the Commission responsible for the implementation of the rules on application for exemption on the ban on the bearing, carrying or transporting of firearms and the employment, availment or engagement of security personnel. It shall have direct control, supervision, and oversight over the R/P/C/MJSCC. It shall be composed of:

a. a Commissioner, as the Representative of the Commission to the CBFSC and the CBFSC Chairperson;

b. a Senior Officer of the PNP not lower than Police Brigadier General, as the PNP Representative to the CBFSC; and

c. a Senior Officer of the AFP not lower than Brigadier General, as the AFP Representative to the CBFSC.

The CBFSC shall also be responsible for all security concerns and matters relative thereto during the election period.

The CBFSC shall have its Operations Division with an Overall Supervising Evaluator, and a Secretariat Division. It shall be assisted by the representatives from the Commission, AFP, and PNP.

SEC. 269*. Powers of the CBFSC.* – The Commission, through the CBFSC, and in accordance with the provisions of these guidelines, ***shall have the sole and exclusive authority*** to:

a. Issue certificates of authority for the:

   i. Bearing, carrying or transporting of firearms or other deadly weapons; or
   ii. Employment, availment or engagement of the services of security personnel or bodyguards; or
   iii. Transport or delivery of firearm and/or its parts, ammunition and/or its components, and explosive and/or its components.

b. Review all actions undertaken by any R/P/C/MJSCC.

c. Act on all security concerns and matters relative thereto during the election period

CHAPTER II
THE REGIONAL, PROVINCIAL, CITY AND MUNICIPAL JOINT SECURITY CONTROL CENTERS (R/P/C/MJSCC)

SEC. 270. *The RJSCC.* – The RJSCC shall be composed of the following:

a. Regional Election Director, as head;

b. Regional Director, Police Regional Office, PNP; and

c. Either the Division or Brigade Commander with the highest rank designated by the AFP.

The RJSCC shall be assisted by a Secretariat composed of a representative from the Commission, as may be designated by the CBSFC Chairperson, and representatives from the Office of the Regional Election Director, the PNP-Regional Police Office and the AFP Battalion.

SEC. 271. *The PJSCC.* - The PJSCC shall be composed of the following:

a. Provincial Election Supervisor, as head;

b. Provincial Director, Police Provincial Office (PPO), PNP; and

c. Either the Battalion Commander of the AFP or the highest-ranking officer in the area as may be designated, as members.

The PJSCC shall be assisted by a Secretariat composed of a representative from the Commission, as may be designated by the CBSFC Chairperson, and representatives from the Office of the Provincial Election Supervisor, the PNP-Police Provincial Office and the AFP assigned in the province.

SEC. 272. *Composition of the C/MJSCC* - The C/MJSCC shall be composed of the following:

a. City/Municipal Election Officer, as head;

b. Chief of Police of the PNP; and

c. The highest-ranking AFP officer in the area, as may be designated.

SEC. 273. *Function.* - The R/P/C/MJSCC shall be responsible for assisting the CBFSC in the implementation of the ban on the bearing, carrying or transporting of firearms in their respective regions, provinces, cites/municipalities, which includes, but not limited to, information dissemination, on matters of security concerns and compliance monitoring.

CHAPTER III
THE EVALUATION UNITS, AND THE REGIONAL EVALUATION UNITS

SEC. 274. *The Evaluation Unit (EU) or Regional Evaluation Unit (REU).*– The EU or REU, under the CBFSC and RJSCC, respectively, shall be composed of personnel directed by the Commission, PNP, and AFP to assist the CBFSC and RJSCC, and to evaluate applications and submit corresponding recommendations thereon.

For this purpose, The PNP EU shall be composed of the personnel duly designated by the Chief, PNP or by the PNP Representative to the CBFSC, to be composed by officers and personnel from the PNP Directorate for Operations (DO); Civil Security Group (CSG), particularly from its Firearms and Explosives Office (FEO) and the Supervisory Office for Security and Investigation Agencies (SOSIA); the Secretariat of the Permit to Carry Firearms Outside Residence (PTCFOR Secretariat); and the Police Security and Protection Group (PSPG). The PNP EU shall be under the direct control and supervision of the PNP Representative to the CBFSC, and shall be the sole custodian of all information related to PTCFORs, firearms registration, and other firearms licenses and permits issued by the PNP, as well as all data and information pertaining to the PNP.

On the other hand, the PNP REU shall be composed of the personnel duly designated by the Chief, PNP or by the PNP Representative to the CBFSC, or by the PNP Representative to the RJSCC, preferably from the Police Regional Office (PRO), and Regional Civil Security Unit (RCSU), and the Regional Intelligence Unit (RCU). The PNP REU shall be under the direct control and supervision of the PNP Representative to the RJSCC.

The AFP EU and REU shall be composed of the commissioned and non-commissioned officers of the AFP duly designated by the AFP Chief of Staff, or by the Deputy Chief of Staff for Operations (OJ3), or the AFP Representative to the CBFSC and RJSCC, respectively,

The PNP EU, PNP REU, AFP EU and AFP REU shall have their respective Team Leaders who shall have the duty of ensuring the efficient and accurate processing of applications endorsed by the CBFSC or RJSCC Secretariat, respectively, and timely accomplishment of assigned tasks, as well as direct supervision over their respective personnel assigned at the CBFSC and RJSCC, as the case may be, and shall be responsible for the following:

a. Distribution for evaluation of the applications for certificate of authority, as received by the CBFSC Secretariat to the different units of the PNP EU and REU, and AFP EU and REU;

b. Monitoring of the timely release of all evaluated applications;

c. Monitoring of the different units and the shifting of its personnel;

d. Safekeeping of all received applications and related documents; and

e. Compliance with R.A. No. 10173 or the Data Privacy Act of 2012, as implemented by the Data Privacy Management Program of the Commission.

CHAPTER IV
CERTIFICATE OF AUTHORITY AND THEIR CATEGORIES

SEC. 275. *Certificate of Authority (CA).*– The CA is issued by the CBFSC to qualified applicants giving them the authority to:

a. Bear, carry or transport firearms or other deadly weapons;

b. Employ, avail or engage the services of security personnel or bodyguards; and

c. Transport or deliver firearm and/or its parts, ammunition and/or its components, and explosive and/or its components.

SEC. 276. Categories of CA. – CAs are categorized, as follows:

a. Certificate of Authority – Law Enforcement Agencies (CA-LEA) is issued to the AFP, PNP, and other government departments, agencies, offices, bureaus, commissions, and tribunals, specifically limited to and covering only personnel in the active regular *plantilla* of the said agencies, performing law enforcement and/or security functions and/or election duties, and are receiving regular compensation for the said services rendered therein, excluding consultants, part-time, temporary, contractual, casual or job order employees, or confidential agents, employees or personnel, as well as those under contracts of service, whether or not receiving compensation from the Government of the Republic of the Philippines for services rendered.

b. Certificate of Authority – Diplomatic Missions (CA-DM) is issued to the security personnel of Foreign Diplomatic Corps, Missions, and Establishments under international law, including foreign military personnel in the Philippines covered by existing treaties and international agreements endorsed by the Secretary of Foreign Affairs and the Heads of Missions of foreign countries in the Philippines.

c. Certificate of Authority – Security Agencies (CA-SA) is issued to PSSPs.

d. Certificate of Authority – Cashiers/Disbursing Officers (CA-CDO) is issued to cashiers or disbursing officers of privately-owned corporations or companies.

e. Certificate of Authority – High-Risk Individuals (CA-HRI) is issued to:

   i. Qualified official of the Government of the Republic of the Philippines, who, by the nature of his/her person, position, duty, profession and/or office, is performing law enforcement and/or security functions and/or election duties, and is thus considered as a high-risk individual; or

   ii. Qualified individual, who: (1) by the nature of his/her official duties, profession, business or occupation, or (2) is under the Witness Protection, Security and Benefit Program of the Department of Justice (DOJ) or similar official program of the Government of the Republic of the Philippines, and deemed by the Commission, CBFSC, RJSCC, PNP Chief or AFP Chief of Staff as a high-risk individual. Former public officials are included in this category.

f. Certificate of Authority – Security Details (CA-SD) is issued to security details for public officials and private individuals.

g. Certificate of Authority – Transport (CA-TT) is issued for the transport or delivery of firearm and/or its parts, ammunition and/or its components, and explosive and/or its components.

h. Certificate of Authority – Sports Shooters (CA-SS) is issued to competitive sports shooters, excluding alien citizens or foreigners, who will be participating in international classifier and qualifier matches scheduled prior to the election period, in representation of their duly registered organizations and/or the Philippines.

SEC. 277. *Validity of CA.* – Any CA duly issued in accordance with these guidelines shall be valid from the date of issuance until the end of the election period or the period indicated in such CA and strictly under the terms and conditions for the grant thereof unless:

a. Earlier revoked by the CBFSC:

i. For any misrepresentation or false statement in the application or its attachments, or submission of falsified documents; or
ii. After the ground/s for which the CA was issued cease/s to exist; or
iii. For such other grounds deemed appropriate by the CBFSC; or

b. *Ipso facto* deemed null and void if the grantee violates or fails to comply with the conditions for carrying of firearms or for transporting of firearms, ammunitions, explosives, and/or their respective parts or components, as the case may be; or

c. Any license or permit issued by the PNP and used in support of the application for the issuance of corresponding CA is revoked, cancelled or suspended by the PNP Chief or his authorized representative; or

d. A different period of validity is prescribed by the CBFSC or RJSCC, as the case may be.

SEC.278. *Effect of Expiration or Revocation of Any of the Applicable Licenses, Registrations and Permits.* – Any CA shall automatically become ineffective upon the expiration or revocation of any of the applicable licenses, registrations and permits, including but not limited to LCR, CFR, PTCFOR, LTOPF, LO, MO, Property Acknowledgment Receipt (PAR), Acknowledgment Receipt for Equipment (ARE), and other pertinent firearms documents.

CHAPTER V
FULL EXEMPTION GRANTED TO CERTAIN GOVERNMENT OFFICIALS AND PERSONNEL

SEC.279. *Full exemption.* – The CBFSC shall grant full exemption from the ban on the bearing, carrying and transporting of firearms, and to transport or deliver firearms and/ or its parts, ammunitions and/ or its components, and explosives/and or its components, to the following government officials and personnel:

a. The President of the Republic of the Philippines, as the Commander-in-Chief of the AFP and Head of the Executive Department, including the PNP;

b. The Vice President of the Republic of the Philippines;

c. The Senate President and the Senators of the Republic of the Philippines;

d. The Speaker and Members of the House of Representatives;

e. The Chief Justice and the Justices of the Supreme Court;

f. The Justices of the Court of Appeals, the Sandiganbayan, and the Court of Tax Appeals;

g. The Judges of the Regional Trial Courts and Municipal/ Metropolitan/ Circuit Trial Courts and Shari'ah High/District/Circuit Courts;

h. AFP Chief of Staff and AFP Major Service Commanders;

i. PNP Chief and PNP Senior Officers;

j. Cabinet Secretaries, Undersecretaries, Assistant Secretaries;

k. Ombudsman, Deputy Ombudsmen, and Investigators and Prosecutors of the Ombudsman;

l. Prosecutor General Chief State Prosecutor, State Prosecutors, and Prosecutors mentioned under R.A. No. 10071 of the National Prosecution Service of the Department of Justice; and

m. The Chairman, Commissioners, Executive Director, Deputy Executive Directors, Directors and Lawyers employed by and holding office in the Main Office of the Commission, Chiefs-of-Staff of the Offices of the Chairman and Commissioners, Regional Election Directors, Assistant Regional Election Directors, Provincial Election Supervisors, Regional Election Attorneys and Election Officers, and Organic Security Officers of the Commission,

Provided, that the above-enumerated persons possess the following whenever they carry firearms or other deadly weapons:

1. Valid, updated and current License to Own and Possess Firearms (LTOPF);

2. Valid, updated and current Certificate of Firearms Registration (CFR) which firearm is allowed under existing laws, rules and regulations, assessed and evaluated by the Philippine National Police (PNP);

3. Valid, updated and current Permit to Carry Firearms Outside of Residence (PTCFOR) for privately owned firearms; and

4. Other applicable/ pertinent firearms licenses/ registrations/ permits/ documents.

Provided further, that in no instance shall the above-enumerated persons bear, carry, or transport more than two (2) firearms.

SEC. 280. *Security detail.* – The above-enumerated government officials and personnel shall also be entitled to avail, engage or employ not more than two (2) security details from the PNP, AFP, other law enforcement agencies or from PSSPs, or otherwise retain the services of their duly engaged or appointed regular security personnel or complement pursuant to their respective existing authorizations or engagements, ***Provided***, that the following information shall be submitted to the CBFSC for the issuance of the corresponding CA-SD:

a. name and contact number of the concerned government agency/PSSP where the proposed security detail is/are assigned;

b. name/s of the proposed security detail with corresponding rank, if known to the applicant;

c. description of the firearms and firearms registration data of the proposed security detail; and

d. the proposed security details must come from either a duly authorized law enforcement agency with a valid CA-LEA, or PSSP with a valid CA-SA.

Provided further, that the terms and conditions relating to the employment, availment or engagement of services of security personnel or bodyguards laid down in Section 303 of these guidelines shall be strictly complied with.

The two (2) security detail limitation does not apply to the President, Vice-President, Senate President, Speaker of the House, Chief Justice, AFP Chief of Staff and PNP Chief.

As to the other government officials and personnel mentioned in the immediately preceding section, when the circumstances warrant, they may apply with the CBFSC for CA for two (2) additional security personnel or bodyguards, or such additional number of security personnel or bodyguards as the CBFSC may deem appropriate under the circumstances. In such a case, they shall comply with the requirements enumerated in these guidelines applications for CA-SD with respect to the additional security personnel or bodyguard.

CHAPTER VI
CERTIFICATE OF AUTHORITY - LAW ENFORCEMENT AGENCIES

SEC.281. ***Preferential Disposition of All CA-LEA Applications.*** **-** Applications for CA-LEA are given utmost priority and shall receive preferential attention over all other applications.

SEC.282. ***Who May Bear, Carry or Transport Firearms.*** – Regular officers, members, and agents of the following agencies of the government who are actually performing law enforcement and/or security functions and/or election duties may bear, carry or transport firearms during the election period:

a. Commissioned and Non-Commissioned Officers, and Enlisted Personnel of the AFP;

b. Commissioned and Non-Commissioned Officers of the PNP;

c. Officers, Agents, and Law Enforcement and Security Personnel of the National Bureau of Investigation (NBI);

d. Officers and Members of the Bureau of Corrections, and Provincial and City Jails;

e. Officers and Members of the Bureau of Jail Management and Penology;

f. Officers and Members of the (i) Intelligence Division, (ii) Investigation Division of the Intelligence and Investigation Service, and (iii) Customs Police Division of the Enforcement and Security Service of the Bureau of Customs;

g. Officers and Members of the Port Police Department of the Philippine Ports Authority;

h. Officers and Members of the Philippine Economic Zone Authority Police Force;

i. Officers and Members of the Government Guard Units regulated by the PNP under R.A. No. 5487;

j. Officers and Members of the Manila International Airport Authority Police Force;

k. Officers and Members of the Law Enforcement Service of the Land Transportation Office;

l. Officers and Members of the Philippine Coast Guard;

m. Officers and Members of the Internal Security Operations Group of the Witness Protection, Security and Benefits Program of the DOJ;

n. Officers and Members of the Enforcement and Investigation Division of the Optical Media Board;

o. Officers and Members of the (i) Security Investigation and Transport Department, (ii) Cash Department, and (iii) Office of Special Investigation, Branch Operations of the *Bangko Sentral ng Pilipinas*;

p. Officers and Members of the Offices of the Sergeant-at-Arms (OSAA) of the (i) Senate of the Philippines; and (ii) House of Representatives, including the OSAA-designated regular security escorts of Senators and Representatives;

q. Officers and Members of the Inspection Service of the Philippine Postal Corporation;

r. Officers and Members of the Inspection, Monitoring and Investigation Service of the National Police Commission;

s. Forest Officers defined under P.D. No. 705, Forest/Park Rangers, Wildlife Officers, and Forest Protection and Law Enforcement Officers of the Department of Environment and Natural Resources under DAO No. 1997-32;

t. Officers and Members of the Bureau of Fire Protection;

u. Officers and Members of the (i) Law and Investigation Division, and (ii) Intelligence Division of the Bureau of Immigration;

v. Officers and Members of the Intelligence and Security Unit of the Office of the Secretary of the Department of Foreign Affairs;

w. Officers and Members of the Philippine Drug Enforcement Agency;

x. Officers and Members of the Philippine Center for Transnational Crime;

y. Officers and Members of the National Intelligence Coordinating Agency;

z. Officers and Members of the Civilian Armed Forces Geographical Units Active Auxiliaries and Special Civilian Armed Forces Geographical Units Active Auxiliaries already constituted upon the effectivity of these guidelines while within the barracks;

aa. Officers and Members of the Presidential Security Group;

bb. (i) Treasurer and Deputy Treasurers of the Philippines, and (ii) Officers and Members of the Internal Security Division of the Bureau of the Treasury;

cc. Officers and Members of the Internal Security of the Office of the Vice-President;

dd. Officers and Members of the Internal Security of the Office of the Secretary of National Defense;

ee. Officers and Members of the Internal Security of the Office of the Secretary of the Interior and Local Government; and

ff. Other Officers and Members of Departments, Divisions, Offices, Units or Detachments performing law enforcement and/or security functions.

SEC. 283. ***Conditions for the Issuance of CA-LEA.*** – The issuance and validity of the CA-LEA are subject to the conditions that when in the possession of firearms, the members of the LEA are:

a. in the active regular *plantilla* of the said agencies and are receiving regular compensation for the services rendered therein;

b. not consultants, part-time, temporary, contractual, casual or job order personnel, or confidential agents, employees or personnel, as well as those under contracts of service, whether or not receiving compensation from the Government of the Republic of the Philippines for services rendered;

c. if applicable, in the agency-prescribed uniform showing clearly and legibly at all times his/her name, rank and serial number or, in case rank and serial number are not applicable, displaying prominently the agency-issued identification card showing clearly his/her name and position, which shall remain visible at all times. However, in case of officers or members of LEAs, the bearing and carrying or transporting of firearms in civilian clothes shall be allowed in the following circumstances:

    i. While conducting lawful intelligence or counter-intelligence gathering activities;
    ii. During police emergencies;
    iii. In operations involving national security; and
    iv. In other similar legitimate covert police and/or security operations requiring strict operational security and for reasons of personnel safety.

d. duly authorized to possess firearm covered by a valid LTOPF, LCR, CFR or PAR/ARE, and to carry the same outside of residence by virtue of a valid, current, and updated PTCFOR, LO or MO;

e. in the actual performance of official law enforcement and/or security duty and/or election duty, or are going to or returning from his/her residence, dwelling, barracks or official station;

f. bearing, carrying or transporting a maximum of two (2) firearms indicated in his/her name in the agency's Application Form and list/roster of personnel; and

g. he/she must be in possession of the following:

    i. Valid, updated, and current LTOPF, as may be applicable;

    ii. Valid, updated, and current CFR and/or PAR/ARE, which firearm is allowed under existing laws, rules and regulations, as assessed and evaluated by the PNP;
    iii. Valid, updated, and current PTCFOR or LO or MO, as the case may be; and

    iv. Other applicable and pertinent firearms licenses, registrations, permits, and documents.

SEC. 284*. Application Form and Documentary Requirements for the Issuance of CA-LEA.* – Applicants for CA-LEA must completely accomplish and submit the following requirements:

a. CBFSC Form No. 2022-01 signed by the head of the agency;

b. CBFSC Form No. 2022A-01 indicating therein the:

    i. full names of the law enforcement or security personnel with their corresponding rank or position; and
    ii. firearms description and registration data, including the PAR/ARE with MO/LO for government-issued firearms and/or CFR with PTCFOR for privately owned firearms, among others.

c. CBFSC Form No. 2022B-01 with the colored 4" x 5" picture and description of the authorized uniform of the office, if applicable.

The CBFSC Forms must be duly accomplished, completely filled up and signed by the Head of the Agency, properly notarized, and filed in accordance with the procedures herein set forth.

Moreover, the Head of Agency shall, under oath, attest to the truthfulness and correctness of all the entries therein, assuring that all the conditions set forth in Section 283 (a) to (g) are strictly complied with. Failure to comply with the said conditions or any finding of misrepresentation or false statement in the application shall render the CA-LEA null and void.

CHAPTER VII
CERTIFICATE OF AUTHORITY- DIPLOMATIC MISSIONS

SEC.285. ***Who May Bear, Carry or Transport Firearms.***– Security personnel of Foreign Diplomatic Corps, Missions, and Establishments under international law, including foreign military personnel in the Philippines covered by existing treaties and international agreements endorsed by the Secretary of Foreign Affairs and the Heads of Missions of foreign countries in the Philippines may bear, carry or transport firearms during the election period.

SEC.286. ***Retention of Services of Security Personnel or Bodyguards.***- The authority granted to or the services of those constituting the duly engaged or appointed regular PNP security detail of foreign dignitaries, including those assigned in the latter's residences and embassies, shall subsist pursuant to their respective existing authorizations or engagements.

SEC.287. ***Application Form and Documentary Requirements for the Issuance of CA-DM.***– Applicants for CA-DM or their duly authorized representative must completely accomplish and submit the following requirements:

a. CBFSC Form No. 2022-02 signed by the head or lead of the Foreign Diplomatic Corps, Missions and Establishments under international law, and foreign military personnel in the Philippines;

b. CBFSC Form No. 2022A-02 indicating therein the:

   i. full names of the security personnel with their corresponding rank or position; and
   ii. firearms description and registration data, including the PAR/ARE with MO/LO for government-issued firearms and/or CFR with PTCFOR for privately owned firearms, among others.

c. CBFSC Form No. 2022B-02 with the colored 4" x 5" picture and description of the authorized uniform of the security personnel;

d. Letter of endorsement from the Department of Foreign Affairs; and

e. Letter of endorsement from the head or lead of the Foreign Diplomatic Corps, Missions and Establishments under international law, and foreign military personnel in the Philippines.

The Application Forms, including the Data Privacy Notice and Consent Form, must be duly accomplished, completely filled out and signed by the applicant or the duly authorized representative, properly notarized, and filed in accordance with the procedures herein set forth.

SEC. 288. ***Concerned LEAs and Government or Foreign Security Personnel Agencies as Custodian of their Information.*** – The concerned law enforcement and government or foreign security personnel agencies, as custodian of the pertinent information related to their office, shall maintain and keep a record of the list of officers and personnel with their authorized firearms certified by the head or lead of the

Foreign Diplomatic Corps, Missions and Establishments under international law, and foreign military personnel in the Philippines or the duly authorized representative.

In the performance of its functions, the Law Department of the Commission may officially request from the concerned head or lead of the Foreign Diplomatic Corps, Missions and Establishments under international law, and foreign military personnel in the Philippines a report related to the said list.

CHAPTER VIII
CERTIFICATE OF AUTHORITY - SECURITY AGENCIES

SEC.289. *Who May Bear, Carry or Transport Firearms.* – Members of the PSSPs may bear, carry or transport firearms during the election period: *Provided*, that when in the possession of firearms, they are:

a. active regular employees of the PSSP receiving regular compensation for the services rendered therein, and not a consultant, part-time, temporary, contractual, casual or job order personnel, or confidential agent, whether or not receiving compensation from the PSSP for services rendered;

b. in the actual performance of security duty at the designated and specified place, area or station;

c. in the PSSP-prescribed uniform showing clearly and legibly at all times his/her name, and displaying prominently the PSSP-issued identification card showing clearly his/her name and position, which shall remain visible at all times;

d. in the exercise of their security functions and duties, and duly authorized to possess the PSSP's firearm, which must be covered by a valid, current, and updated CFR or PAR/ARE, as may be applicable, and other applicable and pertinent firearms licenses, registrations, permits and documents;

e. in possession of a valid, current, and updated License to Exercise Security Profession (LESP) accompanied by a valid, current, and updated DDO or SDDO and/or Monthly Disposition Report (MDR), as the case may be. Applicant is required to update the CBFSC as regards any change, modification or amendment to the DDO, SDDO, and MDR during the validity of the issued CA-SA;

f. in possession of a firearm allowed under existing laws, rules, and regulations, as assessed and evaluated by the PNP;

g. deployed by PSAs, PDAs, CSUs, GGUs, Private Security Canine Service Providers, Private Security Training Institutes or Private Security Industry and Training Organizations duly licensed, authorized, recognized and/or accredited by the PNP; and

h. bearing, carrying or transporting only one (1) firearm indicated in his/her name in the PSSP's Application Form and list/roster of personnel, unless otherwise allowed under existing laws, rules, and regulations.

SEC.290. *Application Form and Documentary Requirements for the Issuance of CA-SA.* – Applicants for CA-SA or their duly authorized representative must completely accomplish and submit the following requirements:

a. CBFSC Form No. 2022-03;

b. CBFSC Form No. 2022A-03 indicating therein the:

   i. full names of the security personnel with their corresponding rank or position; and
   ii. firearms description and registration data, among others.

c. CBFSC Form No. 2022B-03 with the colored 4" x 5" picture and description of the authorized uniform of the PSSP;

d. Copy of the PSSP's License to Operate (LTO) valid and existing during the entire duration of the election period;

e. Copy of the PSSP's Certificate of LTOPF for Juridical Entity (LTOPFJ) valid and existing during the entire duration of the election period;

f. Copy of valid Certificates of Firearm Registration (CFRs);

g. Endorsement from the PNP SOSIA certifying that the LESPs of the security personnel of the applicant are valid and existing during the entire duration of the election period. In the event that there are expired LESPs, the PNP SOSIA shall submit a Certification to that effect and shall also attach therein the names of the security personnel with valid LESPs;

h. Copy of the latest Duty Detail Order (DDO);

i. In case the applicant is a juridical entity (corporation or partnership), a duly notarized board resolution certifying the authority given to the head of PSSP or authorized representative/s to apply for an CA-SA on behalf of the PSSP.

All applications for the issuance of CA-SA must be filed in accordance with the procedures herein set forth. Each and every page of the Application Form and its attachments must be numbered consecutively at the bottom right side.

An administrative processing fee in the amount of Fifty Pesos (₱ 50.00) for each security personnel included in the list shall be paid in accordance with the procedures herein set forth. However, in no case shall the administrative processing fee exceed Five Thousand Pesos (₱ 5,000.00).

SEC.291. *Additional Guidelines for PSSPs.* –The following rules shall be strictly observed by PSSPs which have been issued CA-SA:

i. The CA-SA shall be valid during the prescribed period strictly under the terms and conditions specified therein, and shall automatically become ineffective upon the expiration of any of the applicable licenses, registrations, permits, CFR, PTCFOR, LTOPFJ, MDR, DDO, SDDO, LESP, LO, MO, PAR, ARE, and other pertinent firearms documents.

j. For single posting, the security guard assigned is prohibited to transport his/her firearm from his/her duty area to his/her dwelling.

k. Firearms may be stationed in armored trucks provided these are duly licensed PSSP-issued firearms used in the regular course of business of the PSSP and included in the application.

l. In case of new posting or termination of posting which entails the transport of firearms to the duty area or the return of firearms to the PSSP's office, the PSSP may be authorized to transport the firearms on a one-time, one-way basis only upon prior application.

m. The PSSP shall update the CBFSC as regards any change, modification or amendment to the DDO, SDDO, and MDR during the validity of the issued CA-SA.

CHAPTER IX
CERTIFICATE OF AUTHORITY- CASHIERS/DISBURSING OFFICERS

SEC.292. *Who May Bear, Carry or Transport Firearms.* – A person, who by the nature of his/her duty, profession, business or occupation as a cashier or disbursing officer, may bear, carry or transport firearms during the election period: *Provided*, that when bearing, carrying or transporting firearms, he/she must be in the actual performance of his/her official duties involving the transport of deposits, disbursement of payrolls or carrying of large sums of money or valuables, and in possession of the following:

a. Certificate of employment stating that he/she is currently employed under the conditions stated in his/her application;

b. Company- or office-issued identification card showing his/her photograph, designation, and signature;

c. Valid, updated, and current LTOPF;

d. Valid, updated, and current CFR, which firearm is allowed under existing laws, rules, and regulations as assessed and evaluated by the PNP;

e. Valid, updated, and current PTCFOR for privately owned firearms; and

f. Other applicable and pertinent firearms licenses, registrations, permits, and documents.

In no instance shall the cashier or disbursing officer bear, carry or transport more than one (1) small arms limited to handgun, which must either be a revolver or a pistol.

SEC. 293. *Application Form and Documentary Requirements for the Issuance of CA-CDO.* – Applicants for CA-CDO or their duly authorized representative must completely accomplish and submit the following requirements:

a. CBFSC Form No. 2022-04 signed by the applicant cashier or disbursing officer, indicating therein, among others, his/her full name and the office where he/she is employed or connected, and his/her 2" x 2" photograph;

b. Certification of the employer under oath that the applicant is an employee of the company and designated as cashier or disbursing officer, or that the nature of his/her official duties involve the transport of deposits, disbursement of payrolls or carrying of large sums of money or valuables;

c. Certified true copy of the applicant's latest ITR;

d. Certified true copy of the company's or employer's latest ITR;

e. Description of and proof that the nature of his/her official duties, profession, business or occupation requires him/her to carry large sums of money or valuables;

f. Company- or office-issued identification card showing his/her photograph, designation, and signature; and

g. CBFSC Form No. 2022A-04 with the firearms description and registration data, including applicant's LTOPF and/or CFR with PTCFOR for privately owned firearms.

All applications for the issuance of CA-CDO must be filed in accordance with the procedures herein set forth.

An administrative processing fee in the amount of Five Hundred Pesos (₱ 500.00) shall be paid in accordance with the procedures herein set forth.

CHAPTER X
CERTIFICATE OF AUTHORITY HIGH-RISK INDIVIDUALS

SEC.294. *Who May Bear, Carry or Transport Firearms.* – The following are considered HRIs, and thus may bear, carry or transport firearms during the election period:

a. Qualified official of the Government of the Republic of the Philippines:

   i. The Chairpersons and Commissioners of the Civil Service Commission and Commission on Audit;

   ii. The Chairperson and Commissioners of the Commission on Human Rights;

   iii. The Commissioner and Deputy Commissioners of the Bureau of Immigration;

   iv. The Solicitor General;

   v. The Chief Public Attorney; and

   vi. The Provincial, City, and Municipal Treasurers.

   In no instance shall the abovementioned government officials bear, carry or transport more than two (2) firearms.

b. Other qualified individuals, who: (1) by the nature of their official duties, profession, business or occupation, or (2) are under the Witness Protection, Security and Benefit Program of the DOJ or similar official program of the Government of the Republic of the Philippines, and deemed by the Commission, CBFSC, PNP Chief or AFP Chief of Staff as HRIs. Former public officials are included in this category.

   The other qualified individuals or former public officials must be in possession of the following when bearing, carrying or transporting firearms:

   i. Threat assessment issued and certified by the PNP Directorate for Intelligence for the national level or the Regional Director of the PNP Police Regional Office for the local level;

   ii. Endorsement and/or certification by the PNP Chief stating that the applicant is considered as a HRI;

   iii. Valid, updated, and current LTOPF;

   iii. Valid, updated, and current CFR, which firearm is allowed under existing laws, rules, and regulations as assessed and evaluated by the PNP;
   iv. Valid, updated, and current PTCFOR for privately owned firearms; and
   v. Other applicable and pertinent firearms licenses, registrations, permits, and documents.

   In no instance shall the individuals under this HRI category bear, carry or transport more than one (1) small arms limited to a handgun, which must either be a revolver or a pistol.

SEC. 295. *Application Form and Documentary Requirements for the Issuance of CA-HRI under Section 294 (a).* – Applicants for CA-HRI or their duly authorized representative must completely accomplish and submit the following requirements:

a. For the public officials mentioned in Section 294 (a) hereof:

   i. CBFSC Form No. 2022-05PO indicating therein, among others, his/her full name, position, and office and home address, email address, and official telephone/mobile phone numbers;

   ii. One (1) piece 2" x 2" photograph of the applicant to be attached to the Application Form;

b. For appointive officials:

   i. certified true copy of the certificate of appointment;
   ii. CBFSC Form No. 2022A-05PO with the firearms description and registration data, including PAR/ARE with LO/MO for government-issued firearms, and/or CFR with PTCFOR for privately owned firearms; and
   iii. Copies of other applicable registrations, licenses, and permits.

SEC.296. *Application Form and Documentary Requirements for the Issuance of CA-HRI under Section 294 (b).* – Applicants for CA-HRI or their duly authorized representative must completely accomplish and submit the following requirements:

a. CBFSC Form No. 2022-05OQI signed by the applicant, indicating therein, among others, his/her full name and office where he/she is employed with one (1) piece 2" x 2" photograph of the applicant;

b. Description of and proof that the nature of the applicant's official duties, profession, business or occupation puts him/her at high risk;

c. Company or office issued identification card showing his/her photograph, designation, and signature, if any;

d. CBFSC Form No. 2022A-05OQI with the firearms description and registration data, including the applicant's LTOPF, LCR with LO/MO for government-issued firearms and/or CFR with PTCFOR for privately owned firearms;

e. Threat assessment issued and certified by the PNP Directorate for Intelligence for the national level or the Regional Director of the PNP Police Regional Office for the local level; and

f. Endorsement and/or certification by the PNP Chief stating that the applicant is considered as HRI.

For former public officials, only those documents mentioned in (a), (d), (e), and (f) shall be required.

All applications for the issuance of CA-HRI must be filed in accordance with the procedures herein set forth.

An administrative processing fee in the amount of Five Hundred Pesos (₱ 500.00) shall be paid in accordance with the procedures herein set forth.

CHAPTER XI
CERTIFICATE OF AUTHORITY - SECURITY DETAILS

SEC. 297. *Revocation of Authority Granting Security Personnel.* – All existing authority granting security personnel or bodyguards not covered by a CA-SD duly issued in connection with the May 9, 2022 NLE are hereby automatically revoked at the start of the election period.

SEC. 298. *Who May Employ, Avail or Engage the Services of Security Personnel or Bodyguards.* – When circumstances warrant, including but not limited to threats to their life and security, the following persons may also be issued CA-SD and allowed to employ, avail or engage the services of not more than two (2) security details from the PNP, AFP, other law enforcement agencies, or from PSSPs:

a. Incumbent public officials, whether elected or appointed; and
b. Private individuals.

In such a case, they shall comply with the requirements enumerated in Section 300 of this Article for applications for CA-SD.

SEC.299*. Augmentation of Security Personnel or Bodyguards.* –When the circumstances warrant, the public officials or persons mentioned in the immediately preceding section, may apply with the CBFSC for a CA for two (2) additional security personnel or bodyguards, or such additional number of security personnel or bodyguards as the CBFSC may deem appropriate under the circumstances. In such a case, they shall also comply with the requirements enumerated in Section 302 of these guidelines for applications for CA-SD with respect to the additional security personnel or bodyguard.

SEC. 300. *Application Form and Documentary Requirements for the Issuance of CA-SD.* – Applicants for CA-SD or their duly authorized representative must completely accomplish and submit the following requirements:

a. CBFSC Form No. 2022-06 signed by the applicant, indicating therein, among others, his/her full name, position in the government, if a public official, and address;

b. One (1) piece 2" x 2" photograph of the applicant to be attached to the Application Form;

c. Threat assessment or such other document supporting the existence of threat, if any;

d. Valid and existing Letter Order or Mission Order of the proposed security detail duly signed and issued by the authorized signatory/representative of the LEA or PSSP;

e. Either CBFSC Form No. 2022A-06SP as certified by the PSSP intending to provide the security personnel, and indicating therein the:

i. name and contact number of the PSSP to which the proposed private security personnel is affiliated;
ii. names of at most two (2) proposed qualified private security personnel with their corresponding rank or position, LESP, and DDO/SDDO, as may be appropriate;
iii. description of the firearms and firearms registration data; and
iv. copy of the CA-SA of the PSSP where the proposed private security personnel is/are affiliated, and the name/s of the security personnel included in its submitted list/roster of personnel.

Or CBFSC Form No. 2022A-06DA as certified by the PNP PSPG or concerned government agency intending to provide the security detail/s, and indicating therein the:

i. name and contact number of the concerned government agency where the proposed protective security personnel is/are assigned;
ii. name/s of the proposed protective security personnel with corresponding rank, if known to the applicant;
iii. description of the firearms and firearms registration data of the proposed protective security personnel; and
iv. copy of the CA-LEA of the concerned government agency where the proposed protective security personnel is/are assigned.

f. CBFSC Form No. 2022B-06 with the colored 4" x 5" picture and description of the authorized uniform of the protective security personnel.

All applications for the issuance of CA-SD must be filed in accordance with the procedures herein set forth. Each and every page of the Application Form and its attachments must be numbered consecutively at the bottom right side.

An administrative processing fee in the amount of Five Hundred Pesos (₱ 500.00) shall be paid in accordance with the procedures herein set forth. Every application for additional security personnel shall be assessed an additional administrative processing fee of Five Hundred Pesos (₱ 500.00).

SEC. 301*. Temporary Authority to Employ, Avail or Engage the Services of Security Details, Personnel or Bodyguards.* – Applicants for CA-SD may at the same time request for the issuance of a TA-SD.

SEC.302. *Guidelines and Procedures for the Processing of Applications for the Issuance of TA-SD.* – The following guidelines and procedures shall be observed in the processing of applications for the issuance of CA-SD with request for TA-SD:

a. Immediately upon receipt of the application for CA-SD with request for the issuance of a TA-SD, the RJSCC shall act on the request taking into consideration the documents submitted. Finding it meritorious, the RJSCC may issue a thirty (30)-day TA-SD for one time only.

b. In issuing a TA-SD, the RJSCC shall, as far as practicable, ensure that the security personnel assigned to the applicant is/are from a unit, agency, company or office based in the municipality, city, province or district where the applicant resides or works as indicated in the application.

c. The security personnel or bodyguard assigned to the applicant under a TA-SD shall be subject to the same requirements and conditions with respect to the wearing of uniforms and carrying of firearms or deadly weapons imposed in these guidelines.

d. The processing of the request for a TA-SD shall not toll the processing and evaluation of the main application for CA-SD.

e. In case no CA-SD is issued after the expiration of the TA-SD or if the application for CA-SD is denied within the period of validity of the TA-SD, all security personnel temporarily detailed to the applicant shall be deemed recalled.

f. If at any time, the ground/s for which the TA-SD was issued cease/s to exist or for other just causes, the TA-SD may be revoked.

g. No request for extension of validity of a TA-SD shall be entertained. The RJSCC has no authority to extend the validity of a TA-SD or grant another TA-SD for the same applicant. Administrative charges shall be filed against those found violating this provision.

SEC. 303. ***Terms and Conditions Relating to the Employment, Availment or Engagement of Services of Security Personnel or Bodyguards.*** – When in the possession of firearms, the security personnel or bodyguard must be:

a. an active regular employee of the PSSP or concerned government agency, and is receiving regular compensation for the services rendered therein.

b. not a consultant, part-time, temporary, contractual, casual or job order personnel or confidential agent, whether or not receiving compensation from the PSSP or concerned government agency for services rendered.

c. if applicable, in the prescribed uniform of the PSSP or concerned government agency showing clearly and legibly at all times his/her name, and displaying prominently the office-issued identification card showing clearly the name and position, which shall remain visible at all times.

d. in possession of a valid, updated, and current LESP accompanied by a valid, updated, and current DDO/SDDO or LTOPF, as the case may be.

e. duly authorized to possess the PSSP's or concerned government agency's firearm covered by a valid, updated, and current CFR or PAR/ARE, and to carry the same outside of residence by virtue of a valid, updated, and current PTCFOR, LO, MO, and other applicable and pertinent firearms licenses, registrations, permits and documents.

f. in the possession of one (1) small firearm as indicated in his/her name in the Application Form and list/roster of personnel, which is allowed under existing laws, rules, and regulations as assessed and evaluated by the PNP.

g. deployed by PSAs, PDAs, CSUs, GGUs, Private Security Canine Service Providers, Private Security Training Institutes or Private Security Industry and Training Organizations, which must be duly licensed, authorized, recognized and/or accredited by the PNP, and must have first secured its own CA-SA prior to deployment of security personnel.

h. in the actual performance of law enforcement or security duties.

i. employed by a duly licensed PSSP, qualified to perform or provide personal security protection to private persons entitled thereto, and in possession of appropriate licenses, certifications, and authorizations.

When the security personnel is/are provided by the PNP, AFP, NBI or other LEAs, the application must be endorsed by the PSPG or the PNP Regional Director for the PNP; and the authorized representatives for the AFP, NBI and other LEAs, as the case may be. When applicable, the retained security personnel or bodyguards must have been detailed to the applicant one (1) year before the elections.

The CA-SD automatically becomes ineffective upon the expiration of any of the applicable licenses, registrations, permits, CFR, PTCFOR, LTOPF, MDR, LO, MO, PAR, ARE, and other firearms documents.

The CA-SD shall be valid only during the prescribed period and strictly under the foregoing terms and conditions. The CA-SD shall be automatically revoked when the ground for which said CA-SD was issued ceases to exist or for any lawful and valid cause, as may be determined by the CBFSC.

CHAPTER XII
CERTIFICATE OF AUTHORITY -TRANSPORT

SEC. 304. *Who May be Allowed to Transport or Deliver Firearm and/or its Parts, Ammunition and/or its Components, or Explosive and/or its Components.* – Entities engaged in, and duly licensed by the appropriate government agency to, transport, manufacture, import, export, purchase, deal in or sell firearms, ammunitions, explosives and/or their respective parts or components, and other qualified individuals may be issued an RA-TT and allowed to transport or deliver firearms and/or their parts, ammunitions and/or their components or explosives and/or their components during the election period.

As regards firearms, only their major parts as defined hereunder shall be covered under this Rule.

SEC.305. *Application Form and Documentary Requirements for the Issuance of CA-TT.* – Applicants for CA-TT or their duly authorized representative must completely accomplish and submit the following requirements:

a. CBFSC Form No. 2022-07 indicating therein, among others, the full name of the applicant, principal office address, and name/s of the duly authorized representative/s;

b. CBFSC Form No. 2022A-07;

c. In case the applicant is a juridical entity (corporation or partnership), a duly notarized board resolution certifying the authority given to the head of the juridical entity or authorized representative/s to apply for an CA-TT on its behalf.

   For sole proprietorship, copy of the certification from the Department of Trade and Industry or Mayor's Permit;

d. Original Copy of the Permit to Transport issued by the PNP FEO, with endorsement by the concerned officer of the PNP FEO;

e. Copy of the radio message, if applicable; and

f. Copy of the Special Bank Receipt from the PNP.

All applications for the issuance of CA-TT must be filed in accordance with the procedures herein set forth. Each and every page of the Application Form and its attachments must be numbered consecutively at the bottom right side.

SEC. 306. *Administrative Processing Fees Relative to the Application for the Issuance of a CA-TT.* – The administrative processing fees shall be, as follows:

a. For an application involving the PNP's Permit to Export – No administrative processing fee;

b. For an application involving the PNP's Permit to Purchase and Move Explosives, Explosive Ingredients, Controlled Chemicals – One Thousand Five Hundred Pesos (₱ 1,500.00);

c. For an application involving the PNP's Special Permit to Purchase and Move Explosives, Explosive Ingredients, Controlled Chemicals – One Thousand Five Hundred Pesos (₱ 1,500.00);

d. For an application involving the PNP's Permit to Unload Explosives/Explosive Ingredients, Controlled Chemicals – One Thousand Five Hundred Pesos (₱ 1,500.00);

e. For an application involving the PNP's Permit to Transport Firearms and Ammunition – Two Hundred Pesos (₱ 200.00); and

f. For an application involving the PNP's other permits for the movement of firearms and/or their parts, ammunitions and/or their components, explosives and/or their ingredients, and controlled chemicals – Same amount of fee imposed by the PNP but not to exceed One Thousand Five Hundred Pesos (₱ 1,500.00).

SEC. 307*. Conditions for the Issuance of a CA-TT.* – The following are the conditions for the issuance of an CA-TT during the election period:

a. The CA-TT shall be valid during the prescribed period, and shall provide the terms and conditions of its grant strictly on a one-way basis.

b. The validity of the CA-TT may be extended for a period equal to the period reflected in the new permit issued by the PNP on the conditions that:

   i. a letter-request stating the reasons therefor is submitted via email. It shall be accompanied with a copy of the new permit issued by the PNP, and copy of the official receipt to prove payment of corresponding administrative processing fee, as specified in the immediately preceding section;
   ii. the original hard copy or certified true copy of the subject CA-TT is presented and submitted so that the CBFSC may stamp the appropriate and distinct mark thereon stating its extended validity period. Likewise, the hard copies of the documents sent via email must be submitted to the CBFSC; and
   iii. a self-addressed prepaid return (small brown or A4-sized) envelope of applicant's choice is submitted (with the original hard copy or certified true copy of the subject CA-TT, and hard copies of the documents sent via email) to the CBFSC through its Secretariat with office address at 8th Floor Law Department Palacio del Gobernador, General Luna Street, Intramuros, Manila.

   The hard copy of the CA-TT appropriately stamped with indication of extended validity period shall be sent and delivered to the applicant via his/her provided self-addressed prepaid return (small brown or A4-sized) envelope, or may be physically obtained, if possible, by the applicant or his/her authorized representative after submission of valid proof of identification (preferably government-issued) and/or authorization. Its digital or scanned copy shall be sent through the applicant's email address.

c. In the case of explosives and/or their components, the same shall be immediately transported with a police escort by the applicant, grantee or any authorized representative directly to the explosives magazine or storage facility of the licensed requesting party.

d. In the case of firearms and/or their parts, and ammunitions and/or their components, the same shall be immediately transported by the applicant, grantee or any authorized representative directly to the address of the buyer or requesting party.

e. Firearms and/or their parts, ammunitions and/or their components, and explosives and/or their components meant for exportation to other countries or foreign jurisdictions shall be transported or delivered directly to airports or seaports.

f. Firearms and/or their parts, and ammunitions and/or their components imported from other countries or foreign jurisdictions shall be delivered directly to the PNP FEO Storage. Explosives and/or their components shall be delivered directly to the manufacturing facility or magazine of the licensed manufacturer with CA-TT.

g. In no case shall the firearms and/or their parts, ammunitions and/or their components, and explosives and/or their components be transported or delivered by any person other than the authorized manufacturer, importer, exporter, purchaser, dealer, and seller or their duly authorized representative/s with CA-TT.

Any violation of the foregoing conditions, as well as any other condition for the issuance of the CA-TT, shall immediately invalidate the CA-TT.

CHAPTER XIII
CERTIFICATE OF AUTHORITY - SPORTS SHOOTERS

SEC. 308. ***Who May Bear, Carry or Transport Firearms.*** – Competitive sports shooters excluding aliens or foreigners, who will be participating in international classifier and qualifier matches scheduled prior to the election period in representation of their duly registered organizations and/or the Philippines, may bear, carry or transport firearms during the election period after having proven to the CBFSC their track record and history of participation in locally and internationally sanctioned and recognized shooting competitions in representation of their duly registered organizations and/or the Philippines.

SEC. 309. ***Conditions for the Issuance of an CA-SS.*** – When in the possession of firearms, the sports shooters must be:

a. going in the firing/shooting range or competition/match venue and/or returning to his/her dwelling after the training, competition or match without deviation of route whatsoever.

b. in possession of a valid LTOPF where his/her qualification as a sports shooter is indicated.

c. in possession of a valid PTCFOR or Permit to Transport Firearm issued by the PNP FEO, which both bear his/her qualification as a sports shooter.

d. in possession of valid, updated, and current firearm/s registration/s.

e. bearing, carrying or transporting a maximum of two (2) firearms.

For purposes of this Rule, the Philippine Practical Shooting Association (PPSA), Philippine Shooters and Match Officers Confederation (PSMOC), Philippine National Shooting Association (PNSA), and other organizations duly recognized and accredited by the Philippine Sports Commission (PSC) and/or Philippine Olympic Committee (POC) shall submit to the CBFSC the official list of its members, registered participants, and schedule and dates of its sanctioned international qualifier and classifier matches and competitions. Failure to comply with this requirement shall be deemed as an unconditional waiver for such matches and competitions to be considered by the CBFSC.

The terms and conditions imposed by the PNP for the grant of the PTCFOR or Permit to Transport Firearm for the transport of competition firearm/s and ammunitions by sports shooters, which are not inconsistent herewith shall remain and subsist.

SEC. 310. ***Application Form and Documentary Requirements for the Issuance of CA-SS.*** – Applicants for CA-SS or their duly authorized representative must completely accomplish and submit the following requirements:

a. CBFSC Form No. 2022-08 signed by the applicant sports shooter with one (1) piece 2" x 2" photograph of the applicant;

b. Certification of *bona fide* membership and inclusion in the official list of active members of the PPSA, PSMOC, PNSA, and other organizations duly recognized and accredited by the PSC and/or POC;

c. Proof of participation in previous national and international classifier and qualifier matches;

d. Certified true copy of registration as a competitor in international classifier and qualifier matches to be held during the election period but scheduled prior thereto;

e. Proof of recognition or designation as a sports shooter representing the sanctioning organization or country;

f. CBFSC Form No. 2022A-08 with the firearms description and registration data, including the LCR with LO/MO for government-issued firearms and/or CFR with PTCFOR for privately owned firearms;

g. Copies of the abovementioned licenses and certificates;

h. In case of transport of firearms to the venue or country of training or competition, original copies of PNP permits and licenses for the purpose; and

i. Other competent and relevant documents.

All applications for the issuance of CA-SS must be filed in accordance with the procedures herein set forth. Each and every page of the Application Form and its attachments must be numbered consecutively at the bottom right side.

An administrative processing fee in the amount of One Thousand Pesos (₱ 1,000.00) shall be paid in accordance with the procedures herein set forth.

CHAPTER XIV
ELECTRONIC FILING OF APPLICATIONS FOR THE ISSUANCE OF CERTIFICATES OF AUTHORITY

SEC. 311*. Electronic Filing of Applications for the Issuance of CA.* – The electronic filing of applications for the issuance of CA shall start within date as may be fixed by the Commission *En Banc*. Filing of applications shall be made through electronic means taking advantage of the current information technology advancements, adopting the principle of efficient government service delivery, addressing the geo-logistical challenges in some regions, and for mutual safety under the new normal, as follows:

STEP 1. Applicant must visit and access the official website of the Commission at www.comelec.gov.ph.

STEP 2. At the home page, applicant must click the *Gun Ban Exemption Application* link to proceed to the appropriate page.

STEP 3. At the appropriate page, a contents list containing the links for the different categories of CA may be found. Applicant must click the category of the CA being applied for. By clicking such, applicant may find the *Application Forms* link containing downloadable forms in PDF format, and *Microsoft Forms* link through which the application may be sent.

STEP 4. Applicant must download, print, completely accomplish, and sign the required forms in the original. Thereafter, applicant must cause the proper notarization of the same.

STEP 5. Applicant must prepare the corresponding original or certified true copies of the documentary requirements. For this purpose, the applicant or the duly authorized officer-custodian of the applicant's original document/s may accomplish the certification.

STEP 6. Applicant must digitally scan and/or convert into PDF format in a continuous manner the prepared forms and documentary requirements. Using an online media storage application, applicant must upload all the scanned forms and documentary requirements thereto, and generate an online link therefor. For ease of use, it is recommended that Google Drive be utilized for this purpose.

STEP 7. Applicant must repeat Steps 1 to 3. Thereafter, applicant must click the *Microsoft Forms* link where the applicant's express consent to the collection and processing of the required personal data will be needed. Tick the appropriate box in order to proceed to the next steps.

STEP 8. Applicant must accomplish the required fields of the *Microsoft Forms* by providing the needed personal data, ticking the appropriate boxes, clicking the correct options in the pull-down menus, and ensuring to have provided the following:

a. Correct link to the online media storage application where the scanned forms and documentary requirements are uploaded, and made accessible to the CBFSC, AFP, and PNP through their given email address.

   Applicant must ensure that the online media storage application is properly set and adjusted to give access to such email addresses. Once the applicant received the appropriate CA, he/she must immediately disable such access.

b. Valid and active email address where all correspondences and notices from the CBFSC shall be sent.

Any error or fault in the processes, notifications, certificates, correspondences, and communications attributable to incomplete, incorrect, misspelled data or information, including inaccessible and corrupted file or non-working links provided and supplied shall be on applicant's account, and constitutes a waiver of responsibility and liability on the part of the Commission, CBFSC, AFP EU and PNP EU.

STEP 9. After reviewing that all the data and information entered and supplied are true and correct, applicant must click the *Submit* button.

STEP 10. After pre-evaluation by the CBFSC Secretariat, applicant will receive an email informing him/her:

a. if the submission is complete, of the corresponding application number, and order of payment, which must be printed and presented during payment. Payment must be made within three (3) working days from the date of the email through the following:

   i. Cash Division of the Commission at its Main Office in Intramuros, Manila; or
   ii. Any Office of the Election Officer; or
   iii. Any branch of the Land Bank of the Philippines.

   After payment, applicant must send via email-reply a digital picture or scanned copy of the duly issued official receipt or deposit/payment slip.

Likewise, within three (3) working days from the date of the email, applicant is required to send:

i. the original hard copies of the same forms and documentary requirements which were previously scanned and uploaded to the applicant's preferred online media storage application, the link to which was entered to the corresponding field of the *Microsoft Forms*; and
ii. a self-addressed prepaid return (small brown or A4-sized) envelope of applicant's choice to the CBFSC through its Secretariat at the following address: 8th Floor Law Department, Palacio del Gobernador, Gen. Luna St., Intramuros, Manila 1002.

b. if the submission is incomplete, of the lacking data, information or document/s, or the need to give access to the online media storage application used, or the need to digitally scan and/or convert into PDF format in a continuous manner all forms and documentary requirements. Applicant must submit all the needed forms and documentary requirements, and such submission will be treated as a new application.

CHAPTER XV
PRE-EVALUATION, EVALUATION, RESOLUTION OF THE APPLICATION, AND REQUEST FOR RECONSIDERATION

SEC. 312*. Pre-Evaluation, Evaluation, and Resolution of Applications for the Issuance of CA.*– The following procedures shall be observed in the processing of applications for the issuance of CA:

a. Upon receipt in its official email address of a notification that an application has been filed, the CBFSC Secretariat shall immediately retrieve the data and information entered via *Microsoft Forms*, and access the digital or scanned copies of the application forms and documentary requirements uploaded to the online media storage application, the link to which was supplied by the applicant to the corresponding field of the *Microsoft Forms.*

b. Once all the application forms and documentary requirements have been downloaded, the CBFSC Secretariat shall conduct a pre-evaluation to verify whether the submission is complete or incomplete.

c. If the submission is incomplete, the application shall not be assigned an application number. Through email, the CBFSC Secretariat shall inform the applicant of the lacking data, information or document/s, or the need to give access to the online media storage application used, or the need to digitally scan and/or convert into PDF format in a continuous manner all forms and documentary requirements.

   The applicant shall be advised to submit all the needed forms and documentary requirements. Such submission will be treated as a new application.

d. If the submission is complete, the CBFSC Secretariat shall:

   i. assigns the corresponding application number;
   ii. compute the required administrative processing fee;
   iii. issue an order of payment; and
   iv. notify the applicant through email of the above information; the need to pay the required administrative processing fee within three (3) working days from the date of the email; the requirement to send within three (3) working days from the date of the email the original hard copies of the application forms and documentary requirements, together with a self-addressed prepaid return (small brown or A4-

sized) envelope of applicant's choice to the CBFSC through its office address (8th Floor Law Department Palacio del Gobernador, Gen Luna St., Intramuros, Manila 1002); and the transmittal of the application to the EUs for evaluation.

e. The CBFSC Secretariat shall transmit to the AFP EU and PNP EU via email the *Microsoft Forms Evaluation Sheet* with the details of the application and the link to the online media storage application, where the application forms and documentary requirements may be accessed for evaluation.

f. All the EUs shall simultaneously conduct the evaluation within a period of three (3) working days from receipt thereof.

g. Once the respective *Microsoft Forms Evaluation Sheets* of the EUs have been submitted, the CBFSC Secretariat shall collate the results thereof, and thereafter forward the same to the CBFSC Overall Supervising Evaluator for final evaluation and preparation of recommendation to the CBFSC.

h. The CBFSC shall deliberate on and resolve the application. If the application is approved or granted, the CBFSC shall order the CBFSC Secretariat to prepare the corresponding CA to be signed by the CBFSC Head and Members.

i. If the application is disapproved or denied, the CBFSC shall order the CBFSC Secretariat to prepare a notice of denial indicating therein the ground/s therefor. The notice shall be signed by the CBFSC Head and Members.

j. If the disapproval or denial is due to insufficiency of the documents submitted (such as when there are expired licenses or permits, lacking document/s, or missing information in the document/s), the applicant may refile all the needed application forms and documentary requirements after he/she has cured the ground/s which caused the disapproval or denial of the application. For this purpose, the applicant shall select and click the *Refile* option in the *Microsoft Forms.*

k. If the application is refiled, the CBFSC Secretariat shall not assign it a new application number. Instead, "A" shall be appended to the original application number.

l. The hard copy of the CA or notice of denial shall be sent and delivered to the applicant via his/her provided self-addressed prepaid return (small brown or A4-sized) envelope, or may be physically obtained, if possible, by the applicant or his/her authorized representative after submission of valid proof of identification (preferably government-issued) and/or authorization. Its digital or scanned copy shall be sent through the applicant's email address.

SEC. 313. *Request for Reconsideration.*– If the application is denied on the ground other than insufficiency of the documents submitted, the applicant may file a request for reconsideration with the CBFSC through the CBFSC Secretariat. The request for reconsideration must be filed via email within three (3) working days from the date of the email of the notice of denial.

If the CBFSC sustains its findings, the CBFSC Secretariat shall be directed to prepare a notice of final denial informing the applicant that the request for reconsideration has been denied. The notice of final denial shall be signed by the CBFSC Head and Members, and shall be without prejudice to the timely filing of an appeal.

On the other hand, if the CBFSC reconsiders its earlier findings and decision, the appropriate CA shall be issued in accordance with the procedures herein set forth.

The decision of the CBFSC shall be final and immediately executory.

CHAPTER XVI
BLADED INSTRUMENTS AS SOUVENIR ITEMS

SEC. 314. ***Souvenir Items Not Deadly Weapon.*** – Souvenir bladed instruments, which are considered as ornamental display items, are not covered by the prohibition on the bearing, carrying, and transporting of deadly weapons.

SEC. 315. ***Guidelines.*** – For the preceding section to apply, the following guidelines must be strictly observed:

a. Individuals must purchase any bladed souvenir item only from shops/stores accredited by the Department of Tourism (DOT).

b. For every purchase, the said accredited shops/stores must issue the corresponding Authenticated Sales Certificate which contains the following information:

   i. control number;
   ii. name and active contact number/s of the accredited shops/stores;
   iii. date and time of purchase;
   iv. complete name of the purchasing individual;
   v. nationality of the purchasing individual;
   vi. number of days needed by the purchasing individual to bear, carry, and transport the bladed souvenir item/s from the accredited shop/store to his/her temporary stopping place/s or destination, which must not go beyond the election period, and the number of days allowed to stay in the Philippines, if applicable. The term "temporary stopping place" refers to the area or location where the purchasing individual needs to stay for a period of twenty-four (24) hours or more before reaching the ultimate destination;
   vii. exact temporary stopping place/s and/or ultimate destination; and
   viii. complete name and signature of the sales clerk.

c. The Authenticated Sales Certificate, which is valid only for a limited period, serves as proof that the bladed instrument/s in the possession of an individual is/are indeed souvenir item/s. The official receipt duly issued therefor must be attached to the Authenticated Sales Certificate.

d. All accredited shops/stores must submit weekly to the DOT a list containing the information mentioned in the preceding section, and the complete name of the sales clerk.

e. For purposes of monitoring, the DOT is required to submit to the CBFSC a:

   i. list of accredited shops/stores per location; and
   ii. weekly report of the names of individuals who were issued Authenticated Sales Certificates.

CHAPTER XVII
REPORTORIAL REQUIREMENTS

SEC. 316. ***Reports of the AFP and PNP.***– The AFP and PNP are required to submit to the CBFSC weekly reports relative to their implementation of these guidelines and other matters including, but not limited to, security preparations, and peace and order situation updates.

SEC. 317. ***Reports of the RJSCC, PJSCC and C/MJSCC.*** - The RJSCC, PJSCC and C/MJSCC shall submit to the CBFSC a report on its activities in connection with all

matters relating to the discharge of its duties and functions under these guidelines and any other directive of the CBSFC.

Based on reports submitted by the PJSCC and C/MJSCC, the RJSCC shall submit the following reports:

a. Consolidated report on checkpoints conducted;

b. Reports forwarded by AFP and PNP partners on the following :

i. Current status of the enforcement (i.e. number of arrests, names of persons involved, number of confiscated firearms, categorized into licensed or unlicensed) of the ban on firearms or other deadly weapons and security personnel;

ii. The peace and order situation in various parts of the country, including insurgency, the existence and size of private armies, the intensity of political rivalries, and other circumstances that may affect the conduct of the elections;

c. Other information or report as may be required by the CBFSC.

The RJSCC report shall be submitted every Friday from start of CBFSC operations until the end of the election period.

CHAPTER XVIII
MISCELLANEOUS PROVISIONS

SEC. 318. *Signatories in the CA and Other Documents.* – In the absence of one or both of the AFP and PNP Representatives to the CBFSC and CBFSC Members, the Representative of the Commission to the CBFSC and CBFSC Chairperson shall be authorized to solely sign the CA, memorandum, certificate or decision issued under this article for and in behalf of the CBFSC.

Notwithstanding the affixing of the signatures of one or both the AFP and PNP Representatives to the CBFSC and CBFSC Members in the CA, memorandum, certificate or decision issued under these guidelines, the same shall not be valid and shall be without force and effect, unless signed by the Representative of the Commission to the CBFSC and CBFSC Chairperson.

On the other hand, the CA and notice of denial shall only be valid if completely signed by the Representative of the Commission to the CBFSC and CBFSC Head, and AFP and PNP Representatives to the CBFSC and CBFSC Members.

SEC. 319. *Composition of the CBFSC Secretariat, RJSCC, and RJSCC Secretariat.* – In the exigency of service, the Representative of the Commission to the CBFSC and CBFSC Chairperson may change the composition of the CBFSC Operations and Secretariat Divisions, RJSCC, and RJSCC Secretariat.

SEC. 320. *Meetings.* – The CBFSC shall conduct its regular meeting on a day to be immediately determined by it after its constitution and commencement of operations. A special meeting may be conducted as may be called upon by, under the authority of, or for the CBFSC Chairperson.

On the other hand, the RJSCC shall conduct its regular meeting on any day to be immediately determined by it following its constitution and commencement of operations. A special meeting may be conducted as may be called upon by, under the authority of or for the RJSCC, or as may be directed by the CBFSC Chairperson.

SEC. 321. *Payment of Administrative Processing Fees.* – Administrative processing fees paid pursuant to these guidelines are strictly non-refundable. Payments

shall be made to the Cash Division of the Commission at its Main Office in Intramuros, Manila, or with any Office of the Election Officer.

No administrative processing fee shall be assessed for refiled applications.

SEC. 322. *Certified True Copy of CAs and Related Documents.* – Certified true copies of CAs and related documents, as stamped with the dry seal of the Commission and/or affixed with security sticker, may be requested with the CBFSC Secretariat upon payment of fee of One Hundred Pesos (₱ 100.00) for the first page and Two Pesos (₱ 2.00) for every succeeding page.

SEC. 323. *Gun Ban Certification.* – Upon written request or order, the CBFSC may issue appropriate certification attesting that a particular person or entity has or has not applied for and has or has not been granted authority to bear, carry or transport firearms or other deadly weapons; employ, avail or engage the services of security personnel or bodyguards; and transport or deliver firearms and/or their parts, ammunitions and/or their components, and explosives and/or their components.

SEC. 324. *Records Keeping.* – Physical and electronic records of applications received, processed, evaluated, and acted upon shall be kept at the office of the CBFSC, and shall be under the custody of the Secretariat. The AFP EU or REU and PNP EU or REU shall be deemed to be in the custody of the physical and electronic records of the applications upon endorsement of the same to the said EUs or REUs, and while the same records are in their possession.

Retention of records shall be subject to the laws, rules, and regulations on government record disposition.

CHAPTER XIX
PROHIBITIONS AND PENALTIES

SEC. 325. *Election Offense Liability.* – Any person who commits the following acts during the election period without a valid and subsisting CA shall be guilty of an election offense:

a. Bear, carry or transport firearms or other deadly weapons; or

b. Employ, avail or engage the services of security personnel or bodyguards; or

c. Transport or deliver firearms and/or their parts, ammunitions and/or their components, and explosives and/or their components.

SEC. 326. *Penalty for Election Offenses.* – Any person found guilty of any election offense described in these guidelines shall be punished with imprisonment of not less than one (1) year but not more than six (6) years, and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage. If he/she is a foreigner, he shall be sentenced to deportation which shall be enforced after the prison term has been served.

SEC. 327. *Revocation, Cancellation or Suspension of Firearms Licenses, Permits, and Registration.* – The PNP Chief or any authorized representative may revoke, cancel or suspend the LTOPF, CFR and/or PTCFOR, if any, of any person found to be in violation of the prohibitions mentioned herein.

SEC. 328. *Liability of Juridical Person.* – The owner, president, manager, director or other responsible officer/s of any public or private firm, company, corporation or entity who shall willfully or knowingly allow any person to bear, carry or transport any of the firearms owned by such firm, company, corporation or entity during the course of his/her employment without a valid and subsisting CA, shall be guilty of an offense under Section 30, Article V of the Comprehensive Firearms and Ammunition Regulation Act.

CHAPTER XX
COMPLIANCE WITH THE LAW ON DATA PRIVACY

SEC. 329. *Processing of Personal Data.* – The Commission, CBFSC, and RJSCC shall process personal data solely for the purpose of implementing these guidelines, and always in adherence to the principles of transparency, legitimate purpose, and proportionality, as well as the rules on personal data collection, processing, and retention under the Data Privacy Act of 2012, its Implementing Rules and Regulations, and pertinent circulars issued by the National Privacy Commission.

SEC. 330. *Security Measures.* – The Commission, CBFSC, and RJSCC shall implement reasonable and appropriate organizational, physical, and technical security measures for the protection of personal data being processed for purposes of these guidelines, which shall include the execution of a Non-Disclosure Agreement (NDA) with all personnel who shall handle personal data. The execution of an NDA shall also apply to all AFP and PNP counterparts, and all members of the EUs and REUs.

SEC. 331. *Disclosure.* – Personal data processed for the purpose of implementing these guidelines shall not be disclosed unless:

a. the data subject gives his/her consent; or

b. it is legally required or authorized under laws, rules, and regulations, or by a court or tribunal: *Provided,* that in all instances, requests for disclosure of personal data shall be addressed and referred to the Commission's Data Protection Officer.

SEC. 332. *Accountability for Violation of the Law and Regulations on Data Privacy.* – Violation of this Rule shall be dealt with criminally, civilly, and administratively in accordance with the provisions of the Data Privacy Act of 2012, and other applicable laws, rules and regulations.

Article XII

DECLARATION OF CERTAIN AREAS IN THE COUNTRY UNDER COMELEC CONTROL, ELECTION AREAS OF CONCERN, AND ESTABLISHMENT OF COMELEC COMMAND CENTER

SEC. 333. *Power to declare COMELEC Control.* - The COMELEC *En Banc* shall exercise the authority to place certain areas in the country under COMELEC Control.

SEC. 334. *Definition of COMELEC Control.* - When the peace and order situation in the area will affect the conduct of elections, the COMELEC *En Banc* may place any political division, subdivision, unit or area affected under its immediate and direct control and supervision. COMELEC Control includes:

A. **Immediate and direct control and supervision over national and local officials and employees.** - The COMELEC shall take immediate and direct control and supervision over all national and local officials and employees required by law to perform duties and/or to comply with certain prohibitions relative to the conduct of the elections in the political division, subdivision, unit or area concerned.

B. **Full control and supervision over all national and local law enforcement agencies**. - The COMELEC shall exercise full control and supervision over all national and local law enforcement agencies as well as military officers and men assigned in the political division, subdivision, unit or area concerned.

SEC. 335. Grounds for the declaration of COMELEC Control.

a. History of/ or current intense rivalry among the contending parties. Such rivalries could motivate people to engage in violent acts;
b. The area has been previously declared under COMELEC Control;
c. Incidence of politically-motivated violence involving aspirants/ candidates and/or their supporters;
d. Violence maybe facilitated by the employment of Private Armed Groups (PAGs); and

e. Serious armed threats posed by the Communist Terrorist Group (CTG), and/or other threat groups including the Bangsamoro Islamic Freedom Fighters (BIFF), the Abu Sayyaf Group (ASG), the Maute Group, and other analogous threat groups as may be declared by the competent authority, or other paramilitary forces, private armies or identifiable armed bands widely perceived to have committed terrorism, fraud or other election irregularities and threaten or tend to disrupt the holding of free, peaceful, honest, orderly and credible elections in any political division, subdivision, unit or area.

SEC. 336. *Modes of declaration of COMELEC Control.* - A declaration of COMELEC Control can be initiated (1) motu proprio; (2) by the filing of request; or (3) by the filing of direct petition/letter.

SEC. 336.1. *Motu Proprio.* - The Committee on the Ban on Firearms and Security Concerns (CBFSC) has the authority to declare an area under COMELEC Control. The declaration by the CBFSC shall be final and immediately executory, unless modified, reversed or revoked by the COMELEC En Banc.

SEC. 336.2. *Filing of Request.* - COMELEC Field Officers, the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) may file with the CBFSP a request for declaration of COMELEC Control. Such request shall be made through official reports.

SEC. 336.3. *Filing of Direct Petition/Letter.* - Any person may file a petition/letter for the declaration of COMELEC Control with the Clerk of the Commission stating therein the grounds why the area shall be declared to be under such control. The filing shall be without cost of docket fees.

SEC. 336.4. *Jurisdiction.* - All requests and direct petitions/letters shall be acted upon by the COMELEC *En Banc*.

SEC. 337. *Effects of a declaration of COMELEC Control.* - To ensure the conduct of free, peaceful, orderly, honest and credible elections, once an area has been declared under COMELEC Control, the COMELEC, thru the CBFSC, has the authority among others to:

SEC. 337.1. Reshuffle or relieve members of the PNP;

SEC. 337.2. Require the Department of the Interior and Local Government (DILG) as deputized agency of the COMELEC, to:

a. Look into the existence of any armed group organized to commit, or which is committing or attempting to commit, acts of terrorism, or threats to intimidate or coerce any person to vote for or against a candidate; and
b. Suppress or prevent said acts of terrorism or threats that has been established.

In this regard, the COMELEC, may recommend and/or enjoin the DILG to take appropriate action in order to realize the objectives of placing the area under COMELEC Control.

SEC. 337.3. The COMELEC may recommend the relief of any public officer or employee who violates any election law or fails to comply with its instructions, orders, decisions or rulings from the performance of their duties relating to electoral processes, and recommend their substitutes.

SEC. 337.4. To direct the Department of Finance (DOF) to comply with and enforce all orders and instructions of the COMELEC relative to the election duties and functions of its personnel; ensure that all provincial, city, and municipal treasurers remain in their present assignments and neither transferred, detailed, reassigned, whether temporary or permanently, to another province, city or municipality, except upon prior written authority of the COMELEC, nor allowed to go on leave of absence from office during the period starting two weeks before and two weeks after election day, except upon prior written approval of the COMELEC; not to designate temporary or casual employee as Officer-In-Charge (OIC) of the Office of the Treasurer; and perform such other duties and functions which the COMELEC may prescribe from time to time.

SEC. 337.6. All Certificate of Authority issued in relation to COMELEC Resolution No. 10728 or the Rules and Regulations on the Ban on the (1) Bearing, Carrying or Transporting of Firearms or other Deadly Weapons; and (2) the Employment, Availment or Engagement of the Services of Security Personnel or Bodyguards During the election period of the May 9, 2022 National and Local Elections, promulgated on 10 November 2021, shall be automatically revoked unless otherwise retained by the CBFSC.

SEC. 338. *Duration of COMELEC Control.* - When a political division, subdivision, unit or area is placed under COMELEC Control, such shall continue to be in full force and in effect until the end of the election period, unless sooner lifted by the COMELEC.

SEC. 339. *Role of the CBFSC.*- The CBFSC, in addition to its existing functions under COMELEC Resolution 10728 and other duly issued resolutions of the Commission *En Banc*, is hereby mandated to the exercise the following powers and duties:

a. To supervise and control administrative activities and transactions of local government units in the localities under COMELEC Control and enforce therein strict compliance with the election bans and prohibitions under Section 261 of the Omnibus Election Code (OEC), particularly on, but not limited to, the disbursement of public funds, the construction of public works, movements of government personnel and non-intervention of civil service officials and employees as well as police and military officers and personnel;

b. To oversee effective and necessary distribution, assignment and deployment of officers and personnel of the PNP as well as officers and men of the AFP in the locality concerned, and place under its control their activities relative to the strict enforcement of the law on the firearms ban, security personnel of candidates and private citizens, the appointment or use of special policemen for election purposes and similar prohibitions under the pertinent provisions of Sec. 261 of the OEC and Sec. 32, 33 and Sec. 34 of Republic Act No. 7166;

c. To augment the police force and assign additional military troops whenever necessary to quell any possible outbreak of violence and maintain peace and order in the locality concerned;

d. When necessary, to substitute a whole unit of the police force assigned in the locality concerned with another police unit or with an adequate unit of the AFP;

e. To relieve any police or military officer or personnel; and

f. To revoke any issued Certificates of Authority as peace and order conditions demands;

g. To act as law enforcement arm of the COMELEC in effecting and implementing its specific orders, rulings, resolutions and decisions;

h. To adopt appropriate measures to safeguard and ensure the holding of free, peaceful, orderly, honest and credible elections in the political division, subdivision, unit or area under COMELEC Control; and

i. To submit periodic situation reports to the COMELEC *En Banc* through the CBFSC using the most expeditious means.

Except when prior approval or authority of the COMELEC *En Banc* is required, the CBFSC decisions and orders in connection herewith, shall be final and immediately executory, unless modified, reversed or revoked by the COMELEC *En Banc*.

SEC. 340. ***Role of the PNP and AFP.***- In addition to their roles as deputized agencies of the COMELEC under Resolution No. 10755 promulgated on January 19, 2022, the PNP and the AFP, are hereby directed to immediately provide personnel, equipment, vehicles and other transportation facilities as the CBFSC may require.

SEC. 340.1. ***Designation of PNP/AFP Personnel in Polling Centers.*** - The PNP and/or AFP shall designate a sufficient number of personnel to adequately cover the security of every polling center, provided that they shall not be allowed to stay within a radius of fifty (50) meters from the polling place. They shall be allowed only to enter the polling place when they are going to cast their votes and if there is an actual disturbance of the peace and order therein.

SEC. 340.2. ***Call by the Electoral Boards.***- The Electoral Board (EB) upon majority vote, if it deems necessary may make a call in writing, duly entered in the minutes, for the detail of a policeman or any peace officer for their protection or for the protection of the election documents and paraphernalia, in which case, the said policeman or peace officer shall stay outside the polling place within a radius of thirty (30) meters near enough to be easily called by the EB at any time, but never at the door, and in no case shall the said policeman or peace officer hold any conversation with any voter or disturb or prevent or in any manner obstruct the free access of the voters to the polling place.

They shall be allowed to enter the polling place only in the following instances:

a. when they are going to cast their votes; and
b. when there is actual disturbance or disruption of peace and order, the PNP or AFP officials/ personnel even without the written order of the EBs.

SEC. 340.3. ***Establishment of Quick Reaction Teams (QRTs).*** - The PNP and AFP shall likewise establish their respective QRTs per region, province, city and municipality under the immediate and direct control supervision of their corresponding Regional Joint Security Control Center (RJSCC), Provincial Joint Security Control Center (PJSCC), City/Municipal Joint Security Control Center (C/MJSCC). The composition and activation of which shall be based on their respective Standard Operating Procedures (SOP) and Manuals of Operations

SEC. 341. *Election Areas of Concern.* - The PNP and the AFP, in their official reports, shall be guided by the following classifications of Election Areas of Concern: (a) Category GREEN; (b) Category YELLOW; or (c) Category ORANGE; or (d) Category RED.

The CBFSP, taking into account the PNP and AFP official reports regarding election hotspots, shall recommend to the COMELEC *En Banc* areas to be identified as Election Areas of Concern.

SEC. 341.1. Category GREEN.	Area with no security concerns or is relatively peaceful and orderly.
SEC. 341.2. Category YELLOW.	An area shall be placed under Category YELLOW upon the existence of any of the following factors: 1. occurrence of suspected election-related incident (ERI) in the last two (2) elections provided there was no participation of domestic terror groups; 2. existence of intense partisan political rivalry with no participation of domestic terror groups; 3. possible employment of partisan armed groups by candidates in the area; 4. occurrence of politically motivated ERI in the current election period provided there is no participation of domestic terror groups; or 5. the area has been previously declared under COMELEC Control. The COMELEC *En Banc*, among others, may direct the augmentation of PNP and AFP personnel, as the need arises in areas under Category YELLOW.
SEC. 341.3. Category ORANGE.	An area shall be placed under Category ORANGE upon the existence of following factors: 1. combination of two (2) or more factors under Category YELLOW; or 2. there is serious armed threats posed by the Communist Terrorist Group (CTG), and/or other threat groups including the Bangsamoro Islamic Freedom Fighters (BIFF), the Abu Sayyaf Group (ASG), the Maute Group, and other analogous threat groups as may be declared by the competent authority. The COMELEC *En Banc*, among others, may direct the augmentation of PNP and AFP personnel, as the need arises in areas under Category ORANGE, and reshuffle the police force in such areas.
SEC. 341.4. Category RED.	An area shall be placed under Category RED upon: 1. the existence of one (1) or more factors described under Category YELLOW, together with serious armed threats posed by the Communist Terrorist Group (CTG), and/or other threat groups including the Bangsamoro Islamic Freedom Fighters (BIFF), the Abu Sayyaf Group (ASG), the Maute Group, and other analogous threat groups as may be declared by the competent authority under Category ORANGE; or 2. Declaration by other government agencies concerned that either one of the grounds for the declaration of COMELEC Control exists. The COMELEC *En Banc*, among others, may direct the augmentation of PNP and AFP personnel, as the need arises in areas under Category

	RED and reshuffle the police force in such areas. The Category RED classification may warrant the motu proprio declaration of COMELEC Control.

SEC. 342. ***Implementation of COMELEC Control.*** **-** The Authority to place certain areas in the country under COMELEC Control shall be exercised pursuant to the parameters set forth in these guidelines.

Unless otherwise provided, the highest or designated COMELEC Officer (Regional Election Director/Provincial Election Supervisor/Election Officer) in the area shall be responsible in implementing the Resolution declaring an area under COMELEC Control, to be supervised by the Field Operations Group (FOG).

SEC. 343. ***Establishment of COMELEC Command Center.*** - A COMELEC Command Center, headed by the CBFSC, is hereby established to be the repository of all election related reports and to oversee the implementation of these guidelines.

SEC. 344. ***Task of the COMELEC Command Center.*** - The COMELEC Command Center shall be tasked to monitor the following:

1. Security concerns in coordination with the CBFSC;
2. Deployment of Official Ballots, other election paraphernalia and supplies;
3. Training of Electoral Board;
4. Deployment of cash cards/cash advances;
5. Payment of honoraria to Electoral Boards;
6. Conduct of election (voting, counting, canvassing, and proclamation of candidates);
7. Retrieval of election paraphernalia; and
8. Other issues and concerns that might be raised before the COMELEC.

The COMELEC Command Center shall work with other government agencies deputized by the COMELEC for purposes of the conduct of elections, and other non-government organizations in the performance of the above-mentioned tasks.

Article XIII

GUIDELINES ON THE ESTABLISHMENT AND OPERATION OF COMELEC CHECKPOINTS; AND INSTRUCTIONS FOR THE CONDUCT OF PRELIMINARY EXAMINATION OF VIOLATIONS OF THE BAN ON FIREARMS, OTHER DEADLY WEAPONS AND SECURITY PERSONNEL

SEC. 345. ***Authority to Establish COMELEC Checkpoints.*** - There shall be at least one (1) COMELEC checkpoint in each city/municipality. However, additional checkpoints, including those coming from other Philippine National Police (PNP)/Armed Forces of the Philippines (AFP) commands outside the city/municipality, shall be established in coordination with the Election Officer (EO) having jurisdiction over the city/municipality.

SEC. 346. ***Notice of Location of COMELEC Checkpoints.*** - The EO shall post the locations of COMELEC checkpoints at the Office of the Election Officer (OEO), and the respective offices of the PNP and AFP. Whenever possible, notices thereof will also be disseminated to the non-government organizations, civil society groups and members of the media in the locality.

SEC. 347. *Spot Checkpoint.* - Where the circumstances warrant, spot checkpoints may be established in locations other than those mentioned in the preceding section. Before establishing such checkpoints, the coordinating officer/team leader shall give prior notice and coordinate with the EO having jurisdiction over the area. The establishment of spot checkpoints shall follow the same guidelines for COMELEC checkpoint under Section 350 of this code.

SEC. 348. *Personnel to Man Checkpoint.* - Any unit designated to man a COMELEC checkpoint must be led by a regular member of the AFP or the PNP with a rank of at least Lieutenant/Inspector. In cases where there is no available AFP/PNP member of said rank, the highest-ranking officer shall make a special designation of a lower ranking officer to act as a commanding officer/team leader of the COMELEC checkpoint.

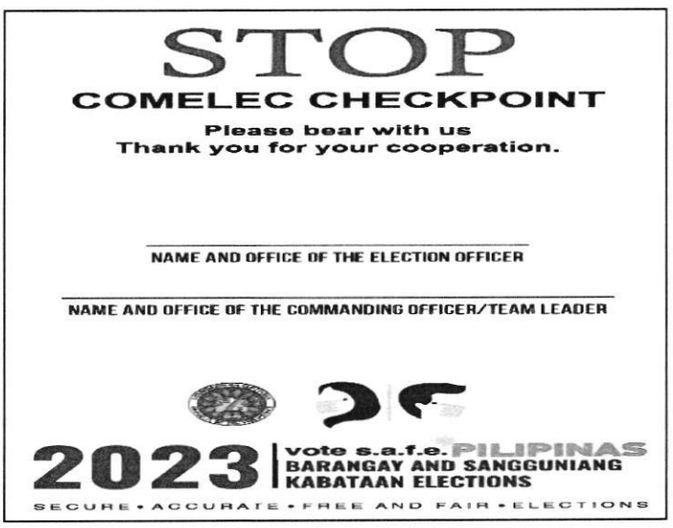
Adequate number of AFP and PNP personnel shall man the checkpoints and must be in complete service uniform with the name plates and other identification tags clearly visible and readable, and shall not be under the influence of liquor/drug. Any violation hereof shall make the offender and his commanding officer/team leader jointly liable for administrative action, without prejudice to the prosecution of any criminal offense.

SEC. 349. *Briefing by the Commanding Officer/Team Leader.* - A briefing must be given by the commanding officer/team leader to all members of the unit who will be designated to man the checkpoints, with emphasis on the proper manner of searching with reasonableness.

SEC. 350. *Guidelines on the Establishment of COMELEC Checkpoints.* - The following guidelines must be observed on the establishment of COMELEC checkpoints:

a. A COMELEC checkpoint must be well-lighted, properly identified and manned with uniformed personnel. It must be well-lighted so as to allow those who will pass through it to easily identify the AFP/PNP uniformed personnel manning the checkpoints with their name plates and other identification tags clearly visible and readable;
b. Every COMELEC checkpoint shall have a signboard measuring three feet by four feet (3'x4'), to clearly identify the place as a COMELEC checkpoint from a reasonable distance.

   The following shall be printed/painted on both sides of the signboard in bold letters on a white background:



There must also be signboards directing motorist(s) to slow down with an indication that there is COMELEC checkpoint ahead. Warning signs should be

utilized (e.g., Slowdown Checkpoint Ahead, Checkpoint 20 Meters Ahead, etc.) to give sufficient notice to the public as they approach a checkpoint;

c. Upon approach to any COMELEC checkpoint, the team manning it must require the motorist(s) to slow down and courteously request to dim the headlights and turn on cabin lights. In a checkpoint inquiry, the occupants cannot be compelled to step out of the vehicle;
d. Only visual search is required. The search which is normally permissible is limited to visual search where the officer simply looks into the vehicle and flashes a light therein without opening the car's door;

e. No person may be subjected to a physical or body search in the absence of any reasonable ground to believe that a person has just committed, is about to commit, or is committing a crime;
f. The public is not obliged to open the glove compartment, trunk or bags. The personnel manning the checkpoint cannot compel the motorist to open the trunk or glove compartment of the car or any package contained therein;
g. Ordinary/routine questions may be asked with courtesy. Checkpoint may involve only a brief detention of travelers during which the vehicle's occupants are required to answer a brief question or two;
h. Personnel manning the checkpoint shall always observe the minimum public health standards;
i. In case of any violation, incident or untoward circumstance during the conduct of COMELEC checkpoint, a report thereon must be made and submitted to the EO within twenty-four (24) hours to ensure proper monitoring and reporting of violations.

SEC. 351. ***Searches of COMELEC Checkpoint.*** - Any search at any COMELEC checkpoint must be made only by members of the unit designated to man the same. It should be done in a manner which will impose minimum inconvenience upon the person or persons so searched, to the end that civil, political and human rights of any person are not violated.
As a rule, a valid search must be authorized by a search warrant duly issued by an appropriate authority. However, a warrantless search can be made in the following cases:

a. When the occupant/s of the vehicle appear/s to be suspicious or exhibit/s unnatural reaction, such that any uniformed member of the unit designated to man the checkpoint observes unusual conduct which convince the member to believe that a criminal activity exist; or
b. On the basis of prior confidential information which are reasonably corroborated by other attendant matters.

In all searches made in the checkpoints, the searching personnel must wear the required personnel protective equipment (PPE).

The conduct of searches in the checkpoint must be in accordance with the provisions of A.M. No. 21-06-08-SC on the rule on the use of body-worn cameras or alternative recording device, when practicable.

SEC. 352. ***Procedure in Case a Checkpoint is Ignored.*** - If a person ignores the checkpoint, the commanding officer/team leader must immediately report such incident to the adjacent teams/police stations stating the particular details of the person/s evading the checkpoint. If necessary, the team must immediately coordinate with such adjacent teams or stations in order to establish roadblock/s in accordance with existing standard operating procedures of the PNP under PNPM-DO-DS-3-2-13 ("PNP Handbook")

SEC. 353. ***Procedure in Cases Where There is an Apparent Violation of the Ban on Firearms or Other Deadly Weapons.*** - The following procedure must be followed in cases where there is an apparent violation of the ban on firearms;

a. Any member of the team manning the checkpoint must ask for the corresponding Certificate/s of Authority to bear, carry or transport the firearms, ammunitions, explosives or any parts/components thereof. During the election period, any person not in possession of any Certificate of Authority issued by the Committee on the Ban on Firearms and Security Concerns (CBFSC) is presumed to be without authority to bear, carry or transport the firearms, ammunitions, explosives or any parts/components thereof;

b. All standard operating procedures of the PNP under the PNP Handbook, must be observed, more particularly on the conduct of spot checks (Rule 10), regular police checkpoint (Rule 11.4), cases where the check point is ignored (Rule 11.6), and dealing with hostile situation (Rule 11.8);

c. In cases where the circumstances warrant a justification for a valid arrest and/or searches incidental thereto, the procedures for arrests and searches as specified under the PNP Handbook, must be observed, more particularly the guidelines for High-Risk Stop and High-Risk Arrest (Rule 11.9), Arrest Without a Warrant (Rule 13.3), and Procedures for effecting a warrantless arrest (Rule 13.5).

SEC. 354. ***Rights of Person Arrested.*** - Any person arrested at a COMELEC checkpoint must be treated humanely and with utmost respect for his constitutional rights. He must be informed of the following rights:

a. To remain silent, and be informed that any statement made may be used against said person in court. This right cannot be waived except in writing and in the presence of competent and independent counsel;
b. To have competent and independent counsel preferably of the person's choice, but if the latter cannot afford the services of a counsel, said person must be provided with one. The right cannot be waived except in writing and in the presence of competent and independent counsel;
c. To be released from detention if no charges have been filed against the person within the allowable period/s from arrest under the law, unless said person is charged under P.D. 1866, as amended, Republic Act (R.A) 10591 (Comprehensive Firearms and Ammunition Regulation Act), and other rules and regulations implemented by the COMELEC. In no case shall the period of detention exceeds thirty-six (36) hours from arrest, if no charge has been filed before the respective Prosecutor's Office against the person arrested.
d. When women or children are among the suspects or arrestees, the arresting officer shall task the Women's and Children's Protection Desks (WCPD) officer or a policewoman who is familiar with women and children protection desk duties, to conduct the pat-down search, whenever necessary, in accordance with Rule 13.6 (c) of the PNP Handbook.
e. A separate Police Blotter shall be maintained for crime incident report involving women and children and those cases involving a child in conflict with the law ("CICL") to protect their privacy pursuant to R.A. 9262 (Anti-Violence Against Women and Children Act of 2004) and RA. 9344 (Juvenile Justice and Welfare Act of 2006), respectively, following Rule 17.2 of the PNP Handbook.
f. The AFP/PNP manning the checkpoint shall at all times ensure respect for the rights of any CICL as provided in the Philippine Constitution, domestic laws, the Convention on the Rights of the Child and other related international human rights instruments. The procedures in handling of CICL under Rules 33.5 and 33.6 of the PNP Handbook shall be strictly followed.
g. In cases involving persons with disability, the prohibitions on verbal, non-verbal ridicule and vilification under R.A. 9442 (An Act Amending R.A. No. 7277, otherwise

known as the "Magna Carta for Disabled Persons, and for other Purposes) and its Implementing Rules and Regulations, and other relevant domestic and international laws shall be strictly observed.

h. In cases involving violations committed by the elderly, due respect, courtesy and consideration shall be accorded to their persons, in regard of their age and physical state. The same respect, courtesy and consideration shall be accorded to pregnant women.

SEC. 355. *Record of Arrest.* - Any arrest made at a COMELEC checkpoint shall be immediately and chronologically recorded in a logbook for the purpose, stating the circumstances of the arrest and other particulars about the person and the confiscated weapons, ammunitions and materials.

The arresting officer shall execute an affidavit of arrest stating clearly and distinctly the facts and circumstances surrounding the arrest.

SEC. 356. *Report and Turn-over of Arrested Person.* - Any person arrested at a COMELEC checkpoint including the confiscated material, weapon, or ammunition, must be turned-over to the nearest law enforcement station or office together with the corresponding affidavit/s of arrest, for proper action.

The Chief of Police/Station Commander, or duly authorized PNP representative concerned, shall conduct a preliminary examination and submit the result thereof to the Provincial/City Prosecutor for preliminary investigation, copy furnished the Law Department, EO, and their respective operation centers.

SEC. 357. *Documentation of the Conduct of Checkpoint.* - The team conducting the checkpoint, if possible, shall photo/video-document their operation or at least part of it for purposes of evaluating/assessing whether the checkpoint is compliant with these rules. This is to ensure that the rights of persons passing through them are respected, provided that the documentation conducted is not intrusive.

Any incident or untoward circumstance in the conduct of COMELEC Checkpoints must be properly recorded and reported to the appropriate City or Municipal Joint Security Control Centers ("C/MJSCC"), which in turn shall forward the status and disposition of said occurrence to the appropriate Provincial Joint Security Control Center ("PJSCC"). The PJSCC shall make a weekly status/disposition report of any incident or untoward circumstance in the conduct of COMELEC Checkpoint in their respective Regional Joint Security Control Centers ("RJSCC"). The RJSCC shall forward a weekly status/disposition report of the said occurrence/s to the CBFSC Secretariat every Monday for the whole election period. In every case, the C/MJSCC shall notify in writing the CBFSC main office of any incident or untoward circumstance in the conduct of COMELEC checkpoint.

SEC. 358. *Prohibition on Extortion/Solicitation Acceptance of Voluntary Offers of Cash or Gifts.* - The team composing the checkpoint must not solicit or extort money from persons passing through the checkpoint nor accept voluntary offer of cash or gifts of whatever kind.

SEC. 359. *Preliminary Examination.* - The Chief of Police, Station Commander, or the duly authorized PNP representative shall conduct the preliminary examination of all apprehensions for violation of the ban on the bearing, carrying and transporting of firearms and other deadly weapons, and on the employment of security personnel and bodyguards, in their respective areas of jurisdiction.

SEC. 360. *Procedure.* - The Chief of Police, Station Commander, or duly authorized investigator shall:

a. Take the affidavit of the arresting officer or policeman indicating therein the fact of arrest and the circumstances surrounding the arrest;

b. Take the statement of the respondent/s;
c. Confiscate the firearms and issue the proper receipt thereof;
d. Cause the respondent/s to sign an affidavit binding said respondent to be present at the preliminary investigation at a later date before the prosecutor and that failure to do so shall constitute a waiver to present evidence as defense; and
e. Take the statement of witnesses, if any.

SEC. 361. *Rights of Arrested Person.* - Any person arrested for violation of the bans specified hereof who is undergoing preliminary examination must be treated humanely and with utmost respect to constitutional and human rights, particularly his right as specified under Section 354 hereof.

SEC. 362. *Disposition of Documents and Evidence.* - The Chief of Police shall submit the investigation report, together with all documents and evidence gathered during the preliminary examination, within three (3) days from arrest to the corresponding provincial/city prosecutor, furnishing the Law Department of the COMELEC with copies of the report.

Upon proper representation by the named PNP personnel above, request can be made with the concerned provincial/city prosecutor, furnishing the Law Department of the COMELEC, that the seized firearm/s shall be released from their custody for them to be submitted to the PNP Crime Laboratory Offices for the required ballistics and cross-matching examinations.

The prosecutor shall then conduct an investigation which shall be resolved within five (5) days from its submission for resolution.

SEC. 363. *Report of the Law Department.* - The Law Department shall submit to the CBFSC Chairperson a progress report stating the particulars of all arrests made during the election period. The CBFSC shall submit to the COMELEC *En Banc* a report of the said arrests made during the election period.

SEC. 364. *Compliance with the Data Privacy Act of 2012 and its Implementing Rules and Regulations.* – The COMELEC shall ensure that all its procedures are compliant with the Data Privacy Act of 2012 and its Implementing Rules and Regulations.

SEC. 365. *Availability of Fund.* - The COMELEC Finance Services Department (FSD), through its Budget Division, shall ensure that the field offices of the COMELEC are allocated with sufficient funds needed for the establishment of checkpoints, including the procurement of the required signages.

Article XIV

PROHIBITION AGAINST APPOINTMENT OR HIRING OF NEW EMPLOYEES, CREATION OF NEW POSITIONS, PROMOTION OR GIVING OF SALARY INCREASES, REMUNERATION OR PRIVILEGES; TRANSFER OR DETAIL OF CIVIL SERVICE EMPLOYEES; SUSPENSION OF ELECTIVE LOCAL OFFICIALS; AND FILING OF LEAVE OF ABSENCE OF LOCAL TREASURERS

SEC. 366. *Prohibited Acts and Period of Prohibition.* – From September 15, 2023 (Friday) until October 29, 2023 (Sunday) and during the period of forty-five (45) days before the conduct of BSKEs:

a. Except upon prior authority of the Commission, no head or appointing officer of any national or local government office, agency or instrumentality, including government-owned or controlled corporations shall:

i. Appoint or hire any new employee, whether permanent, provisional, temporary, substitute or casual.
ii. Create and fill any new position.

b. 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. 367. *Designation not included.* - The appointment referred in these guidelines shall not include designation as stated in the immediately preceding section. Thus, designation of an incumbent official or employee in a committee or office which involves merely the imposition of additional duties is not included in the prohibition.

SEC. 368. *Request for Authority of the Commission to Appoint or Hire New Employees; How to File. -*

a. Requests for authority to appoint or hire new employees shall be:

i. in writing;

ii. stating all information pertinent to the appointment or hiring *(i.e. name of appointee, position, salary grade, name of the appointing authority, etc.)* and the reasons for the same.

In case the name of the appointee is not available at the time of filing of the request for Authority, the same shall be submitted within three (3) days from the time of its availability;

b. The request shall be filed with the appropriate offices:

i. ***Law Department*** - requests for authority to appoint or hire new employees of the central or main offices of national government agencies and government agencies and government-owned and controlled corporations, PNP Regional, Provincial, District, City Directors or Police Colonel and other Officers with equivalent rank or higher;
ii. ***Office of the Regional Election Director*** - requests for authority to appoint or hire new employees in the field or local offices of government agencies and government-owned and controlled corporations, PNP Officers and members lower than Regional, Provincial, District, City Directors or Police Colonel in the region where the vacancy exists

The Application for Request for Authority to Appoint or Hire Employees is attached as **Annex "T".**

SEC. 369. *Request for Authority of the Commission to Create and Fill New Positions: Where and How to File.*

a. Requests for authority to create and fill new positions shall be submitted in writing to the Law Department of the Commission.

b. The Commission shall not grant the authority unless it is satisfied that the position to be created and filled is essential to the proper functioning of the office or agency concerned and that the filling up of such position shall not in any manner influence the results of the election.

The Application for Request for Authority to Create or Fill New Positions is attached as **Annex "U".**

SEC. 370. *When Request for Authority is Not Necessary.* - No prior written authority from this Commission shall be needed for the hiring or appointment of workers under Contract of Service and Job Order whose services are neither covered Civil Service law, rules and regulations nor considered as government service.

Renewal of appointments of temporary, casual, substitute and contractual personnel are likewise not covered by this prohibition and will no longer need prior authority of the Commission.

However, the appointing authority shall furnish the Commission, through the Law Department for main office positions, and through the Office of the Regional Election Director concerned for field positions, a complete list of employees whose appointments were renewed, indicating their position, item number, salary grade and station, if applicable.

SEC. 371. *Urgent Need to Appoint or Hire New Employees.*

a. Where there is urgent need to appoint or hire new employees and such employee has already been appointed or hired without prior authority of the Commission, the requesting office or agency shall notify the Commission in writing, within three (3) days from the date of the appointment or hiring, stating the following:

   i. exact date when the position sought to be filled became vacant;

   ii. the cause of vacancy;

   iii. the reason for said appointment or hiring; and

   iv. all the necessary data or information regarding the same.

b. Notice shall be made through the Law Department in case of central or main office positions, or through the respective offices of the Regional Election Directors in case of field positions.

c. The appointment or hiring of new employees shall be valid, unless the same is found by the Commission:

   i. to have been made to influence in any manner the results of the election;

   ii. to have been issued without the required notice; or

   iii. that there is no urgent need for the appointment.

d. The need to fill up a vacant position by a new employee may be considered **"urgent"** if:

   i. the position to be filled is essential to the proper functioning of the office or agency concerned;

   ii. the position has been vacated either by death, retirement, resignation, promotion or transfer of the regular incumbent;

   iii. the appointment is issued within sixty (60) days from occurrence of the vacancy;

iv. the vacancy cannot be filled by promotion or transfer of insiders within the same period; and

v. the position shall not be filled in any manner that may influence the election.

e. Appointment to a position which has been vacant for more than sixty (60) days shall not be considered urgent and must, therefore require prior written authority from the Commission through the Law Department or the Regional Election Directors concerned.

SEC. 372. ***Total Ban on Promotion, Salary Increases, Grant of Privileges.*** – For purposes of the October 30, 2023 BSKE, the promotion or giving of increases of salary or renumeration or privilege to any government official or employee including those in government-owned and controlled corporations, shall be strictly prohibited from September 15, 2023 (Friday) to October 29, 2023 (Sunday). For the succeeding BSKEs, the total ban on promotion or giving of increases of salary or remuneration or privilege shall be strictly implemented during the period of forty-five (45) days before election.

SEC. 373. ***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 authority of the Commission or its regional offices is presented by the appointing authority concerned or proof that the required notice has been complied with.

The Department of Budget and Management (DBM) and the Commission on Audit (COA), 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 be directly used in violation of the foregoing prohibition.

All field offices of the CSC are directed to submit immediately to the Commission through the Law Department a written report on any violation of said provision of the law **through electronic mail at *law@comelec.gov.ph.***

CHAPTER I
TOTAL BAN ON APPOINTMENT OR HIRING OF NEW EMPLOYEES, CREATION OF NEW POSITION, PROMOTION, OR GIVING OF SALARY INCREASES, REMUNERATION OR PRIVILEGES IN THE BARANGAY

Sec. 374. ***Total Ban on Appointment, Hiring of New Employees, Creation of New Position, Promotion or Giving of Salary Increases, Remuneration or Privileges in the Barangay.*** - From **October 20, 2023 (Friday)** to **October 29, 2023 (Sunday) and during the period of ten (10) days immediately preceding the conduct of BSKEs,** the appointment or hiring of new employees, creation of new position, promotion or giving of salary increases, remuneration or privileges in the barangay shall be strictly prohibited.

SEC. 375. ***Injunction.*** - The CSC and its field offices are hereby enjoined not to approve the appointment or hiring of new employees, creation of new position, promotion or privileges to employees in the barangay from **October 20, 2023 (Friday)** to **October 29, 2023 (Sunday) and during the period of ten (10) days immediately preceding the conduct of BSKEs.**

The DBM and the COA, 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 be directly used in violation of the foregoing prohibition.

All field offices of the CSC are directed to submit immediately to the Commission through the Law Department a written report on any violation of said provision of the law **through electronic mail at *law@comelec.gov.ph.***

CHAPTER II
TRANSFER OF OFFICERS AND EMPLOYEES IN THE CIVIL SERVICE

SEC. 376. *Prohibited Act and Period of Prohibition.* - No public official shall, make or cause any transfer or detail whatsoever of any officer or employee in the civil service, including public school teachers, within the election period, except upon prior written authority of the Commission[20].

The phrase "transfer or detail" shall be construed in general terms. Any movement of personnel from one station to another, whether or not in the same office or agency, during the election is covered by the prohibition.

Transfer incidental to promotion, as well as that incidental to appointment, is within the purview of the prohibition against transfers during the election period.

The ban shall likewise include any movement consequent to an order for the return or recall of the detailed, assigned or reassigned personnel to the original or previous place of assignment within the period of prohibition.

SEC. 377. *Filing of Requests with the Law Department.* - Requests for Authority to make or cause any transfer or detail of any officer or employee in the civil service shall be filed with the Law Department, when:

a. The official station is in the central/main offices of national agencies and government-owned or controlled corporations;
b. The requests for transfer or detail involve Provincial, City/Municipal Treasurers and Schools Division Superintendents and Assistant Superintendents;
c. The transfer or detail is inter-regional;
d. The request involves both intra-regional and inter-regional transfer or detail of officer or employee in the civil service; or
e. The government agency has one integrated Region IV Office for both Regions IV-A and IV-B; or
f. It involves PNP Regional, Provincial, District, City Directors or police Colonel and other Officer with equivalent rank or higher.

SEC. 378. *Filing of Requests with the Office of the Regional Election Director.* - Requests for Authority to make or cause any transfer or detail of any officer or employee in the civil service shall be filed with the Office of the Regional Election Director where the employee/s sought to be transferred or detailed is stationed, when:

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[20] SEC. 261 (H), B.P. 881.

a. It involves government officers or employees with official stations in the field offices including the National Capital Region;
b. Intra-regional transfer/detail of PNP officers and members with ranks lower than the PNP Regional, Provincial, District, City Directors or Police Colonel; or
c. All other officers and employees not indicated in **Section 377** of these guidelines.

The Application for Request for Authority to Transfer or Detail Civil Service Officers or Employees is attached as **Annex "V".**

SEC. 379*. Request for Authority of the Commission on Transfer or Detail; How to File.* - Requests for Authority to make or cause any transfer or detail civil service officer or employee shall be:

a. in writing;
b. indicating the office and place to which the civil service employee is proposed to be transferred or detailed or otherwise moved;
c. stating the reasons for the transfer or detail;
d. all other data or information as the agency may deem important or necessary regarding the same.

CHAPTER III
SUSPENSION OF ELECTIVE PROVINCIAL, CITY, MUNICIPAL OR BARANGAY OFFICER

SEC. 380*. Prohibited Acts.* – **During the election period,** the provisions of law to contrary notwithstanding, no public official shall, except upon prior written approval of the Commission, suspend any elective provincial, city, municipal or barangay officer.

No prior approval is required if the suspension will be for purposes of applying the *Anti-Graft and Corrupt Practices Act* in relation to the suspension and removal of elective officials.

SEC. 381. *Request for Authority of the Commission to Suspend any Elective Provincial, City, Municipal or Barangay Officer, unless Suspension will be for Purposes of Applying the Anti-Graft and Corrupt Practices Act: Where and How to File.* - Requests for Authority to suspend an elective provincial, city, municipal or barangay officer shall be submitted to the Law Department of the Commission, supported by:

b. a certified true copy of the formal complaint executed under oath and containing the specific charges.

   If the certified true copy of the complaint is unavailable, a Certification from the requesting agency or local government unit stating that the agency or local government unit that promulgated the decision or resolution did not furnish them a copy of the said formal complaint; and

c. a certified true copy of the Decision or Resolution suspending the concerned elective local official.

The Request for Authority to Suspend Any Elective Provincial, City, Municipal or Barangay Officer shall be sent through e-mail at law@comelec.gov.ph and registered mail or recognized courier service.

The Application for Request for Authority to Suspend Elective Local Official is attached as **Annex "W".**

SEC. 382. ***When Request for Authority is Not Necessary.*** - Request for Authority to suspend elective local officials shall not be necessary:

b. if the offense involved is punishable under the *Anti-Graft and Corrupt Practices Act;* and

c. for those that were already implemented before the start of the election period but is continuously served during or even after the expiration of the election period.

SEC. 383. ***Effect of the Onset of the Election Period.*** - The onset of the election period will not have the effect of lifting any suspension that is already being served.

CHAPTER IV
LEAVE OF ABSENCE OR PROVINCIAL, CITY OR MUNICIPAL TREASURER

SEC. 384. ***Leave of Absence of Provincial, City or Municipal Treasurer.*** **–** In view of the important role of provincial, city and municipal treasurers, the Department of Finance (DOF) is deputized to ensure that all provincial, city, and municipal treasurers remain in their present assignments and neither transferred or detailed, reassigned, whether temporarily or permanently, to another province, city or municipality, except upon prior written authority of the Commission, nor allowed to go on leave of absence from office during the period starting two weeks before and two weeks after Election Day, except upon prior written approval of the Commission. The DOF shall also ensure that no temporary or casual employee is designated as Acting Treasurer of the Office of the Treasurer.

SEC. 385. ***Request for Approval of Leave of Absence of Provincial, City or Municipal Treasurer.*** **–** Requests for approval of leaves of absence of provincial, city or municipal treasurers within the period of two (2) weeks before and two (2) weeks after Election Day shall be coursed through the appropriate Regional Office of the Bureau of Local Government Finance (BLGF) of the DOF, having supervision and control over local offices of treasurers, stating the purpose of the leave.

The Regional BLGF Office shall then request for a prior written approval by the Commission for the leave of absence of the requesting treasurer.

SEC. 386. ***Where to File.*** **–** The Regional BLGF shall file the request for approval of leave of absence with the appropriate Office of the Regional Election Director of the Commission. The Regional Election Director shall approve or disapprove the same, subject to the following conditions:

a. that personnel in an acting capacity is designated in the office of the treasurer whose leave of absence is being requested for approval during the period of absence so as not to disrupt or impede the proper functioning of the office;

b. that an approval is prospective in application and without prejudice to the applicable Civil Service Law, rules and regulations on personnel action/movements; and

c. that the leave of absence of the treasurer and the designation of an acting treasurer are not made to influence the election.

CHAPTER V
AUTHORITY OF THE CHAIRMAN TO APPROVE/DISAPPROVE REQUESTS AND THE PROCEDURE ON THE REQUEST

SEC. 387. *Authority of the Chairman to Approve/Disapprove Recommendations from the Law Department.* - The Law Department shall prepare its Recommendation on all requests for Authority received by it: (1) to appoint or hire new employees; (2) to create and fill new positions; (3) transfer or detail of civil service officer or employee; and (4) to suspend any elective provincial, city, municipal or barangay officer, which shall be submitted to the Chairman of the Commission for approval or disapproval.

All actions of the Chairman on the requests for Authority covered in this article shall remain valid and effective, unless otherwise reversed or set aside by the Commission En Banc.

SEC. 388. *Requests for Authority Submitted to the Office of the Regional Election Director.* - The Offices of the Regional Election Director shall approve or disapprove all requests for Authority to: (1) appoint or hire new employees; and (2) transfer or detail officers or employees of the Civil Service and request for approval of leaves of absence of local treasurers, as received by them.

All actions of the Regional Election Directors on the requests covered in these guidelines shall remain valid and effective, unless otherwise reversed or set aside by the Commission *En Banc*.

SEC. 389. *Reconsideration of the Disapproval of the Requests.* – In case of disapproval of the requests for Authority to: (1) appoint or hire new employees; (2) create and fill new positions; (3) transfer or detail civil service employees or officers or suspend local elective officials; or denial of the leaves of absence of local treasurers, a request for reconsideration may be filed with the Chairman or Regional Election Director who issued the disapproval.

The request for reconsideration shall be filed within three (3) days from receipt of the Notice of Disapproval, through the following manner:

a. A digital/scanned copy of the request for reconsideration shall be submitted through e-mail to:

   i. law@comelec.gov.ph for the Office of the Chairman; or

   ii. the e-mail address of the concerned Office of the Regional Director which may be found in the Commission's official website at www.comelec.gov.ph.

   The annexes of the request, if any, must be e-mailed together with the request for reconsideration.

b. On the same day of filing through e-mail, the hard copy of the request for reconsideration, including its annexes, if any, shall be sent by registered mail or recognized courier service to the Law Department for the Office of the Chairman or Office of the Regional Election Director.

The decision of the Chairman or Regional Election Director on the request for reconsideration shall become final and executory unless an Appeal is filed pursuant to Section 390 of these guidelines.

SEC. 390. ***Appeal on the Denial of the Request for Reconsideration.*** **–** In case of denial by Chairman or Regional Election Director of the request for reconsideration, an appeal may be filed to the Commission *En Banc* within three (3) days from receipt of the Notice of Denial, in the following manner:

a. A digital/scanned copy of the appeal shall be submitted through e-mail to the Office of the Secretary of the Commission at comsec@comelec.gov.ph;

b. On the same day of filing through e-mail, the hard copy of the Appeal shall be sent by registered mail or recognized courier service to the Office of the Secretary of the Commission at comsec@comelec.gov.ph.

The decision of the Commission *En Banc* on the Appeal shall become final and executory.

SEC. 391. ***Report of the Office of Regional Election Directors on All Actions on Requests for Authority to the Law Department.*** **–** At the end of the election period, the Regional Election Director shall make a Report of all the actions taken on the requests for authority to (1) appoint or hire new employees; and (2) transfer or detail civil service officer or employee and requests for approval of leaves of absence of local treasurers.

The Report shall be submitted to the Law Department through e-mail at law@comelec.gov.ph and the hard copy of the report shall be sent through registered mail/recognized courier service.

Sample copies of the Reports are attached as **Annexes "X" and "X-1".**

CHAPTER VI
GRANT OF CONTINUING AUTHORITY

SEC. 392. ***Grant of Continuing Authority.*** - The grant of continuing authority to appoint or hire new employees during the period of forty-five (45) days before a barangay and SK election and transfer or detail civil service officers or employees during the election period may be granted to government agencies, upon the submission to the Law Department of a written request justifying the reasons therefor.

SEC. 393. ***Conditions for the Grant of Continuing Authority.*** - The grant of continuing authority to government agencies to appoint or hire new employees during the period of forty-five (45) days before a barangay and SK election or transfer or detail civil service officers or employees during the election period shall, however, be subject to the following conditions: That -

a. it is essential to the proper functioning of the office and shall not in any manner influence the conduct of the BSKEs;
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b. the authorization shall be prospective in application and without prejudice to the applicable Civil Service Law, rules and regulations on personnel actions/movements;

c. it shall not involve promotion or giving of any increase of salary or remuneration or privilege during the forty-five (45) day period before the conduct of the BSKE which is strictly prohibited;

d. they shall notify the Commission, in writing, within three (3) days from date of appointment, transfer/detail, through the Law Department as follows:
d.1 In cases of appointment -

i. name of the office or employee to be appointed or hired;
ii. position of said officer or employee to be appointed or hired;
iii. the exact date when the position to be filled became vacant;
iv. cause of the vacancy; and
v. all the necessary data or information regarding the same.

d.2 In cases of transfers/details –
i. the office and place where the officer or employee came from and the office/place to which said officer or employee is transferred, detailed or otherwise moved;
ii. justifications or reasons for said transfer or designation; and
iii. all necessary data or information regarding the same.

The written notice shall be sent to the Law Department *via* e-mail at law@comelec.gov.ph as well as through registered mail/recognized courier service.

SEC. 394. *Continuing Authority to Appoint and Transfer Government Officers or Employees Granted to Certain Government Agencies.* – The Commission hereby grants continuing authority to the following government agencies to appoint or hire new employees during the period of forty-five (45) days before a barangay and SK election, and to transfer or detail their officers or employees within the election period, in view of their functions:

a. The President of the Philippines;
b. Supreme Court of the Philippines, Court of Appeals, Sandiganbayan, Court of Tax Appeals and the lower courts, including the Presidential Electoral Tribunal, Senate Electoral Tribunal and House of Representatives Electoral Tribunal; and
c. Such other government agencies as may be approved in accordance herewith.

CHAPTER VII
AUTHORITY OF THE COMMISSION ON ELECTIONS TO APPOINT, TRANSFER OR REASSIGN ITS PERSONNEL

SEC. 395. *Basis of Authority.* - There is an essential need to appoint, reassign or transfer personnel of the Commission to effectively and efficiently carry out its constitutional mandate to conduct free, orderly, honest, peaceful and credible elections.

SEC. 396. *Grant of Authority.* - The Commission is hereby granted authority to appoint or hire new employees or fill new positions during the period of forty-five (45) days before a barangay and SK election and transfer or assign or reassign its personnel within the election period.

CHAPTER VIII
COMMON PROVISIONS

SEC. 397. *Manner of Filing of Requests for Authority under these Guidelines.* – The requests for Authority under these guidelines shall be filed with the Law Department or pertinent Office of the Regional Election Director in the following manner:

a. A digital/scanned copy of the request shall be submitted through e-mail to:

i. law@comelec.gov.ph for the Law Department; or

ii. the e-mail address of the concerned Office of the Regional Director which may be found in the Commission's official website at www.comelec.gov.ph.

The attachments of the request, if any, such as the list of the names of the personnel to be appointed, hired, transferred, detailed or suspended, in MS Word Format, must be e-mailed together with the signed request.

b. On the same day of filing through e-mail, the hard copy of the request, including its attachments, if any, shall be sent by registered mail or recognized courier service to the Law Department or pertinent Office of the Regional Election Director.

In case there is variance between the attachments sent through e-mail in word file and the hard copy, the attachment sent through e-mail shall prevail.

SEC. 398. ***Request for Authority Filed In-Person or with the Incorrect Office*** - Any request covered in these guidelines filed personally or through an application-based courier service such as but not limited to *Grab Express* or *Lalamove* shall not be received by the Law Department or the Office of the Regional Director, as the case may be.

Any request filed with the incorrect office shall be deemed as not filed and shall not be given due course.

SEC. 399. ***When to File Request for Authority of the Commission.*** - Requests for Authority shall be filed with the Law Department or Office of the Regional Election Director at least ten (10) days before the intended appointment or hiring of new employees, transfer or detail of civil service employees, or leave of absence of local treasurers, or start of suspension of local elective officials, as the case may be.

Provided that the request for Authority to appoint or hire of new employees shall be filed not later than ten (10) days before election day, except in meritorious cases.

Provided further that the requests for Authority to transfer or detail civil service employees, approval of leave of absence of local treasurers or to suspend local elective officials shall be filed not later than ten (10) days before the end of the election period, except in meritorious cases.

The following constitute as a meritorious case:

a. The request for authority must be for an emergency and/or an urgent reason involving national security and defense.

For this purpose, national security is defined as a state or condition wherein the people's welfare, well-being, ways of life; government and its institutions; territorial integrity; sovereignty; and core values are enhanced and protected;

b. Any delay will result in the loss of life and/or prejudice national interest;

c. It is essential to the proper functioning of the office and shall not in any manner influence the conduct of the BSKE; and

d. It shall not involve promotion or giving of any increase of salary or remuneration or privilege during the prohibitive period which is strictly prohibited without any exception whatsoever.

Any request filed after the implementation of the appointment or hiring of new employees or creation of new positions, transfer or detail, or leave of absence or suspension, shall not be accepted or acted upon.

CHAPTER IX
AUTHORITY OF THE AFP AND PNP TO USE ANY ARMORED LAND, WATER OR AIR CRAFT

SEC. 400. ***Grant of Authority to the Armed Forces of the Philippines and Philippine National Police to Use Any Armored Land, Water or Air Craft.*** - The Commission hereby grants authority to the AFP and PNP to use, during the campaign period, on the day before and on election day, any armored land, water or air craft, provided with any temporary or permanent equipment or any other device or contraption for the mounting or installation of cannons, machine guns and other similar high caliber firearms, including military type tanks, half trucks, scout trucks, armored trucks, of any make or model, whether new, reconditioned, rebuilt or remodeled as may be necessary to carry out their mandates as deputies of the Commission.

This authority shall be without prejudice to the application of the prohibition under Section 261, paragraph (o) of B.P. 881, on the use of public equipment and facilities owned or controlled by the government for election campaign.

Article XV

RULES ON THE PROHIBITION AGAINST RELEASE, DISBURSEMENT OR EXPENDITURE OF PUBLIC FUNDS ON SOCIAL SERVICES AND DEVELOPMENT

SEC. 401. ***Filing of Petition.*** — Petitions for exemption from the ban on the release, disbursement, or expenditure of public funds pertaining to social services and development shall be filed before the **Commission (*En Banc*) through the Office of the Clerk of the Commission (OCOC)**, in accordance with the procedure prescribed under the pertinent rules and resolutions on the filing of petitions and pleadings, and subject to the payment of the appropriate docket fees.

SEC. 402. ***Publication of Petition.*** — On the day following the receipt of the *Notice* and *Order* of hearing but prior to the day of hearing, the petitioner shall cause its publication together with the *Petition*, in a daily newspaper of general circulation in the concerned jurisdiction, notifying the Commission in writing of the compliance thereof. Copies of the *Notice, Order,* and *Petition* shall also be posted in three (3) conspicuous public places in the concerned jurisdiction within the same period. Expenses for the publication and notices shall be borne by the petitioner.

SEC. 403. ***Period of Filing.*** — Petitions for exemption from the ban on the release, disbursement, or expenditure of public funds pertaining to social services and development shall be filed not later than **forty-five (45) days prior to the commencement of the ban.**

Article XVI

LIQUOR BAN

SEC. 404. *Prohibited Acts.* - It shall be unlawful for any person, including owners and managers of hotels, resorts, restaurants, and other establishments of the same nature to sell, furnish, offer, buy, serve, or take intoxicating liquor anywhere in the Philippines.

SEC. 405. *Period of Prohibition.* - The liquor ban shall be in force and effect **on the day before the election and on election day.**

SEC. 406. *Exemption.* – Hotels, resorts, restaurants, and other establishments of the same nature duly certified by the Department of Tourism as tourist-oriented and habitually in the business of catering to foreign tourists may be exempted from the liquor ban: *Provided,* that they secure prior written authority from the officers enumerated in Section 387 hereof, upon showing that there are justifiable reasons therefor.

Only foreign tourists taking intoxicating liquor in said authorized hotels or establishments are exempted from the prohibition.

SEC. 407. *Where to Apply and Secure for Exemption.* - Applications for exemption together with supporting documents, shall be filed with, and duly acted upon by the following:

a. **Regional Election Director of the National Capital Region (NCR)**, in cases of hotels, resorts, restaurants, and other establishments of the same nature located in the NCR;

b. **Provincial Election Supervisors** with respect to establishments located in the municipalities within their respective provinces; and

c. **City Election Officers** with respect to those located within their respective cities or districts.

SEC. 408. *Conditions for the Grant of Exemption.* - Exemption may be granted only upon compliance and submission of the following:

a. The request or application for exemption must be under oath and must contain a statement that the operator or owner of the hotel, resort, restaurant, or other establishment of the same nature have not been convicted of an election offense;

b. A certification by the Department of Tourism stating that the requesting hotel, resort, restaurant, or other establishment of the same nature is:

   i. tourist-oriented; and

   ii. habitually in the business of catering to foreign tourists.

c. Currently licensed to do business in the Philippines or in the province, city, or municipality as stated in its Business Permit; and

d. Has paid the required taxes and/or fees imposed by the national or local government or any of its agencies or instrumentalities as attested by the Bureau of Internal Revenue's Certificate of Registration and/or Mayor's Permit or Business Permit as displayed in the establishment of the applicant.

SEC. 409. *Revocation of Exemption.* - The exemption granted may be revoked or withdrawn summarily by the Commission *motu proprio* or upon verified petition filed by any person, and showing among others, that the reason for which the exemption was granted does not exist or is not justifiable, or that the requesting party or applicant has committed misrepresentation in the application, or introduced or submitted falsified documents, subject to notice and opportunity to present documentary evidence by the party whom the exemption was granted.

SEC. 410. *When Request for Exemption is Not Necessary.* – Request for exemption shall not be necessary in cases of bulk movement from one warehouse to another or to retail outlets, of which sale and/or payment had already been consummated before the days the liquor ban was imposed; Provided that no furnishing, offering, serving, taking or selling of liquor products for consumption shall be done during the effectivity of the liquor ban.

SEC. 411. *Who shall Implement.* - The Philippine National Police, National Bureau of Investigation, Regional Election Directors, Provincial Election Supervisors, Election Officers and the COMELEC Election Law Enforcement Team, if any, which will be assigned by the Commission in specific areas, shall implement this Article.

PART II
ELECTION DAY

Article XVII

GENERAL INSTRUCTIONS ON VOTING, COUNTING OF VOTES AND CANVASSING

CHAPTER I
WATCHERS

SEC. 412. *Official watchers of candidates and other groups.* – Every candidate for the Barangay and/or SK Elections shall each be entitled to one (1) watcher in every polling place or canvassing center.

Duly accredited citizens' arms of the Commission shall be entitled to appoint a watcher in every polling place or canvassing center. Other civic, professional, business, service, youth, and any other similar organization, with prior authority of the Commission, shall be entitled collectively to appoint one watcher in every polling place.

Preference shall be given to the watchers of the citizens' arms and Punong Barangay/SK Chairperson candidates, in case the space reserved for watchers is not enough.

Citizens' arms already accredited during the May 9, 2022 National and Local Elections; need no longer apply for accreditation for purposes of October 30, 2023 BSKE. However, they should file a manifestation of intent to discharge the duties of an accredited citizens' arm to the Commission *En Banc* until **June 2, 2023 or on such other dates as may be fixed by the Commission**.

SEC. 413. *Qualifications of watchers.* - No person shall be appointed as watcher, unless said person:

(a) is a registered voter of the barangay or a member of the Katipunan ng Kabataan, as the case maybe, in the assigned barangay;

(b) is of good reputation;

(c) has not been convicted by final judgment of any election offense or of any other crime;

(d) knows how to read and write Filipino, English, or any of the prevailing local dialect; and

(e) is not related within the fourth (4^{th}) civil degree of consanguinity or affinity to the Chairperson or any EB members in the polling place where the watcher seeks appointment.

Incumbent Barangay Officials including *Barangay Tanods* shall not be appointed as watchers of any candidate or citizens' arms.

SEC. 414. *Rights and duties of a watcher.* - Upon entering the polling place, the watcher shall present to the EB Chairperson a sworn appointment. The appointment shall bear the signature of the candidate with a statement that such person possesses all the qualifications and none of the disqualifications as watcher. For this purpose, at least fifteen (15) days before election day, candidates shall provide the EOs with a list of names and signatures of their watchers. The Poll Clerk shall record the name of the watcher in the Minutes with a notation under the watcher's signature that said person is not disqualified to serve as such.

The watchers shall have the right to:

a) Stay in the space reserved for them inside the polling place;

b) Witness the proceedings of the EB;

c) Take note of what they may see or hear;

d) Take photographs of the proceedings and incidents, if any, during the counting of votes, as well as of the Election Returns (ERs), tally board and ballot boxes;

e) File a protest against any irregularity or violation of law which they believe may have been committed by any EB member or by any person;

f) Obtain from the EB a certificate as to the filing of such protest and/or of the resolution thereon;

g) Have an unimpeded view of the ballot being read by the Chairperson, the election returns (CEF No. 9) and the tally board (CEF No.10) being simultaneously accomplished by the Poll Clerk and the Third Member respectively, without touching any of these election documents; and

h) Be furnished, upon request, with Certificate of Votes (CEF No.13), duly signed and thumb-marked by the Chairperson and all EB members.

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

CHAPTER II
FORMS, DOCUMENTS AND SUPPLIES

SEC. 415. *Forms, documents and supplies.* - The EB shall be provided with the following forms, documents and supplies for use on Election Day:

A. VOTING AND COUNTING

CEF NO.	FORMS AND SUPPLIES	RATE OF DISTRIBUTION	
ELECTION FORMS			
3	Poster Indicating Precinct Number	1	piece
6-BGY	Official Ballots for Barangay Elections	1	piece per voter
6-SK	Official Ballots for SK Elections	1	piece per voter
9-BGY	Election Returns for Barangay Elections	1	set of 3 pages by 4 copies
9-SK	Election Returns for SK Elections	1	set of 3 pages by 4 copies
10-BGY	Tally Sheet for Barangay Elections	1	set
10-SK	Tally Sheet for SK Elections	1	set
11	Minutes of Voting and Counting of Votes	1	set of 2 pieces
12	Paper Seals	18 16	pieces for BGY pieces for SK
13	Certificate of Votes	20	pieces
14	Certificate of Receipt of Official Ballots, Other Forms and Supplies by EB	3	pieces
27-E, 27-F & 27-G	Official Receipt of Election Returns - copy for the Barangay Board of Canvassers - copy for the Election Officer - copy for the Secretary of the Sangguniang Barangay	1	set of 3 pieces
ENVELOPE FOR VOTING AND COUNTING			
28BGY, 15BGY, 16BGY, 16BGY-A, 16-BGY-B, 16BGY-C,	For BGY Official Ballots, Counted Official Ballots, Excess, Marked, Spoiled, Torn Half of Unused Official Ballots, Other Half of Torn Unused Official Ballots for Barangay Elections	1	set of 7 pieces

16BGY-D			
28SK, 15SK, 16SK, 16SK-A, 16SK-B, 16SK-C, 16SK-D	For SK Official Ballots, Counted Official Ballots, Excess, Marked, Spoiled, Torn Half of Unused Official Ballots, Other Half of Torn Unused Official Ballots for SK Elections	1	set of 7 pieces
17H-BRGY to 17K-BGY	For Election Returns for Barangay Elections - copy for the Barangay Board of Canvassers - copy for the Election Officer - copy for the Ballot Box - copy for the Secretary, SB	1	set of 4 pieces
17H-SK TO 17J-SK	For Election Returns for SK Elections - copy for the Barangay Board of Canvassers - copy for the Election Officer - copy for the Ballot Box	1	set of 3 pieces
18-A & 18-B	For Minutes of Voting and Counting Votes	1	set of 2 pieces
19-A & 19-B	For Key of Ballot Box	1	Pieces
OTHER FORMS			
30/31	Temporary Appointment and Oath of Chairperson/Poll Clerk/Member	3	Pieces
35	Certificate of Challenge or Protest and Decision of the Board	3	pieces
39	Oath of Voter Challenged for Illegal Acts	5	Pieces
40	Oath of Identification of Challenged Voter	5	Pieces
	General Instructions for EB/BBOCs	3	Pieces
SUPPLIES			
	Ballpen	12	Pieces
	Rubber Band	8	Pieces
	Bond Paper Long	20	Pieces
	Carbon Paper	5	Sheets
	Thumbprint/Fingerprint Takers	2	Pieces
	Plastic Security Seal for the Ballot Box	3	Pieces
	Indelible Stain Ink	2	Bottles
	Ballot Secrecy Folders	12	Pieces
	Comelec Padlock with key	1	Piece
	Packaging Tape	1	Piece

A. CANVASSING FORMS (For Barangay/SK Board of Canvassers)

20-A-BGY	Statement of Votes by Precinct for Barangay Elections
20-A-SK	Statement of Votes by Precinct for SK Elections
20-A-1	Summary Statement of Votes for SK and Barangay Elections

25-A-BGY	Certificate of Canvass and Proclamation of Winning Candidates for Barangay Elections
25-A-SK	Certificate of Canvass and Proclamation of Winning Candidates for SK Elections
17-L	Envelope for Canvassed Election Returns
12	Paper seals

The EB members shall check the completeness of the documents and the quantities of the forms and supplies received and immediately call the attention of the EO or the City/Municipal Treasurer, as the case may be, on any deficiency or shortage thereof.

Thereafter, the EB members shall sign a Certificate of Receipt (CEF Form No. 14) in three (3) copies, one (1) copy of which shall be retained by the EB. The two (2) other copies shall be returned to the City/Municipal Treasurer who, after the elections, shall immediately transmit one (1) copy thereof to the concerned EO.

The EB members shall also receive from the EO the following documents duly certified by the ERB:

a) One (1) copy of the EDCVL for Barangay voters;
b) One (1) copy of the EDCVL for SK voters;
c) Two (2) copies of the PCVL for Barangay voters; and
d) Two (2) copies of the PCVL for SK voters.

The Poll Clerk shall have custody of the EDCVLs. The Third Member shall have custody of one (1) copy of PCVL. The other copy of the PCVL shall be posted at the door of the polling place.

SEC. 416. *Forms to be reproduced when needed.* - The following forms may be reproduced by the EO through the EB when the need arises:

a) Temporary Appointment of Chairperson, Poll Clerk/Member (**Annex "AA"**);
b) Certificate of Challenge or Protest and Decision of the EB (**Annex "BB"**);
c) Oath of Voter Challenged for Illegal Acts (**Annex "CC"**); and
d) Oath of Identification of Challenged Voter (**Annex "DD"**).

SEC. 417. *Minutes of Voting and Counting of Votes.* - The EB shall accomplish in two (2) copies, the Minutes (CEF No. 11), entering therein all the data, and acts, or incidents required to be recorded as they become available or as they occur. Copies of the Minutes shall be signed and sealed in separate envelopes (CEF Nos. 18 and 18A) for distribution as follows:

(a) The copy intended for the Commission shall be delivered to the EO who shall have custody over the same; and

(b) The copy intended for the ballot box shall be deposited inside the ballot box compartment for valid ballots.

SEC. 418. *Verification of forms, documents and supplies before the City/Municipal Treasurer.* –

Before the election day

The treasurer shall notify the EBs that the forms, documents and supplies have been delivered to the City/Municipal Treasurer's Office and is ready for verification for completeness. For this purpose, a duly designated member of the EB shall verify the forms, documents and supplies assigned to their polling place.

On Election Day

The duly designated member of the EB shall obtain from the Office of the City/Municipal Treasurer the forms, documents and supplies early in the morning of Election Day, except, when authorized to do so earlier by the Commission, through the RED in the case of NCR, Davao City and Zamboanga City or the PES in the rest of the provinces.

SEC. 419. *Request for early delivery.* - Approval of any request for early delivery of election forms, documents and supplies by the RED (NCR, Davao City and Zamboanga City) or PES shall be governed by the following guidelines:

a) That there is considerable distance between the Office of the City/Municipal Treasurer and the location of the polling place;

b) That there is lack or difficulty of means of transportation in the area;

c) That the total number of precincts in the city or municipality is such that if the delivery of the official ballots, ERs, other election forms and paraphernalia is done early in the morning of election day, not all the EB members may be able to receive said forms, supplies and paraphernalia in time for the opening of polls at seven (7:00) o' clock in the morning of election day, unless otherwise fixed by the Commission; or

d) That the peace and order conditions in the area justify such advance delivery in order to ensure the security of the forms, documents and paraphernalia, and safety of the EB members.

The PES shall make a corresponding report to the RED on approved request/s for early delivery within twenty-four (24) hours from approval. The report shall specify the clustered precincts whose forms and supplies are to be released early, the date and time of the release, the location of the voting center, and the reason/s for the early release. Within the same period, a copy of the report shall be emailed at odedo@comelec.gov.ph, the official email address of ODEDO.

The REDs of the NCR, Region 9 and Region 11 shall submit the required report to the ODEDO within twenty-four (24) hours through the above email address.

CHAPTER III
CASTING OF VOTES

SEC. 420. *Date of election.* - The election of Barangay and SK officials shall be held on **October 30, 2023** and every three (3) years thereafter pursuant to Republic Act No. 11935[21].

SEC. 421. *Who are allowed to vote.* - The following shall be allowed to vote:

a) Registered voters of the precinct whose names appear in the EDCVL for the Barangay and/or SK levels;

b) Voters presenting final order of the court certified by the clerk of court and verified by the EO; and

c) EB members entitled to avail of voting privileges under Section 137 hereof.

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[21] "AN ACT POSTPONING THE DECEMBER 2022 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES".

SEC. 422. *Voting hours*. - The casting of votes shall start at seven **(7:00)** o'clock in the morning and end at three **(3:00)** o'clock in the afternoon of election day, unless otherwise fixed by the Commission. If at three o'clock in the afternoon, there are still voters within thirty (30) meters in front of the polling place, who have not yet cast their votes, voting shall continue but only to allow said voters to cast their votes without interruption. The Poll Clerk shall, without delay, list the names of said voters and consecutively number them. The voters listed shall be called to vote by the Poll Clerk by announcing each name **three (3)** times in the order in which they are listed. Any voter in the list who is not present when called shall not be permitted to vote at any later time. The said list shall be submitted to the EO.

SEC. 423. *Place of Voting*. - Voters shall cast their votes in their designated polling places.

SEC. 424. *Voters' Assistance Desk (VAD)*. - To avoid gathering, crowding and huddling around the PCVL, there shall be in each voting center, a Voters' Assistance Desk (VAD), manned by any accredited citizen's arm or such other entities as may be determined by the Commission, under the supervision and control of the DESO. The VAD shall assist voters in ascertaining their precinct number, sequence number and direction to their polling place.

In the event that there is no available accredited citizen's arm to man the VAD, the EO may enter into a MOA with a non-partisan NGO, CSO, or other organizations available in their respective areas of responsibility to man the VAD.

In areas where representatives of accredited citizen's arm, non-partisan NGO, CSO, or other organizations are not available, registered voters of known probity and integrity residing within the barangay may be designated to man the VAD provided they are qualified, and have no connection with the candidates. The designation shall be at no cost to the Commission.

Should there be no registered voter available to man the VAD, the voters shall follow the usual procedure of finding their precinct number and polling place in the posted PCVL.

SEC. 425. *Preliminaries to the voting*. - The EB shall meet at the polling place and perform the following preliminary activities:

(a) At six **(6:00)** o' clock in the morning of election day:

1) See to it that they have all the election forms, documents and supplies needed;

2) Post one (1) copy each of the PCVL for Barangay voters and SK voters outside the polling place;

3) Display the poster indicating the precinct number and location of the polling place (CE Form No. 3) near or at the door of the polling place;

4) Set-up or arrange the polling place in accordance with the recommended Lay-out of Polling Place provided in **Annex "EE"** hereof;

5) Staple or paste the Certified Lists of Candidates for the Barangay and SK positions in the ballot secrecy folders or desks/chairs/tables; and

6) Place the ballot secrecy folders on top of the desks/chairs/tables.

(b) Before the start of voting, the EB Chairperson shall:

1.) Open the ballot box, empty both compartments, and show to the public that they are empty. Then the EB Chairperson shall lock its interior

cover with one (1) padlock. The Poll Clerk shall retain the key to the padlock during the voting; and

2.) Show to the public and to the watchers' present, the package of official ballots (CEF No.6). Enter in the Minutes the number of pads and the serial numbers (SNs) of the ballots in each pad, and the fact that the package of ballots was shown to the public.

SEC. 426. *Rules to be observed during the voting*. - During the voting, the EB shall see to it that:

(a) The voters shall vote in the order of their arrival in the polling place;

(b) No watcher enters the places reserved for the voters and the EB, nor mingle and talk with the voters;

(c) No person carrying any firearm or other deadly weapon, except those expressly authorized by the Commission, enters the polling place;

(d) No crowding of voters and disorderly behavior inside the polling place shall occur; and

(e) The interior cover of the ballot box shall remain locked until the voting is finished and the counting begins, except when it becomes necessary to make room for more ballots, the Chairperson, may, in the presence of watchers, open the box, press down the ballots without removing any of them. After which, the Chairperson shall again close the interior cover of the ballot box and lock it with the padlock.

Such facts shall be recorded in the Minutes.

SEC. 427. *Prohibition on voting*. - It shall be unlawful to:

(a) Bring the ballot and/or the ballot secrecy folder outside the polling place, except for voting involving PWDs, SCs, heavily pregnant women voters and voters in the IPP;

(b) Speak with anyone while inside the polling place; as herein provided;

(c) Prepare the ballot without using a ballot secrecy folder or exhibit its contents to any person, except in cases of assisted voting;

(d) Erase any printing from the ballot or place any distinguishing mark thereon;

(e) Use carbon paper, paraffin paper or other means of making a copy of the contents of the ballot, or otherwise make use of any other scheme to identify the vote, including the use of digital cameras, cellular phones or similar gadgets;

(f) Intentionally tear or deface the ballot; and

(g) Disrupt or attempt to disrupt the proceedings of the EB.

SEC. 428. *Persons allowed inside the polling place*. - Only the following shall be allowed inside the polling place:

(a) EB members;

(b) Watchers who shall stay only in the space reserved for them;

(c) Voters casting their votes;

(d) Voters waiting for their turn to vote;

(e) Voters waiting for their turn to get their ballots; and

(f) Others who are specifically authorized by the Commission.

SEC. 429. *Holding Area.* – The EB, whenever necessary, in coordination with the DESO, may designate an adjacent room – with ample space and accessible to wheelchair users, if available, to be used as holding area. The holding area shall be used by the voters waiting for their turn to vote. The voters shall sit and arrange themselves such that they will vote according to the sequence of their arrival.

Giving numbers to the voters to determine their sequence of voting is strictly prohibited. Voters in the holding area shall be assisted by EB support staff.

SEC. 430. *Persons not allowed in and around the polling place.* - Unless specifically authorized by the Commission, it is unlawful for the following to enter any polling place or stay within a radius fifty (50) meters thereof, except to vote:

(a) Any officer or member of the Armed Forces of the Philippines (AFP) or the Philippine National Police (PNP), unless said PNP personnel is duly appointed as EB members pursuant to Section 147 hereof;

(b) Any peace officer or armed person belonging to any extra-legal police agency, special forces, reaction forces, strike forces, Civilian Armed Force Geographical Units (CAFGUs), *Barangay Tanods*, or other similar forces or paramilitary forces, including special forces, security guards, special policemen;

(c) All other kinds of armed or unarmed extra-legal police forces; and

(d) Incumbent Barangay and SK official, whether elected or appointed.

However, the EB members, by majority vote, if it deems necessary, may order in writing the detail of a police officer or any peace officer for their protection or for the protection of the election documents and paraphernalia. Such order shall be entered in the Minutes. Said police officer shall stay outside the polling place within a radius of thirty (30) meters or near enough to be easily called by the EB at any time, but never at the door, except in areas declared under COMELEC control, in which case the police officer shall stay near or at the door of the polling place.

When there is actual disturbance or disruption of peace and order, the PNP or AFP officials/personnel may enter the polling place even without the written order of the EB members.

In no case shall the said police officer hold any conversation with any voter or disturb or prevent or in any manner obstruct the free access of the voters to the polling place.

SEC. 431. *Authentication of the ballot.* - In every case, the EB Chairperson shall, in the presence of the voter and before giving the ballot to the voter, authenticate the same by affixing his/her signature at the back thereof. Failure to authenticate shall be noted in the Minutes and shall constitute an election offense. Further, in no case shall the Chairperson pre-sign at the back of the ballot prior to its actual issuance to the voters.

SEC. 432. *Order of voting*. - The voters shall fall in line in the order of their arrival in the polling place and cast their votes in the same order. They shall not crowd around the table of the EB and shall immediately depart after casting their votes.

The EB shall give priority to PWDs, Senior Citizens, and heavily pregnant voters.

SEC. 433. *Manner of obtaining the ballots*. – The manner of obtaining the ballot/s is as follows:

(a) The voters shall:

1. Upon entering the Voting Center, proceed to the designated Voter's Assistance Desk (VAD) to secure the precinct and sequence numbers and assigned clustered precinct. In the absence of any designated VAD, the voters shall follow the usual procedure of finding their precinct number and polling place in the posted PCVL; and

2. Proceed to the assigned clustered precinct and approach any member of the EB or its Support Staff, and state their names, precinct number, and sequence numbers.

(b) The Poll Clerk shall:

1. Find out if the name of the voter is in the EDCVL and establish his/her identity. If the voter's name is not in the EDCVL, the voter shall not be allowed to vote, and shall be requested to leave the polling place;

2. If the identity is established, check the fingernails for any indelible ink stain. If stained, it shall be a conclusive presumption that the voter has already cast his/her vote. As such, the voter shall be directed to leave the polling place after informing him/her the reason thereof. This fact, including the name and the precinct of the voter, shall be recorded in the Minutes.

3. If the fingernail is not stained, establish the identity of the voter through the following:

   i. Voter's photograph or specimen signature in the EDCVL or in any other authentic identification document, except community tax certificate; or

   ii. in the absence of any of the above-mentioned proof of identity, any member of the EB or any registered voter of the precinct/clustered precinct may identify under oath the voter, and such fact shall be reflected in the Minutes.

4. If satisfied with the voter's identity, the name of the voter shall be distinctly announced in a tone loud enough to be heard through the polling place. If not satisfied with the voter's identity, the voter shall be directed to leave the polling place after informing him/her of the reason therefor.

5. If the voter is not challenged or having been challenged, and the question has been decided in his/her favor, require the voter to sign in the EDCVL. In case of illiterate voters or PWDs who cannot sign, require said voters to affix their thumbmarks in the EDCVL.

6. Thereafter, the voter shall be directed to the Chairperson.

(c) The Chairperson shall:

1. Distinctly announce in a tone loud enough to be heard throughout the polling place the name, precinct number and Serial Number (SN) of the Barangay ballot and/or SK ballot to be issued to the voter. The Poll Clerk shall enter the same in the corresponding space labeled "Ballot SN" beside the name of the voter in the EDCVL-Barangay and/or EDCVL-SK;

    i. Authenticate the ballot/s by affixing signature at the back thereof;
    ii. Fold the ballot/s in such a manner that its face, except the portion where the SN appears, is covered. In case the voter is entitled to vote in the barangay and SK elections, the ballots shall be folded separately;
    iii. Give the ballot/s to the voter;
    iv. Ask the voter to affix his/her signature in the space provided in the EDCVL; and
    v. Affix his/her signature in the space provided in the EDCVL.

Only the Chairperson shall issue the ballot and not more than one (1) ballot shall be issued at one time except, in cases where the voter is a barangay resident and at the same time, within the age range of 18 – 30.

2. In case any voter, under the 18-30 years old category, refuses to accept any of the two (2) ballots (SK and Barangay), distinctly announce the fact of refusal. With the presence of the concerned voter, write the word "ABSTAINED" and sign at the back of the ballot and deposit the same, in the compartment for spoiled ballots. The incident and the SN of the ballot shall be recorded in the Minutes.

SEC. 434. *Manner of voting*. - The voter shall, using a ballot secrecy folder, fill up the ballot/s by writing in the corresponding spaces, the names of the individual candidates voted for as appearing in the Certified List of Candidates.

SEC. 435. *Accomplishment of ballots for illiterate, PWD or Senior Citizens (SC)*. - Illiterate, PWD or SC who cannot by themselves accomplish the ballot may vote with the assistance of any of the following:

(a) A relative within the fourth (4^{th}) civil degree of consanguinity or affinity;

(b) A person of his/her confidence who belongs to the same household as that of the voter. For this purpose, the person who usually assists the PWD, such as personal assistant, caregiver, or a nurse shall be considered a member of the voter's household; and

(c) Any EB member.

All assistors must be of voting age.

No person, except the EB members, may assist an illiterate, PWD or SC more than three (3) times.

In all cases, the Poll Clerk shall first verify from the illiterate, PWD or SC whether the latter had authorized the assistor to help in filling-up the ballot/s.

The assistor shall, in the presence of the illiterate, PWD or SC prepare the ballot/s using a ballot secrecy folder.

The assistor shall be bound in writing and under oath to fill-up the ballot/s strictly in accordance with the instructions of the voter and not to reveal the contents thereof, by affixing signature on the appropriate space in the Minutes.

For this purpose, the EDCVL shall bear the following markings:

* -- 18 to 30 years old

A – Illiterate

B – Person with Disability (PWD)

C – Senior Citizen (SC)

SEC. 436. *Accessible polling places (APPs)*. - The EO, in coordination with the school or building officials, shall see to it that the registered voters are assigned to polling places located on the ground floor for easy access.

For PWDs, SCs and heavily pregnant, they shall vote in APP.

SEC. 437. *Express lane for PWD, SC, heavily pregnant women and EBs exercising voting privilege.* – PWDs, SCs, heavily pregnant women and EBs exercising voting shall be afforded the right to an express or priority lane. There should be a signage inside the polling place indicating the location of the express lane.

SEC. 438. *Spoiled ballots*. - If the ballot/s is/are accidentally spoiled or defaced in such a way that it cannot be lawfully used, the voter shall surrender it folded in the same way when it was issued by the EB Chairperson. The EB Chairperson shall write the word "spoiled" beside the ballot SN previously recorded in the EDCVL. The EB Chairperson shall then give the voter a second authenticated ballot after announcing its SN, with the Poll Clerk recording the same in the available space in the EDCVL. However, in cases of spoiled ballots under Sec. 439 paragraphs b (ii), e, and f, the voter shall not be issued another ballot.

If the second ballot is again spoiled or defaced in such a way that it can no longer be lawfully used, the same shall be surrendered to the EB Chairperson in the same manner as the first spoiled or defaced ballot. No voter shall be allowed to change spoiled/defaced ballot more than once.

The spoiled ballot shall, without being unfolded and without removing the detachable coupon, be distinctly marked with the word "spoiled", signed by the EB Chairperson at the back thereof and deposited it in the compartment for spoiled ballots of the ballot box.

In all cases the Poll Clerk shall record in the Minutes the name of the voter and the SN of the spoiled or replacement ballot.

SEC. 439. *Procedures after voting.* – After voting, the following procedures shall be observed:

(a) After the voter has filled up the ballot/s, fold it in the same manner as it was received;

(b) The voter shall then proceed to the Poll Clerk who shall, within the view of the voter and the other EB members, without unfolding the ballot/s or seeing its contents, verify the SN/s against the number/s previously entered in the EDCVL to determine whether it is the same ballot/s given to the voter.

(i) If the SN/s of the ballot/s returned by the voter is the same as that recorded in the EDCVL, the voter shall affix thumbmark in the corresponding space in the ballot coupon/s, and return it to the Poll Clerk;

(ii) If the SN/s is not the same with the SN/s as entered in the EDCVL, the ballot/s shall be considered "spoiled" and shall be so marked and

signed by the Chairperson and placed inside the compartment for spoiled ballots. Such fact shall be indicated in Part C of the Minutes.

(c) Ballot/s returned to the Poll Clerk, the detachable coupon/s of which was not removed in the presence of the EB members and the voter, shall be considered "spoiled". The Chairperson shall write at the back of the ballot the word "spoiled", sign and place it inside the compartment for spoiled ballots. Such fact shall be noted in the Minutes.

(d) The Poll Clerk shall then apply indelible ink at the base and extending to the cuticle of the right forefinger nail of the voter, or at the base of any other fingernail if there be no right forefinger.

(e) If the voter refuses to have the fingernail stained with indelible ink, the voter shall be informed that such refusal shall render the ballot/s spoiled.

(f) If the voter still refuses despite being informed thereof, the Chairperson shall, without unfolding the ballot/s and without removing the detachable coupon/s, write at the back of the ballot the word "spoiled", sign the same and immediately place said ballot/s in the ballot box compartment for spoiled ballots. The voter shall then be required to leave. Such fact shall be recorded in Part C of the Minutes.

(g) The Chairperson shall detach the ballot coupon/s in the presence of the voter and deposit the folded ballot/s in the ballot box compartment for valid ballots and the detachable coupon/s in the compartment for spoiled ballots. The voter shall then leave the polling place.

The EB shall ensure that the EDCVL is properly accomplished. Failure to do the same shall be a ground for the filing of an administrative case against the erring EB members.

SEC. 440. *Challenge against illegal voters.* - Any voter or watcher may challenge any person offering to vote for: (a) not being registered; (b) using the name of another; (c) suffering from existing disqualification; or (d) being a double/multiple registrants. In such case, the EB shall satisfy itself as to whether the ground for the challenge is true by requiring proof of registration, identity or qualification.

No voter shall be required to present voter's identification card or any other valid identification cards, unless the identity is in doubt or challenged. However, the failure or inability to present an authentic identification document upon being challenged shall not preclude the voter from voting if identified under oath by:

(a) Any EB member;

(b) By another registered voter of the same barangay; or

(c) Any relative by consanguinity or affinity within the 4th civil degree.

A barangay and/or SK voter can only be identified by another voter of the same barangay. Such identification shall be recorded in Part E of the Minutes.

Any of the following authentic identification documents may be presented by the voter when challenged or the identity is in doubt:

1. Employee's identification card (ID), with the signature of the employer or authorized representative;
2. Postal ID;
3. PWD ID;
4. Student's ID or library card signed by the school authority;
5. Senior Citizen's ID;

6. Driver's license;
7. NBI clearance;
8. Passport;
9. SSS/GSIS ID;
10. Unified Multi-Purpose Identification (UMID);
11. National ID (PhilSys);
12. PAG-IBIG ID;
13. Integrated Bar of the Philippine (IBP) ID;
14. License issued by the Professional Regulatory Commission (PRC);
15. Certificate of Confirmation issued by the National Commission on Indigenous Peoples (NCIP) in case of members of ICCs or IPs;
16. Any other government-issued ID; and
17. Barangay Identification/Certification with photo and signature of the voter and the Barangay Chairman or his/her authorized signatory.

SEC. 441. *Challenge based on certain illegal acts*. - Any voter or watcher may challenge any voter offering to vote on the ground that the challenged person has;

(a) Received or expected to receive, paid, offered or promised to pay, contributed, offered or promised to contribute money or anything of value in consideration for his vote or for the vote of another;

(b) Made or received a promise to influence the giving or withholding of any such vote; or

(c) Made a bet or is interested directly or indirectly in a bet which depends upon the results of the election.

The challenged person shall take an oath before the EB that he has not committed any of the acts alleged in the challenge. Upon the taking of such oath, the challenge shall be dismissed, and the voter shall be allowed to vote. In case the voter refuses to take such oath, the challenge shall be sustained, and the voter shall not be allowed to vote.

SEC. 442. *Record of challenges, oaths and resolutions*. - The Poll Clerk shall record in Part E of the Minutes, all challenges and oaths taken in connection therewith and the EB resolution in each case. Copies of the challenges, oaths and resolutions shall be attached to the copy of the Minutes. Upon the termination of the voting, the Poll Clerk shall certify that the Minutes contain all challenges, oaths and resolutions made.

SEC. 443. *Disposition of unused ballots at end of voting hours*. - The Chairperson shall count while the Poll Clerk shall record in Part A of the Minutes the quantity of unused ballots, if any, and their SNs. Thereafter, he shall, in the presence of other EB members and watchers, if any, tear the unused ballots lengthwise in half without removing the stubs and detachable coupon.

The first half of the torn ballots shall be placed in the "Envelope for Other Half of Torn Unused Ballots" which envelope shall be sealed with the paper seal to be submitted to the EO for safekeeping. It shall remain sealed unless the Commission orders otherwise. The second half of the torn ballots shall be placed in the "Envelope for Excess/Half of Torn Unused Ballots" which shall be sealed and then deposited inside the compartment of the ballot box for spoiled ballots. Such fact shall be entered in Part C of the Minutes.

SEC. 444. *Prohibition against premature announcement of voting*. - Before the termination of the voting, no EB members shall make any announcement as to whether a certain registered voter has already voted, as to how many have already voted or how many so far have failed to vote or any other fact tending to show or showing the state of the polls, nor shall make any statement at any time, except as a witness before a court or body.

CHAPTER IV
COUNTING OF VOTES

SEC. 445. *Counting of votes to be public and without interruption*. – The EB shall publicly count in the polling place; the votes cast and tally the results.

They may re-arrange the physical set-up of the polling place for counting and perform any other activity to accomplish an orderly counting. At all times, the ballot box and all election documents and paraphernalia shall be within close view of the watchers and the public.

They shall not adjourn or postpone or delay the count until it has been fully completed unless ordered otherwise by the Commission.

Any violation of this Section, or its pertinent portion, shall constitute an election offense and shall be penalized in accordance with Section 262 of *BP Blg.* 881, as amended.

SEC. 446. *Transfer of counting of votes*. - In the interest of free, orderly, and honest elections, the Commission through the EO may authorize the EB to count the votes and accomplish the ERs and other forms in any other place within a public building in the same municipality or city on account of imminent danger of widespread violence, terrorism, disorder or similar causes of comparable magnitude; Provided, That the transfer shall have been recommended in writing by unanimous vote of the EB and endorsed by majority of watchers present: Provided, further, that the said public building shall not be located within the perimeter of or inside a military or police camp, reservation, headquarters, detachment or field office nor within the premises of a prison or detention compound of any law enforcement or investigation agency. Any transfer of the venue for the counting of votes shall be duly recorded in the Minutes.

SEC. 447. *Preliminaries to the counting of votes*. - The following activities shall be undertaken by the EB before counting the ballots cast:

For votes cast in the clustered precinct:

(a) Unlock the padlock, open the ballot box and take out the ballots from the compartment for valid ballots;

(b) Segregate the ballots cast for barangay elections from those cast for the SK elections;

(c) Examine the ballots to determine whether there are:

1. Excess ballots – The EB shall, without unfolding the ballots or exposing their contents, count the number of ballots in the compartment for valid ballots, and compare the number of ballots inside the ballot box with the number of voters who actually voted as reflected in the EDCVL.

    1.1. If there are more ballots than there are voters who actually voted, all the ballots shall be returned to the compartment for valid ballots and thoroughly mixed therein. The Poll Clerk, without seeing the ballots and with the Poll Clerk's back to the ballot box, shall publicly draw out as many ballots as may be equal to the excess and, without unfolding them, write at the back of the ballot the word "excess ballot" place them in the Envelope for Excess Ballots;

    1.2. If in the course of the examination, ballots are found folded together before they were deposited inside the ballot box, they shall be considered excess ballots and placed in the corresponding envelope.

2. Ballots with detachable coupons – In case a ballot with an undetached coupon is found in the ballot box, the coupon shall be removed and deposited in the compartment for spoiled ballots. The ballot shall be included in the pile of valid ballots.

3. Ballots with the word "spoiled" – If a ballot with the word "spoiled" is found in the compartment for valid ballots, it shall be placed in the compartment for spoiled ballots.

4. Marked ballots – The EB shall then unfold the ballots and determine whether there are any marked ballots. If any should be found, they shall be placed in the corresponding envelope.

   Excess, spoiled and marked ballots shall not be read during the counting of votes. The envelope containing the excess and marked ballots shall be signed and sealed by the EB members and deposited in the compartment for valid ballots.

(d) After completion of the preliminary activities, SK ballots shall be placed inside the ballot box, lock with one (1) padlock, then proceed to count the ballots cast for the barangay elections. After the ballots have been counted, EB shall proceed to count the SK ballots.

SEC. 448. *Ballots deposited in the compartment for spoiled ballots*. - Ballots deposited in the compartment for spoiled ballots shall be presumed to be spoiled, whether or not they contain such notation; but if the EB should find that during the voting, any valid ballot was erroneously deposited in this compartment, the EB shall open said compartment after the voting and before the counting of votes for the sole purpose of drawing out the ballot erroneously deposited therein. The valid ballot so withdrawn shall be mixed with other valid ballots. Such fact shall be recorded in Part C of the Minutes.

SEC. 449. *Manner of counting of votes*. - The EB shall unfold the ballots and form separate piles of one hundred (100) ballots each, which shall be held together with rubber band. The Chairperson shall take the ballots of the first pile one by one and read the names of the candidates voted for.

In reading the ballots during the counting, the Chairperson, the Poll Clerk and the Third Member shall assume such positions as to provide the watchers and the public as may be conveniently accommodated in the polling place, an unimpeded view of the ballot being read by the Chairperson, of the ER and the tally board being simultaneously accomplished by the, Poll Clerk and the Third Member respectively, without touching any of these election documents. The table shall be cleared of all unnecessary writing paraphernalia. Any violation of this requirement shall constitute an election offense punishable under Sections 262 and 264 of BP Blg. 881.

The Poll Clerk and Third Member shall record each vote on the ERs and tally board respectively as the name of the candidate voted for is read. Each vote for a candidate shall be recorded by a vertical line, except every fifth vote for the same candidate, which shall be recorded by a diagonal line crossing the previous four vertical lines.

The same procedure shall be followed with the succeeding piles of ballots.

After all the ballots have been read, the EB shall record in words and figures, the total votes obtained by each candidate both in the ERs and in the tally board. The counted ballots shall be placed in an envelope provided for the purpose, which shall be sealed, signed and deposited in the compartment for valid ballots. The tally board as accomplished and certified by the EB shall not be changed or destroyed, instead, it shall be deposited in the compartment for valid ballots.

After completion of the counting of the votes cast for the barangay elections, the EB shall announce the result of the elections of barangay officials in the precinct, then proceed

to unlock the padlock, open the ballot box, take out the ballots for the SK elections, place the accomplished barangay ERs and barangay tally board inside the ballot box, lock the same, and proceed with the counting of the votes cast for the SK elections, announcement of results and safekeeping of ERs and tally board, using the same procedure above stated.

After the counting of the votes, in no case shall the Electoral Boards (EBs) conduct a revision and recount of the ballots.

SEC. 450. *Appreciation of ballots*. - In the appreciation of the ballots, every ballot shall be presumed valid unless there is clear and good reason to justify its rejection.

Any question on the appreciation of ballots shall be decided by a majority of the EB members.

No watcher, candidate, or any other person inside the polling place shall be allowed to participate in the appreciation of ballots, except that any watcher may file a protest which shall be recorded in the Minutes.

The EB shall observe the following rules for the appreciation of ballots as provided for in Section 211 of BP Blg. 881, bearing in mind that the objective of the election is to obtain the expression of the voters' will:

"(a) Where only the first name or surname of a candidate is written, the vote for such candidate is valid, if there is no other candidate with the same first name or surname for the same office;

(b) Where only the first name of a candidate is written on the ballot which when read has a sound similar to the surname of another candidate, the vote shall be counted in favor of the candidate with such surname. If there are two (2) or more candidates with the same full name, first name or surname and one of them is the incumbent, and on the ballot is written only such full name, first name or surname, the vote shall be counted in favor of the incumbent;

(c) In case the candidate is a woman who uses her maiden or married surname or both and there is another candidate with the same surname, a ballot bearing only such surname shall be counted in favor of the candidate who is an incumbent;

(d) When two (2) or more words are written on the same line on the ballot, all of which are the surnames of two (2) or more candidates, the same shall not be counted for any of them unless one is a surname of an incumbent who has served for at least one (1) year, in which case it shall be counted in favor of the latter;
When two (2) or more words are written on different lines on the ballot, all of which are surnames of two (2) or more candidates bearing the same surname for an office for which the law authorizes the election of more than one and there are the same number of such surnames written as there are candidates with that surname, the vote shall be counted in favor of all the candidates bearing the surname;

(e) When on the ballot is written a single word, which is the first name of a candidate and which is at the same time the surname of his opponent, the vote shall be counted in favor of the latter;

(f) When two (2) words are written on the ballot, one of which is the first name of a candidate and the other is the surname of his opponent, the vote shall not be counted for either one;

(g) A name or surname incorrectly written which, when read, has a sound similar to the name or surname of a candidate when correctly written shall be counted in favor of such candidate;

(h) When a name of a candidate appears in a space of the ballot for an office for which he is a candidate and in another space for which he is not a candidate, it shall be counted in his favor for the office for which he is a candidate and the vote for the office for which he is not a candidate shall be considered as stray, except when it is used as a means to identify the voter, in which case, the whole ballot shall be void;

(i) When in a space in the ballot there appears a name of a candidate that is erased and another clearly written, the vote is valid for the latter;

(j) The erroneous initial of the first name which accompanies the correct surname of a candidate, the erroneous initial of the surname accompanying the correct first name of a candidate, or the erroneous middle initial of the candidate shall not annul the vote in favor of the latter;

(k) The fact that there exists another person who is not a candidate with the first name or surname of a candidate shall not prevent the adjudication of the vote of the latter;

(l) Ballots which contain prefixes such as "Sir", "Mr.", "Datu", "Don", "Ginoo", "Hon.", "Gob". Or suffixes like "Hijo", "Jr.", "Segundo", are valid;

(m) The use of nicknames and appellations of affection and friendship, if accompanied by the first name or surname of the candidate, does not annul such vote, except when they were used as a means to identify the voter, in which case the whole ballot is invalid. Provided, That if the nickname used is unaccompanied by the name or surname of a candidate and it is the one by which he is generally or popularly known in the locality, the name shall be counted in favor of the said candidate for the same office with the same nickname;

(n) Any vote containing initials only or which is illegible, or which does not sufficiently identify the candidate for whom it is intended shall be considered as a stray vote but shall not invalidate the whole ballot;

(o) If on the ballot is correctly written the first name of a candidate but with a different surname, or the surname of the candidate is correctly written but with a different first name, the vote shall not be counted in favor of any candidate having such first name and/or surname, but the ballot shall be considered valid for other candidates;

(p) Any ballot written with crayon, lead pencil, or ink, wholly or in part, shall be valid;

(q) Where there are two (2) or more candidates voted for in an office for which the law authorizes the election of only one, the vote shall not be counted in favor of any of them, but this shall not affect the validity of the other votes therein;

(r) If the candidates voted for exceed the number of those to be elected, the ballot is valid, but the votes shall be counted only in favor of the candidates whose names were firstly written by the voter within the spaces provided for said office in the ballot until the authorized number is covered;

(s) Any vote in favor of a person who has not filed a certificate of candidacy or in favor of a candidate for an office for which he did not present himself shall be considered as a stray vote, but it shall not invalidate the whole ballot;

(t) A ballot containing the name of a candidate printed and pasted on a blank space of the ballot or affixed thereto through any mechanical process is totally null and void;

(u) Circles, crosses, or lines put on the spaces on which the voter has not voted shall be considered as signs to indicate his desistance from voting and shall not invalidate the ballot;

(v) Unless it should clearly appear that they have been deliberately put by the voter to serve as identification marks, commas, dots, lines, or hyphens between the first name and surname of a candidate, or in other parts of the ballots, traces of the letter "T", "J", and other similar ones, the first letters or syllables of names which the voter does not continue, the use of two (2) or more kinds of writing and unintentional or accidental flourishes, strokes, or strains, shall not invalidate the ballot;

(w) Any ballot which clearly appears to have been filled by two (2) distinct persons before it was deposited in the ballot box during the voting is totally null and void;

(x) Any vote cast in favor of a candidate who has been disqualified by final judgment shall be considered as stray and shall not be counted but it shall not invalidate the ballot;

(y) Ballots wholly written in Arabic in localities where it is of general use are valid. To read them, the board of election tellers may employ an interpreter who shall take an oath that he/she shall read the votes correctly;

(z) The accidental tearing or perforation of a ballot does not annul it; and

(aa) Failure to remove the detachable coupon from a ballot does not annul such ballot.

CHAPTER V
EMERGENCY ACCESSIBLE POLLING PLACE (EAPP) FOR PERSONS WITH DISABILITIES, SENIOR CITIZENS AND HEAVILY PREGNANT VOTERS

SEC. 451. *General Principles* - In accordance With Republic Act No. 7277, as amended, and Republic Act No. 10366, the Commission shall be guided by the following principles in implementing the EAPP:

a. The Commission shall ensure that the voting procedures in the EAPP, including the facilities and materials therein are appropriate, accessible and easy to understand and use, and that reasonable accommodation shall be granted to persons with disabilities, senior citizens and heavily pregnant voters in order that they may fully exercise their right of suffrage;

b. The right to ballot secrecy of persons with disabilities, senior citizens and heavily pregnant voters, as provided by law, shall be respected at all times;

c. The right of persons with disabilities and senior citizens to be assisted by a person of their own choice shall be enforced and protected;

d. The consent of persons with disabilities, senior citizens or heavily pregnant voters during the registration period prior to election day is not required for the purpose of availing the privilege of voting in the EAPP; and

e. The role of non-partisan groups/organizations of persons with disabilities and senior citizens, other concerned government agencies, and civil society organizations in implementing these guidelines is indispensable.

SEC. 452. *Scope.* – The EAPP shall apply to the following:

a. **Voters** - The following voters **MAY avail** of the EAPP/S-EAPP:

   1. PWD and SC voters who did not avail of APP. For this purpose, PWD and SC voters, who manifested their intent to vote in EAPP shall **be allowed** to vote in the EAPP/S-EAPP;

   2. PWD voters who **failed to update** their registration records during the continuing registration of voters;

   3. Voters who become disabled, temporarily or permanently, **after** the continuing registration of voters ended; and

   4. Heavily pregnant voters.

b. **Voting Centers** - These guidelines shall apply to all districts, cities and municipalities pre-determined by the Vulnerable Sectors Office (VSO) using:

   1. The **floors** of multi-storey voting centers as polling places; and

   2. **Single-storey** voting centers situated in **elevated or downward planes**, in such a manner that voting therein poses harm and/or unnecessary inconvenience to PWD, SC and heavily pregnant voters.

CHAPTER VI
EMERGENCY ACCESSIBLE POLLING PLACE (EAPP)

SEC. 453. *Types of EAPP and their Establishments.* – EAPPs are classified into the following:

a. **EAPP** – shall refer to an EAPP which is established, as far as practicable, in one (1) of the [class] rooms at the first or ground floor of all covered voting centers, regardless of whether an APP has been established therein or not. Otherwise, a makeshift/temporary polling place shall be built inside or in close proximity to the voting center, which shall be strategically located near its entrance and health desk, if any; and

b. **S-EAPP** - shall refer to an EAPP temporarily established in a building used as a home or residence of PWDs and/or SCs, including rehabilitation centers and sheltered workshops were said PWDs and/or SCs are living or outside thereof but in close proximity thereto, whether administered by the government or a private institution.

SEC. 454. *Number of EAPPs to be established.* – In the establishment of EAPP in a voting center, the following shall be observed:

NO. OF BARANGAYS	NO. OF EAPPS

1 to 7	1
8 to 14	2
15 and above	3

SEC. 455. *EAPP minimum requirement.* – All EAPPs must have an ample space capable of accommodating **AT LEAST TEN (10)** PWD, SC and/or heavily pregnant voters, including wheelchair-users and assistors, at any given time.

SEC. 456. *Accessibility features.* - Accessibility shall be put in place in the EAPP by implementing the minimum standards of *Batas Pambansa Bilang* 344[22], which includes but are not limited to the following:

a. Ramps;

b. Large print signages and directional signs at the entrance of the voting center leading to the EAPP;

c. Accessible washroom; and

d. Filipino Sign Language Interpreter (FSLI), as far as practicable. If not, reasonable accommodation may be implemented by providing pens and papers, through which the deaf and hard of hearing voters may communicate.

SEC. 457. *Exercise of choice.* – A PWD, SC or heavily pregnant voter may opt to vote in the EAPP or in the polling place where his/her precinct is assigned. To assist a voter in making a choice, the EAPP/S-EAPP SS shall explain, in clear and understandable terms, the procedures that will be followed in the EAPP/S-EAPP.

SEC. 458. *S-EAPP for the October 30, 2023 BSKE.* – S-EAPP for the October 30, 2023 BSKE are the following, *unless* otherwise provided for by the Commission:

1. Hospicio de San Jose, Manila, 5th District;

2. Tahanang Walang Hagdanan, Inc., Cainta, Rizal; and

3. National Vocational Rehabilitation Center (NVRC), Quezon City, 3rd District.

Establishment of S-EAPP for future electoral exercises shall comply with the provision of Sections 153[23], 154[24] and 155[25] of *Batas Pambansa Bilang* 881[26], as implemented by the Commission through an appropriate resolution.

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[22] AN ACT TO ENHANCE THE MOBILITY OF DISABLED PERSONS BY REQUIRING CERTAIN BUILDINGS, INSTITUTIONS, ESTABLISHMENTS AND PUBLIC UTILITIES TO INSTALL FACILITIES AND OTHER DEVICES

[23] Section 153. Designation of polling places. - The location of polling places designated in the preceding regular election shall continue with such changes as the Commission may find necessary, after notice to registered political parties and candidates in the political unit affected, if any, and hearing: Provided, That no location shall be changed within forty-five days before a regular election and thirty days before a special election or a referendum or plebiscite, except in case it is destroyed or it cannot be used.

[24] Section 154. Requirements for polling places. - Each polling place shall be, as far as practicable, a ground floor and shall be of sufficient size to admit and comfortably accommodate forty voters at one time outside the guard rail for the board of election inspectors. The polling place shall be located within the territory of the precinct as centrally as possible with respect to the residence of the voters therein and whenever possible, such location shall be along a public road. No designation of polling places shall be changed except upon written petition of the majority of the voters of the precinct or agreement of all the political parties or by resolution of the Commission upon prior notice and hearing.
A public building having the requirements prescribed in the preceding paragraph shall be preferred as polling place.

[25] Section 155. Building that shall not be used as polling places. - No polling place shall be located in a public or private building owned, leased, or occupied by any candidate or of any person who is related to any candidate within the fourth civil degree of consanguinity or affinity, or any officer of the government or leader of any political party, group or faction, nor in any building or surrounding premises under the actual control of a private entity, political party or religious organization. In places where no suitable public building is available, private school buildings may be used as polling places. No polling place shall be located within the perimeter of or inside a military or police camp or reservation or within a prison compound.

[26] OMNIBUS ELECTION CODE OF THE PHILIPPINES

Approval of such requests shall fall within the authority of the Executive Director unless otherwise ordered by the Commission *En Banc.*

SEC. 459. *First Come, first serve basis*. - Voting in EAPP and S-EAPP shall be based on a first come and first serve basis. All voters availing thereof shall be treated equally and shall vote in the order of their arrival.

SEC. 460. *Voting hours*. - On election day, voting in EAPP shall be from 7:00 A.M. to 1:00 PM, while voting in S-EAPPs shall be from 7:00 A.M. to 12:00 PM, unless otherwise fixed by the Commission.

The last hour of voting shall not apply when there are PWD, SC and heavily pregnant voters present within thirty (30) meters from the S-EAPP, who have not yet cast their votes, in which case the voting shall continue but only to allow said voters to cast their votes without interruption. One of the S-EAPP SS shall, without delay, prepare a complete list containing the names of said voters consecutively numbered, and the voters so listed shall be called to vote by announcing each name audibly repeatedly three (3) times in the order in which they are listed or by showing the names to Deaf or Hard of Hearing voters or through any other applicable methods. Any voter in the list who is not present when his/her name is called out shall not be permitted to vote. The foregoing notwithstanding, the S-EAPP SS shall make sure that voting in the S-EAPP shall be finished at least two (2) hours before 7:00 P.M *or* two (2) hours before the closing time set forth by the Commission *En Banc*.

SEC. 461. *Early Distribution of Authorization Forms*. - To avoid delay and long waiting time in S-EAPP, Authorization Forms may be distributed a day before the elections to PWD and SC voters assigned or expected to vote therein.

SEC. 462. *Waiting area.* – A waiting area capable of accommodating **AT LEAST TEN (10)** PWD, SC and heavily pregnant voters, including wheelchair-users and their assistors, simultaneously, shall be established where voters who are waiting for their turn to vote in the EAPP and S-EAPP can stay.

The waiting area shall be put up near or in close proximity to the EAPP and S-EAPP.

Persons assisting PWD, SC and heavily pregnant voters may occupy the waiting area, provided that priority shall be given to the assisted voters.

SEC. 463. *Assistor.* - A PWD or SC voter may be assisted in the accomplishment of ballot by a third party, if such fact is indicated in the EDCVL.

However, in cases where the PWD or SC voter cannot manifestly accomplish the ballot, he/she may be assisted by the following, in the order provided:

a. A relative by consanguinity or affinity within the 4th civil degree;

b. By any person of their confidence who belongs to the same household (e.g., personal caregiver and nurse); or

c. By EAPP/S-EAPP SS.

The EAPP/S-EAPP SS shall be allowed to assist more than three (3) voters availing of the EAPP and S-EAPP. All assistors must be of voting age.

The fact that a PWD, SC or heavily pregnant voter availing of the EAPP had been assisted in the preparation of the ballot and the name of the assistor shall be indicated in the Authorization Form.

SEC. 464. *Other assistance*. - In voting centers where there are PWD voters, who are registered with visual, hearing or speech impairment, the Commission shall endeavor to

provide FSLIs or lists of candidates in audio-visual presentation and/or transcribed in Braille, and in large print. If there are no available FSLIs, a reasonable accommodation such as a pen and paper shall be provided as a means to communicate with the Deaf and Hard of Hearing voters.

The Commission shall accord due consideration on the number of voters registered as PWD with the aforesaid impairments.

The final list of voting centers where FSLIs and lists of candidates in audio-visual presentation and/or transcribed in Braille shall be finalized and submitted by the Vulnerable Sectors Office (VSO), together with its corresponding budgetary requirement to the *En Banc* for approval.

SEC. 465. *Number of EAPP SS to be appointed.* – In the appointment of EAPP SS, the following rules shall be observed:

	NO. OF SETS OF EAPP SS	
NO. OF CLUSTERED PRECINCTS IN A VOTING CENTER	**NCR AND ANTIPOLO CITY, RIZAL – 1 SET IS COMPOSED OF 4 SS**	**OTHER NON-NCR AREAS – 1 SET IS COMPOSED OF 3 SS**
1 to 10	1 (4 SS)	1 (3 SS)
10 to 20	2 (8 SS)	2 (6 SS)
21 to 30	3 (12 SS)	3 (9 SS)
31 to 40	4 (16 SS)	4 (12 SS)
41 to 50	5 (20 SS)	5 (15 SS)
51 and above	6 (24 SS)	6 (18 SS)

SEC. 466. *S-EAPP Support Staff (S-EAPP SS).* - The Commission, through the EO/AEO, shall appoint the following sets of SS for S-EAPPs enumerated in Section 458 hereof:

S-EAPP	Address	No. of Support Staff
Hospicio de San Jose,	Manila, 5th District;	3
Tahanang Walang Hagdanan, Inc	Cainta, Rizal	2
National Vocational Rehabilitation Center (NVRC)	Quezon City, 3rd District.	4

SEC. 467. *Qualifications of EAPP/S-EAPP SS.*- The EAPP and S-EAPP SS mentioned in the preceding Sections shall have the same qualifications of an SS under Section 144 hereof.

In addition, the SS must have undergone a Disability Awareness and Sensitivity Training.

SEC. 468. *Preference in the appointment of EAPP/S-EAPP SS.* - In the appointment of EAPP/S-EAPP SS, preference shall be given to Special Education (SPED) teachers or those who are knowledgeable in sign language to address communication barrier. In all cases, writing materials shall be provided in the EAPP and S-EAPP to ensure availability of means of communication through writing.

SEC. 469. *Remuneration and other benefits.* - The EAPP and S-EAPP SS shall be entitled to the same remuneration and other benefits of an SS under Section 148 hereof.

SEC. 470. *Disability awareness and sensitivity training.* - The Commission shall ensure that the EAPP and S-EAPP SS shall undergo a Disability Awareness and Sensitivity Training and be provided with manuals/audio video presentations relative thereto. Such manuals shall likewise be made available in the EAPP and S-EAPP on election day.

SEC. 471. *EAPP Election Day Computerized Voter's List (EDCVL).* - To facilitate the identification of PWD voters falling under, Section 452 (a) (1) hereof and SC voters, who may possibly avail of the EAPP; the precinct/polling place where they belong and where the ballot shall be obtained and returned, the EAPP shall be provided with a separate EDCVL of all registered PWD and SC voters assigned in the voting center where it will be established, including those assigned in the APPs.

Up to one hundred (100) blank spaces shall be provided in the EDCVL to accommodate voters falling in Section 452 (a) (2) (3) and (4) hereof.

The Information Technology Department (ITD) shall provide such EDCVL to the EAPP.

SEC. 472. *S-EAPPs EDVCL.* – The S-EAPPs shall be provided with a separate EDCVL of all voters assigned thereat. For this purpose, the concerned EOs/AEOs shall provide the list of voters assigned in S-EAPPs to the VSO for submission to the ITD.

SEC. 473. *Persons Allowed Inside the EAPP and S-EAPP.* - The following shall be allowed inside the EAPP and S-EAPP:

a. EAPP/S-EAPP SS;

b. Watchers who shall stay only in the space reserved for them;

c. Representatives of the Commission;

d. PWD, SC and heavily pregnant voters casting their votes;

e. PWD, SC and heavily pregnant voters waiting for their turn to cast their votes; and

f. Other persons who may be specifically authorized by the Commission.

CHAPTER VII
VOTING AND CLOSING PROCEDURES

SEC. 474. *Voting Procedures in the EAPP.* - The following voting procedures shall be observed in the EAPP:

A. The EAPP SS shall:

1. Explain to the voter/s the procedures and effect of voting in the EAPP; and

2. Ensure that the provision of Minimum Health and Safety Protocol shall be strictly followed in the EAPP.

B. The EAPP SS tasked to obtain the ballot/s from the polling place/s shall:

1. Upon arrival of the PWD, SC or heavily pregnant voter, inspect his/her fingernail for any ink stain. If there be none, explain the option available to him/her in accordance with Section 457 hereof.

2. If the voter chooses to vote in the EAPP, look for his/her name, photo and precinct number in the EDCVL, if applicable.

   In case of doubt in the identity of the voter, the EAPP SS shall require the presentation of an ID card or any document for identification purposes. If no ID card or any other document is presented, the voter may be identified under oath by an EAPP SS or a registered voter belonging to the same precinct as the voter availing of the EAPP. Such identification shall be recorded in the log book of the EAPP.

   For a voter with non-manifest disability who are not included in the EDCVL, the EAPP SS shall require the presentation of a National PWD ID card or any other document as proof of such disability.

   Any registered voter belonging to the same precinct as the voter identified shall be allowed to identify only up to three (3) voters availing of the EAPP;

3. After establishing the voter's identity, instruct him/her to fill-out the Authorization Form.

4. Proceed to the polling place where the voter's precinct is assigned to obtain the ballot.

   The EAPP SS may opt to wait until a minimum of ten (10) voters have availed themselves of the EAPP before obtaining the ballots. Provided, however, that no voter shall be made to wait for an unreasonably long time. Provided further, that the EAPP shall not be left without any EAPP SS managing it at any given time.

5. Upon reaching the polling place, turn over the Authorization Form and the ID card or any other document presented for identification purposes, if any, to the EB Chairperson assigned in the polling place.

C. **The EB Chairperson shall:**

1. Upon receipt of the Authorization Form and the ID card or any other document presented for identification purposes, if any check the name, signature and photo of the voter in the EDCVL.

The EB Chairperson shall prioritize all ballot requests of the EAPP SS over regular voters in the polling place except in cases where the request comes from a PWD, SC or heavily pregnant voter, who opt to vote in the latter.

2. After the voter's' identity has been validated, note in the Minutes of Voting (Minutes) his/her name, the ID card or any other document presented for identification purposes, if any, precinct number and the serial number of the ballot given to the EAPP SS. The Authorization Form shall be attached to the Minutes.

3. Insert the ballot in the envelope provided by the EAPP SS and write at the back of the envelope the precinct number of the voter for whom the ballot is obtained, the time the ballot was obtained from the polling place and the number of the ballots obtained. The same envelope may be used for subsequent procurement of ballots provided the same procedures shall be followed.

4. If the ballot cannot be issued for whatever reason, the EB Chairperson shall authorize the Third Member or Poll Clerk to go to the EAPP and explain to the voter the reason for non-issuance of the ballot. This fact shall be recorded in the Minutes of the polling place and log book of the EAPP.

D. The EAPP SS who remained in the EAPP shall:

1. Upon receipt of the envelope from the EAPP SS who obtained the ballots: a.) inspect the envelope before extracting the ballots therefrom; b.) inspect the ballots to ensure that they have not been filled-out, marked, mutilated or otherwise rendered unusable; and c.) enter in the log book the conditions of the envelope and ballots;

2. If the ballots have already been filled-out, have marks, have been mutilated or otherwise rendered unusable, direct the EAPP SS who obtained the ballots to return them to the polling places where they were obtained, otherwise the ballots shall be given to the voters, who may accomplish the same with or without assistors.

   The returned ballots shall be considered **spoiled ballots** and such fact shall be indicated in the Minutes of the polling place. Thereafter the EB Chairperson shall issue new ballots in place of the latter in accordance with letter C hereof. The circumstances attendant to the issuance of new ballots shall also be recorded in the log book of the EAPP;

3. After accomplishing the ballots, insert them in the envelope. One EAPP SS shall be assigned to ensure the security and sanctity of the accomplished ballots;

4. Instruct the voter to sign the EDCVL and impress his/her thumbprint therein. Apply indelible ink to the voter's right forefinger nail or any other nail if there be no forefinger nail, or in any other suitable part of the voter's body if there are no fingernails; and

5. Request the voter to leave the EAPP.

SEC. 475. *Voting Procedures in the S-EAPP.* - The following procedures shall be observed in the S-EAPP:

A. The **S-EAPP SS** shall:

1. Explain to the voters the procedures and effect of voting in the S-EAPP;

2. Ensure that the provision of Section 474hereof shall be strictly followed in the S-EAPP;

3. Require the voters to fill-out Authorization Forms unless the voters already did pursuant to Section 487 hereof;

4. Go to the concerned polling place/s to obtain the ballot/s;

5. Submit the Authorization Forms to the EB Chairperson of the polling place/s where the ballots are obtained and the envelope/s where the ballots will be placed; and

6. Return to the S-EAPP.

B. The **EB Chairperson** shall observe the same procedures in Section 474 (C) hereof.

C. The **S-EAPP SS** who remained in the S-EAPP shall observe the same procedures in Section 474 (D) hereof.

SEC. 476. *Procedures before closing of EAPP and S-EAPP.* - Before closing, the EAPP and S-EAPP SS shall accomplish the **Template for Voters' Turn-Out (Annex "FF")**.

Copies of **Annex "FF"** and the log book shall be turned-over to the concerned EO/AEO who shall in turn submit them to the Commission, through the VSO.

The turn-over of **Annex "FF"** and log book to the EO/AEO shall be a pre-requisite for the payment of the remuneration due them as stated in Section 469hereof.

SEC. 477. *Procedures after closing of EAPP/S-EAPP.* - The exact time of the closing of the EAPP/S-EAPP and the turn-over of the ballots to the EB Chairpersons shall be entered in the log book, and thereafter the EAPP/S-EAPP SS shall affix their signatures thereto.

Once the EAPP/S-EAPP are closed, the EAPP/S-EAPP SS shall seal the envelopes containing the accomplished ballots. Thereafter, the EAPP/S-EAPP SS shall deliver the securely sealed envelopes to the EB Chairpersons who issued said ballots.

The EB Chairperson shall then inspect the conditions of the envelopes and ballots, compare the number of ballots received with the number of Authorization Forms previously submitted to them and record in the Minutes the conditions of the envelopes, and ballots and discrepancies in the number of the ballots as against the number of Authorization Forms recorded in the Minutes, if any. The time of the receipt of the envelopes and ballots from the EAPP/S-EAPP SS shall likewise be entered in the Minutes.

SEC. 478. *Early close of voting in S-EAPP.* - In case all the voters expected to vote in the S-EAPP have already cast their votes before the period provided in Section 459 hereof, the S-EAPP SS, by unanimous agreement, may declare early close of voting therein by observing the procedures provided for in Sections 476and 477 hereof.

SEC. 479. *Memorandum of Understanding (MOU) with other concerned agencies.* - The VSO may enter into an MOU with non-partisan groups/organizations of PWDs and SCs and other concerned government agencies to ensure the effective implementation of the EAPP.

SEC. 480. *EAPP data repository.* - The VSO shall be primarily in charge of the safekeeping and custody of all data, reports and any other documents relative to the implementation of the EAPP, submitted or gathered from the field offices with the assistance of EBAD and other concerned departments whenever practical and necessary.

SEC. 481. *Post election assessment and submission of final report to the En Banc.* - To determine the result of the implementation of the EAPP, the VSO shall conduct post-election assessment immediately after elections.

A Post Assessment Report shall be submitted to the *En Banc* by the VSO one (1) month after the conduct thereof. Such Report shall include a gender and disability disaggregated data of the PWD, SC and heavily pregnant voters who availed of EAPP and S-EAPP.

SEC. 482. *Forms and Supplies.* - The following are the forms and supplies to be provided in the EAPP/S-EAPP:

CEF No.	Description		Quantity
Election Forms			
A12	Paper Seals		Pieces
Envelopes			
	Envelopes for the Official Ballots	20	Pieces
Other Forms			
A31	Temporary Appointment of DESO EAPP/S-EAPP SS	5	Pieces
A35	Certificate of Challenge of Protest and Decision of the EB	5	Pieces
A39	Oath of Voter Challenged for Illegal Acts	5	Pieces
A40	Oath of Identification of Challenged Voter	5	Pieces
	Authorization Forms	100	Pieces
	EAPP Voters' Turn-Out Template	1	Piece
Supplies			
	Bond Paper (long)	20	Pieces
	Ballot Secrecy Folder	10	Pieces
	Thumbprint Taker	1	Piece
	Indelible Stain Ink	5	Bottles

	Ballpens	10	Pieces
	Log book	1	Piece

CHAPTER VIII
ISOLATION POLLING PLACE

SEC. 483. ***Establishment of an Isolation Polling Place (IPP).*** – Whenever necessary, there shall be an Isolation Polling Place (IPP) in every voting center, which shall be set up, as far as practicable, in one of the class rooms that is in a building separate from the other buildings of the voting center, preferably near the entrance and the health personnel station. If no such room is available, a makeshift/temporary IPP shall be set up outside the voting center, which shall be strategically located near its entrance.

The IPP must have an ample space capable of accommodating at least five (5) voters, the DESO Support Staff and watchers, observing one (1) meter physical distancing at any given time.

SEC. 484*. Who may vote at the IPP.* – Voters who registers a temperature of 37.5 degrees Celsius or higher, shall cast their votes in the IPP. The DESO Support Staff assigned to check shall escort the voter to the IPP.

SEC. 485*. Voting Procedures in the IPP.* – Should there be a voter who will cast his/her vote in the IPP, the following are the procedures to be followed:

A. DESO Support Staff shall:

1. Escort the voter to the IPP and direct the latter to disinfect his/her hands before entering the IPP;
2. Call the DESO; and
3. Return to the entrance of the voting center and continue checking the temperature of all persons entering.

B. The DESO shall:

1. Explain to the voter/s the procedure and effect of voting in the IPP

    a. Waiver of the right to vote in the assigned polling place; and
    b. Waiver of the right to sign the EDCVL.

2. Inspect without touching the voter's fingernail, for any ink stain. Thereafter, request for the voter's valid ID, if any, except community tax certificate. In the absence of valid ID, the DESO or any registered voter voting in the IPP, may identify under oath the voter, using the form attached as **Annex "GG"** If the voter is not personally known to any of the mentioned persons, the DESO shall request the voter's permission to be photographed using the DESO's smart phone, which photo shall be shown to the EB of the voter's precinct for comparison with the photograph appearing in the EDCVL.

    For this purpose, the voter must accomplish the IPP authorization form with waiver of the right under B (1) of this Section. The said form is hereto attached as **Annex "HH".**

3. After establishing the voter's identity, instruct him or her to fill out the Authorization Form using his or her own pen. Insert the Authorization Form in the brown envelope and immediately disinfect hands.

4. Proceed to the polling place where the voter's precinct is assigned to obtain the ballot.

5. Upon reaching the polling place, turn over the Authorization Form to the EB Chairperson assigned in the polling place.
6. Immediately delete the photo of the IPP voter after showing the same to the EB Chairperson.

C. The EB shall:

1. Upon receipt of the Authorization Form, the valid ID, if any, or the accomplished **Annex "HH",** and after examination of the photograph shown by the DESO, check the name, signature and photo of the voter in the EDCVL. If no ID was presented, and no one personally identified the voter, the signature of the voter appearing in the authorization form shall be used for comparison with the signature appearing on the EDCVL.

   As much as possible, the EB Chairperson shall refrain from touching the documents, and if it cannot be avoided, the EB Chairperson shall immediately disinfect his/her hands thereafter.

2. After the voter's identity has been validated, note in the Minutes of Voting (Minutes) the voter's name, ID card, if any, or the accomplished **Annex "HH",** and precinct and serial number of the ballot given to the DESO. The Authorization Form and any other documents submitted shall be placed inside an envelope which will be attached to the Minutes. Documents received from the IPP shall not be comingled with other documents in the polling place.
3. Note in the EDCVL that the voter voted in the IPP.
4. Allow the DESO to inspect the ballot, without touching the same, to make sure that it is not filled up, or otherwise marked.
5. Insert the ballot in an envelope and write at the back of the envelope the precinct number from which the ballot was obtained, as well as the time the ballot was obtained.
6. If the ballot cannot be obtained for whatever reason, the EB Chairperson shall authorize the DESO to explain to the voter the reason for the non-issuance of the ballot. This fact shall be recorded in the Minutes of the Polling Place and the record sheet of the IPP.

D. The DESO shall:

1. Return to the IPP upon receipt of the envelope from the EB Chairperson.
2. Have the said ballot accomplished by the IPP voter.
3. After the voter accomplished the ballot, insert the ballot in an envelope and label the same with the precinct number where the ballot came from.
4. Without touching apply indelible ink to the voter's right forefinger nail or any other nail if there be no forefinger nail, or any other suitable part of the voter's body if there are no fingernails.
5. Request the voter to affix his/her signature and the time the said voter finished voting on the log sheet.
6. Disinfect the frequently touched surfaces after voting of any IPP voter.
7. Follow all the above procedure for the succeeding IPP voters.
8. By the close of voting, turn over the IPP record sheet and all the ballots to the EB Chairperson. The latter shall announce the receipt of the IPP ballots and note the same in the Minutes.

SEC. 486. *Submission of IPP record sheets.* – The IPP record sheets shall be turned over to the concerned EO/AEO.

SEC. 487. *IPP Forms and Supplies.* –The following forms, documents and supplies shall be distributed:

CEF NO.	FORMS AND SUPPLIES	RATE OF DISTRIBUTION PER CLUSTERED PRECINCT
IPP FORMS		
	Authorization Forms	100 pieces
SPECIAL ENVELOPES		
16	For Excess/Marked/Spoiled/Unused Official Ballots	1 piece
	Envelopes for Ballots	20 pieces
SUPPLIES		
	Ballpen	5 pieces
	Marking Pen	2 pieces
	Rubber Band	8 pieces
	Packaging Tape (Brown)	1 piece
	Bond Paper (Long)	30 pieces
	Carbon Paper	5 pieces
	Thumbprint Taker	1 piece
	Ballot Secrecy Folder	10 pieces
	Indelible Stain Ink	1 bottle
	Record Sheets	5 pages

SEC. 488. *Procedure after closing of the IPP.* - The exact time of the closing of the IPP and the turn-over of the ballots to the EB Chairperson shall be entered in the record sheet. Thereafter, the DESO shall affix their signatures thereon.

The DESO shall ensure that the turnover of the filled-up ballots to the concerned EBs of the polling place/s be made prior to the close of the voting.

The EB Chairperson shall publicly announce the receipt of the IPP ballots, then inspect the conditions of the envelopes and ballots, compare the number of ballots received with the number of Authorization Forms previously submitted to them, and record in the Minutes the conditions of the envelopes and ballots, including the discrepancies in the number of the ballots as against the number of Authorization Forms recorded in the Minutes, if any. The time of the receipt of the envelopes and ballots from the DESO shall likewise be entered in the Minutes.

Before putting the ballots inside the ballot box, the EB Chairperson shall announce such action in the polling place. Thereafter, the Chairperson shall place said ballots inside the ballot box in the presence of the other members of the EB, and watchers. This shall take place before the closing of voting in the polling place.

CHAPTER IX
GUIDELINES ON PERSONS DEPRIVED OF LIBERTY (PDL)VOTING

SEC. 489. ***Coverage.*** - PDL voters whose registration records have not been not transferred, deactivated, cancelled or deleted shall be covered by this Article.

SEC. 490. ***PDL voting.*** - PDL Voting may be availed of by a PDL voter either through a special polling place established inside a jail facility or detention center or escorted voting in a regular polling place.

CHAPTER X
SPECIAL POLLING PLACES INSIDE JAILS

SEC. 491. ***PDL – SPP.*** - There shall be a PDL-SPP in a jail facility or detention center in a district, city or municipality based on the following:

Number of PDL Voters	Number of PDL-SPP
50 to 100	1
101 to 200	2
201 to 300	3
301 to 400	4
401 to 500	5

In case there are more than five hundred (500) PDL voters, one (1) PDL-SPP shall be established **FOR EVERY ADDITIONAL ONE HUNDRED (100) PDL VOTERS.**

When the jail facility or detention center where a PDL-SPP is established has different compounds, all PDL voters from all the dorms or annexes belonging to the same jail facility or detention center may vote in the PDL-SPP.

In case of cities with several districts, the PDL voters of districts other than the district where the jail facility or detention center is located are entitled to vote in the PDL-SPP. To maintain order, the division of PDL voters shall be done by listing together PDL voters belonging to the same district.

SEC. 492. ***Who are allowed to vote in the PDL-SPP.*** - Only PDL voters whose names appear in the EDCVL-PDL and PCVL-PDL may vote in the PDL-SPP. **For Barangay and Sangguniang Kabataan Elections** the registered PDL voter can cast their votes for the respective candidates in the barangay where they are listed as registered voter.

SEC. 493. ***Location of the PDL-SPP.*** - The PDL-SPP shall be established in an area inside the jail facility or detention center spacious enough to accommodate more than ten (10) PDL voters at a given time to ensure that voting therein shall be finished while there is still sufficient time to deliver all the accomplished ballots to the different voting centers where said ballots were collected.

The physical set-up of regular polling places shall apply to the PDL-SPP.

SEC. 494. ***Covid-19 preventive measures.***– The minimum health and safety protocols shall be observed during the voting in the PDL-SPP, as may be required by existing health regulations.

SEC. 495. *PDL voter's list in the PDL-SPP.* –For *Barangay and Sangguniang Kabataan* Elections – the list shall include those in the jail facility or detention center 150 days before the approved date of election.

The list of PDL voters in jail facility or detention center with male and female dorms or annexes located in one or more compounds shall be based on the total population of PDL voters in said jail facility or detention center.

SEC. 496. *Submission of the list.* – The lists mentioned in the preceding section shall be submitted to the OEO which has jurisdiction over the district, city or municipality where the jail facility or detention center is located by the BJMP and BuCor.

The EO shall immediately verify and update the list of PDL voters in the database (by tagging or un-tagging) based on the list mentioned in Section 495. The list together with the database shall be submitted to the ITD through the VSO within five (5) days from receipt thereof.

The list mentioned in Section 495 shall also be submitted to the OEO, which shall be used as basis in the manual crossing out of names in the EDCVL and PCVL prior to election day. The annotation "Pursuant to Section 496 of the Instructions and General Guidelines for BSKE" shall be written on top of the crossed-out name of the PDL voter.

SEC. 497. *Non-dissolution of PDL-SPP, exemption.* – If, as a result of the submission of updated PDL Voter's List, the following rules shall be observed:

a. In case there is only one PDL-SPP with 50 up to 100 PDL voters, the PDL-SPP shall not be dissolved unless the total number of remaining PDL voters is ten (10) or less than; and

b. In case of several PDL-SPPs, the remaining PDL voters shall be divided as equally as possible to create new PDL-SPPs in accordance with Section 500 hereof, provided that no PDL- SPP shall have less than fifty (50) PDL voters. However, in case the total number of remaining PDL voters is 10 or less, paragraph a hereof shall apply.

SEC. 498. *Preparation of the EDCVL-PDL and PCVL-PDL.*- The Information and Technology Department (ITD) shall prepare the EDCVL-PDL and PCVL-PDL which shall contain all the names of PDL voters who shall vote though the PDL-SPP. The names of the PDL voters shall be submitted by the VSO based on the list submitted by the BJMP and BuCor in accordance with Section 495 hereof duly verified by the OEO.

SEC. 499. *Released PDL voters.* – PDL voters included in the EDCVL-PDL and PCVL-PDL but released before election day shall be allowed to vote in the regular polling place where his or her precinct is assigned.

The PDL voter shall present to the EB Chairperson his or her release order or paper on the basis of which the EB Chairperson shall issue the ballot to him or her. Before doing so, however, the EB Chairperson shall annotate in the EDCVL, on top of the PDL voter's name, the date of the release order or paper and the name of the official who issued and signed the same.

CHAPTER XI
SPECIAL ELECTORAL BOARD (SEB) FOR PDL VOTERS, SEB-PDL SUPPORT STAFF, WATCHERS, SECURITY ESCORTS AND MONITORING GROUPS

SEC. 500. ***Appointment, constitution, composition and qualifications of SEB-PDL members.*** - The Commission, through the EOs in districts, cities or municipalities where there are PDL-SPPs, shall appoint and constitute the SEB-PDL Members in accordance with the period.

There shall be one (1) SEB-PDL for every PDL-SPP created pursuant to Section 491 hereof. Each SEB-PDL shall be composed of a Chairperson, Poll Clerk and Third Member.

The SEB-PDL Members need not be registered voters of the district, city or municipality where the PDL-SPP is located but must possess all the other qualifications and none of the disqualifications for appointment as EB Members.

SEC. 501. ***Appointment of SEB-PDL support staff (SEB - PDL SS).*** *Electoral Board for PDL Voters (EB-PDL) and Support Staff Per Voting Center.* - The Commission on Elections, through its EO in districts/cities/municipalities where a special polling place is established, shall constitute the EB-PDL in accordance with the period provided in the calendar of activities for the Barangay and Sangguniang Kabataan Elections.

In addition, the election officer shall designate EB-PDL support staff for every voting center with PDL voters. There shall be one (1) EB-PDL support staff with uniformed PNP escort for every voting center of the city or municipality where the jail is located.

The EB-PDL and its support staff shall have the same qualifications and shall be appointed in the same manner as the regular EB.

SEC. 502. ***Powers and functions of the SEB-PDL.*** - The SEB-PDL shall have the following powers and functions:

a. Receive from the City or Municipal Treasurer and EO the needed election paraphernalia and bring them to the PDL-SPP on election day;

b. Receive from the SEB-PDL SS the precinct-specific ballots (per clustered precinct) contained in properly sealed and signed envelopes;

c. Conduct and supervise the voting in the PDL – SPP;

d. Seal and sign the envelopes containing the accomplished ballots and hand them to the SEB-PDL SS for delivery to the regular polling places where said ballots were collected;

e. Act as deputies of the Commission in the conduct of the elections in the PDL-SPP;

f. Maintain order in the PDL-SPP and its premises; keep access thereto open and unobstructed; enforce obedience to its lawful orders and prohibit the use of cellular phones and camera by the PDL voters. If any person refuses to obey the lawful orders of the SEB-PDL or conducts himself or herself in a disorderly manner in its presence or within its hearing and thereby interrupts or disturbs its proceedings, the SEB-PDL may issue an order in writing directing any security escort to take said person into custody until the adjournment of the proceedings, but such order shall not be executed as to prevent such person from voting. A copy of such order shall be attached to the Minutes of Voting (Minutes); and

g. Ensure that the minimum health and safety protocols are observed in the PDL-SPP and its immediate premises.

SEC. 503. ***Functions of SEB-PDL SS.*** – The SEB-PDL SS shall have the following functions:

a. Collect the ballots of the PDL voters from different voting centers where the precincts of the PDL voters are assigned;

b. Bring the collected ballots to the PDL-SPP; and

c. Return to the voting centers the accomplished ballots not later than 2:00 P.M. on election day.

SEC. 504. *Functions of the uniformed security escort*. - Every SEB-PDL SS shall have a uniformed security escort, who shall accompany the SEB-PDL SS:

a. From the PDL-SPP to the voting center to get the ballots;

b. From the voting center back to the PDL-SPP to deliver the ballots to the SEB-PDL; and

c. From the PDL-SPP to the voting center to deliver the accomplished ballots.

The security escort shall not enter the polling place from where the ballots shall be taken and to which the same ballots shall be returned or any other polling place except to vote.

In case there are no sufficient PNP escorts, BJMP or BuCor personnel shall be assigned by the Chief of BJMP, Wardens of Provincial Jails and Director General of BuCor to augment the PNP force in escorting the SEB-PDL SS.

SEC. 505. *Budgetary requirement for the transportation of SEB-PDL SS and security escort*. -The Commission, through its Finance Services Department (FSD), shall provide the necessary budget for the transportation of SEB-PDL SS and his or her uniformed security escort to ensure the timely collection of PDL ballots and the return thereof to voting centers after the close of voting in the PDL-SPP on election day.

The fund to be allocated for the purpose shall be released to the EOs subject to regular auditing rules and regulations.

SEC. 506. *Proceedings of the SEB-PDL.* - The proceedings of the SEB-PDL shall be public and shall be held in the PDL-SPP designated by the Commission.

SEC. 507. *Voting privilege of SEB-PDL members*. -

a. ***For National and Local Elections,*** *the SEB-PDL Members who are not availing themselves of the Local Absentee Voting may, on election day, vote in the polling places where they are registered, provided that their absence in the PDL-SPP shall not be more than thirty (30) minutes and that they schedule their voting in such a manner that only one SEB-PDL Member shall leave the polling place at any one time.*

b. ***For Barangay and Sangguniang Kabataan Elections*** *the SEB-PDL members shall be allowed to vote in their respective barangays in staggered manner provided that it will not hamper the voting process for the PDL voters.*

SEC. 508. *Prohibition against political activity*. - No SEB-PDL Member and SEB-PDL SS shall engage in any partisan political activity or take part in the election whether directly or indirectly, except to discharge his or her duties as such.

SEC. 509. *Honoraria of the SEB-PDL and its support staff*. –

a. *For National and Local Elections,* except for travel allowance during Final Testing and Sealing (FTS) and communication allowance, the SEB-PDL Members

and SEB-PDL SS shall be entitled to the same remuneration and other benefits of EB Members and Support Staff.

b. ***For Barangay and Sangguniang Kabataan Elections,*** except for travel allowance and communication allowance, the SEB-PDL Members and SEB-PDL SS shall be entitled to the same remuneration and other benefits of EB Members and Support Staff.

SEC. 510. ***Official watchers of candidates, political parties and other groups.*** – For the purpose of the National and Local Elections, each candidate and registered political party or coalition of political parties duly registered with the Commission and fielding candidates in the elections, as well as duly accredited citizen's arm, may appoint two (2) watchers, to serve alternately in every PDL-SPP.

The duly accredited citizen's arm of the Commission shall be entitled to appoint a watcher in every PDL-SPP. Other civil, professional, business, service, youth, and other similar organizations, with prior authority of the Commission, shall be entitled collectively to appoint one (1) watcher in every PDL-SPP.

If, because of limited space, all watchers cannot be accommodated in the PDL-SPP, preference shall be given to the watchers of the dominant majority and dominant minority parties as determined by the Commission and the watcher of the citizen's arm, with the latter being given preferential position closest to the SEB-PDL. In case there are two (2) or more citizens' arms, the one authorized by the Commission to conduct an unofficial count shall be given preference.

Watchers shall be subjected to all the security measures and mandatory health protocols enforced inside the jail facility or detention center and guidelines established by the Commission.

SEC. 511. ***Monitoring groups, observers and media representatives.*** - Monitoring groups duly accredited by the Commission shall be allowed access to the PDL-SPP to observe the proceedings, provided, said groups present the necessary identification to the SEB-PDL.

Accredited media representatives and foreign observers shall also be allowed access to the PDL-SPP upon presentation of the necessary identification to the SEB-PDL.

In all instances, the above-mentioned groups must follow all the security measures enforced within the jail facility or detention center and the guidelines established by the Commission.

SEC. 512. ***Documentation and communication devices allowed in PDL-SPP.*** - Watchers, SEB-PDL Members, SEB-PDL SS, CHR representatives, accredited monitoring groups, accredited citizen's arm, and representatives of the Commission shall be allowed to bring cameras, cellular phones and laptops inside the PDL-SPP, provided these devices are to be used exclusively for official documentation and communication purposes.

CHAPTER XII
ELECTION FORMS AND SUPPLIES

SEC. 513. ***Election forms, documents and supplies.*** - Except when authorized to do so earlier by the Commission, the SEB-PDL Members shall obtain the following forms, documents and supplies early in the morning of election day:

A. FROM THE CITY/MUNICIPAL TREASURER

For each jail facility or detention center:

CEF NO.	FORMS AND SUPPLIES	RATE OF DISTRIBUTION	
ELECTION FORMS			
A3	Poster indicating Precinct Number	1	Piece
A5 & A5-A	Appointment of Chairman/Poll Clerk/Member of the BEI and Support Staff	9	Pieces
A11	Minutes of Voting and Counting	1	Set of 2 pieces
A12	Paper Seals	8	Pieces
	for A 15, A 16, A 16-A, and A16-B	4	Pieces
	for A 18 and A 18-A	2	Pieces
	for Expandable Envelopes for Official Ballots (from precincts with Detainee Voters)	2	Pieces
A14	Certificate of Receipt of Official Ballots, Other Forms and Supplies for SEB	2	Pieces
	Instruction to Voters	1	Piece
ENVELOPES			
A15, A16, A16-A, A-16-B	For Rejected Ballots, Half of Torn Unused Official Ballots, Other Half of Torn Unused Ballots, and Marked Ballots	4	Pieces
A18 & 18-A	For Minutes of Voting and Counting of Votes	1	Set of 2 pieces

For Barangay and Sangguniang Kabataan Elections	A4 sized envelopes for Official Ballots (from Special Polling Place with PDL Voters)	60,000	pieces
OTHER FORMS			
A30/A31	Temporary appointment of Chairman/Poll Clerk/Third Member/Support Staff	10	Pieces
A35	Certificate of Challenge or Protest and Decision of the Board	10	Pieces
A39	Oath of Voter Challenge for Illegal	10	Pieces
A40	Oath of Identification of Challenged Voter	10	Pieces
	Election Watcher's ID in Polling Place	20	Pieces
	Election Day Monitoring Report	1	Copy per support staff
SUPPLIES			
	Ballpen	6	Pieces
	Ballot Secrecy Folder	22	Pieces
	Rubber band	10	Pieces
	Bond paper	30	Sheets
	Packaging Tape	1	Piece
	Thumbprint/Fingerprint Taker	1	Piece
	Marking Pen	2	Boxes
	Indelible Stain Ink	2	Bottles

B. FROM THE ELECTION OFFICER

a. One (1) copy of the PDL Voters List mentioned in Section 542 hereof for each of the clustered precincts with PDL voters;

b. Copies of Appointment and Oath of Office of the SEB-PDL Members and SEB-PDL SS (A5 and A5-A), attached herewith as **Annexes "I" and "I-1"**; and

c. Copy of the PCVL-PDL and EDCVL-PDL.

The SEB-PDL shall carefully check the different election forms, documents and supplies and the quantities actually received. And after finding that everything is in order, they shall sign a Certificate of Receipt (A14) in three (3) copies, the original of which shall be delivered to the City or Municipal Treasurer, who shall transmit the same to the Election Records and Statistics Department (ERSD) of the Commission in Manila, immediately after the election day.

SEC. 514. ***Forms to be reproduced when needed.*** -The following forms may be reproduced when needed:

a. Temporary Appointment of Chairperson, Poll Clerk and Third Member;

b. Certificate of Challenge or Protest and Decision of the SEB-PDL;

c. Oath of Voter Challenged for Illegal Acts; and

d. Oath to identify a Challenged Voter.

CHAPTER XIII
PROCEDURES OF VOTING

SEC. 515. ***Date and time of PDL voting.*** - Voting under this Article shall take place on the specified date for the National and Local Elections or Barangay and Sangguniang Kabataan Elections.

The voting in the PDL-SPP shall be from **6:00 A.M. to 2:00 P.M**. only. This is to ensure that the SEB-PDL SS shall have sufficient time to bring the accomplished ballots back to the voting centers where they were collected before the close of voting hours on election day.

In case all the expected PDL voters have already voted before 2:00 P.M., the SEB-PDL shall close the voting in the PDL-SPP and dispose all election paraphernalia in accordance with Section 534 hereof.

SEC. 516. ***Preliminaries to the voting.*** – The following shall be observed prior to voting in the PDL-SPP:

A. IN PDL-SPP:

1. The SEB-PDL Members and all the SEB-PDL SS shall meet at the PDL-SPP at **5:00 A.M**. on election day and shall submit themselves to all the security measures and mandatory health protocols enforced in the jail facility or detention center;

2. The SEB-PDL Members shall give to SEB-PDL SS the envelopes, with one (1) paper seal for each clustered precinct with PDL voters in the voting center. Upon receipt of the envelopes, the SEB-PDL SS shall leave the jail facility or detention center with a uniformed security escort to go to the voting center to collect the ballots;

3. While waiting for the return of the SEB-PDL SS, the SEB-PDL Members shall prepare the PDL-SPP by ensuring that it will be provided with the following:

i. A table where the envelopes for the accomplished ballots will be placed;

ii. At least ten (10) chairs or voting booths where PDL voters can accomplish their ballots; and

iii. Enough space to ensure compliance with the mandatory health protocols prescribed herein.

4. The SEB-PDL shall post the PCVL-PDL near or at the door of the PDL-SPP; and

5. Upon arrival of the SEB PDL SS in the PDL-SPP, the SEB-PDL Chairperson shall, in the presence of the other SEB-PDL Members, open the envelope and count the number of ballots inside. The time of arrival, name of voting center, number of ballots and serial number of the paper seal of the envelope received shall be entered in the Minutes by the SEB-PDL Poll Clerk.

B. IN REGULAR POLLING PLACE IN THE VOTING CENTER:

1. Before the voting in the regular polling place, the EB Chairperson using the PDL Voters List as reference shall annotate the PDL voters' names in the EDCVL with "PDL Voter" and shall affix his or her initial beside the annotation. The number of PDL voters and the fact that their names were annotated with "PDL Voter" shall be entered in the Minutes;

2. Upon the arrival of the SEB-PDL SS, the EB Chairperson shall count and segregate the ballots allocated for PDL voters in the presence of the former and thereafter insert the same in a folder. The EB Chairperson shall place the folder inside the envelope brought by the SEB-PDL SS and close the envelope using a paper seal (also brought by the SEB-PDL SS). The EB Members shall affix their initials on the paper seal and turn it over to the SEB-PDL SS; and

3. The EB Poll Clerk shall write in the Minutes the name of the SEB-PDL SS, the number of ballots issued, the serial number of the paper seal of the envelope and the time the latter picked up the ballots in the polling place. The SEB-PDL SS shall affix his or her signature in the entry, then leave the polling place immediately with his or her uniformed security escort to deliver the ballots to the PDL-SPP.

SEC. 517. *Manner of obtaining ballots.* - The PDL voters shall vote in the order of arrival of their ballots in the PDL-SPP.

The following shall be observed by the PDL voters in obtaining the ballots:

a. Look for his or her name in the PCVL-PDL posted near the door or within the premises of the PDL-SPP and determine his or her precinct and sequence numbers;

b. Approach the SEB-PDL Poll Clerk, give his or her name, precinct and sequence numbers;

c. The SEB-PDL Poll Clerk shall verify if the name of the PDL voter is in the EDCVL-PDL. If it is, require the PDL voter to sign opposite his or her name. If he or she cannot, then require him or her to impress his or her thumbmark in the EDCVL-PDL. In case of doubt, the SEB-PDL Poll Clerk shall require the presentation of any document for identification purposes. If no such document is presented, the voter

may be identified under oath by any SEB-PDL Member or another PDL voter belonging to the same precinct where the former belongs. Such identification shall be recorded in the Minutes.

Any PDL voter belonging to the same precinct as the voter identified shall be allowed to identify only up to three (3) PDL voters;

d. If the SEB-PDL Poll Clerk is satisfied with the identity of the PDL voter, the name of the voter shall be distinctly announced in a tone loud enough to be heard throughout the PDL-SPP. Otherwise, the voter shall be directed to leave the PDL-SPP after informing him or her of the reason thereof. If the voter is not challenged, or having been challenged, the question has been decided in his or her favor, the PDL voter shall be directed to the SEB-PDL Chairperson;

e. Before giving the ballot to the PDL voter, the SEB-PDL Chairperson shall:

i. Check if any of the fingernail of the registered PDL voter has already been stained with indelible ink. If stained, it shall be a conclusive presumption that he or she has already voted. As such, the PDL voter shall be directed to leave the PDL-SPP after informing him or her of the reason thereof. This fact, including the name and the precinct of the PDL voter, shall be recorded by the SEB-PDL Poll Clerk in the Minutes;

ii. After verifying that no fingernail has been stained, instruct the PDL voter to affix his or her signature in the EDCVL-PDL;

iii. Authenticate the ballot by affixing his or her signature at the designated space in front thereof. **Failure to authenticate the ballot shall not invalidate the same but shall constitute an election offense;**

iv. Instruct the PDL voter on how to accomplish the ballot properly; and

v. Insert the ballot in the secrecy folder in such a manner that its face is covered, except the portion where his or her signature in the ballot appears, and give the ballot to the PDL voter.

Only the SEB-PDL Chairperson shall issue the ballots, and not more than one (1) ballot shall be issued at one time.

SEC. 518. ***Manner of voting.*** - Voting shall be conducted in the following manner:

a. The PDL voter shall accomplish the ballot, using the ballot secrecy folder in accordance with the General Instructions for Voting;

b. After filling out his or her ballot, the PDL voter shall approach the table where the envelope for his or her precinct is placed and insert the accomplished ballot in said envelope;

c. The PDL voter shall thereafter approach the SEB-PDL Third Member who shall apply indelible ink at his or her right forefinger nail or any other nail if there be no forefinger nail; and

d. The PDL voter shall leave the PDL-SPP at once.

SEC. 519. ***Challenge against illegal voters.*** - Any PDL voter or watcher may challenge any person offering to vote for:

a. Not being registered;
b. Using the name of another; or

c. Suffering from any existing disqualification.

In such case, the SEB-PDL shall satisfy itself as to whether or not the ground for the challenge is true by requiring proof of registration, identity or qualification. The SEB-PDL shall identify the PDL voter through his or her photograph, fingerprint or specimen signature in the EDCVL-PDL. In the absence of any of the above-mentioned proof of identity, any SEB-PDL Member may identify under oath a voter, and such fact shall be reflected in the Minutes.

SEC. 520. ***Challenge based on certain illegal acts.*** -Any watcher may challenge any PDL voter offering to vote on the ground that he or she:

a. Received or expects to receive, paid, offered or promised to pay, contributed, or promised to contribute money or anything of value as consideration for his or her vote or for the vote of another; or

b. Made or received a promise to influence the giving or withholding of any such vote; or

c. Made a bet or is interested directly or indirectly in a bet that depends upon the results of the election.

In any of the above case, the challenged PDL voter shall take an oath before the SEB-PDL that he or she has not committed any of the acts alleged in the challenge. Upon taking such oath, the challenge shall be dismissed and the PDL voter shall be allowed to vote. In case the PDL voter refuses to take such oath, the challenge shall be sustained and the PDL voter shall not be allowed to vote.

All challenges shall be recorded in the Minutes including the actions of the SEB-PDL.

SEC. 521. ***Rules to be observed during the voting.*** - During the voting, the SEB-PDL shall see to it that:

a. PDL voters shall vote in the order of arrival of the PDL ballots per voting center;

b. No watcher shall enter the place reserved for PDL voters and the SEB-PDL, nor mingle and talk with any PDL voter;

c. The PDL-SPP is compliant with and the PDL voters are following the mandatory health protocols enforced in the jail facility or detention center and by the Commission;

d. No person carrying any firearm or any other deadly weapon, except personnel of the PNP, BJMP, BuCor and those expressly authorized by the Commission, shall enter the PDL-SPP; and

e. No crowding of PDL voters or disorderly behavior occur inside the PDL-SPP.

SEC. 522. ***Prohibition on voting.*** - It shall be unlawful for a PDL voter to:

a. Bring the ballot, ballot secrecy folder or marking pen outside the PDL-SPP;

b. Speak with anyone other than as herein provided while inside the PDL-SPP;

c. Remove the face mask and/or face shield while inside the PDL-SPP;

d. Prepare his or her ballot without using a secrecy folder or exhibit its contents;

e. Accomplish his or her ballot with the assistance of another person, except in the case of a PDL voter who is illiterate or with disability;

f. Erase any printing from the ballot, or put any distinguishing mark on the same;

g. Use carbon paper, paraffin paper or other means of making a copy of the contents of the ballot, or otherwise make use of any scheme to identify his or her vote, including the use of digital cameras, cellular phones with camera or similar gadgets; and

h. Intentionally tear or deface the ballot.

SEC. 523. *Preparation of ballot for a PDL voter who is illiterate or with disability.* – Only a PDL voter indicated in the EDCVL-PDL as illiterate or with disability shall be allowed to vote as such. Said PDL voter may be assisted in the preparation of his or her ballot by any person who is a:

a. Relative within the fourth civil degree of consanguinity or affinity, if said relative is present in the jail premises; or

b. Any SEB-PDL Member.

All assistors must be of voting age.

No person shall be allowed to assist more than three (3) PDL voters who are illiterate or with disabilities, except the SEB-PDL Members.

In all cases, the Poll Clerk shall first verify from the PDL voter who is illiterate or with disability whether he or she has authorized the assistor to accomplish his or her ballot.

The assistor shall, in the presence of the PDL voter who is illiterate or with disability, prepare the ballot using a secrecy folder.

The assistor shall bind himself or herself in writing and under oath to accomplish the ballot strictly in accordance with the instructions of the assisted PDL voter and not reveal the contents thereof, by affixing his or her signature in the appropriate space in the Minutes.

SEC. 524. *Sealing of the envelopes per clustered precinct.* - After all the PDL voters in a particular clustered precinct have already voted, the SEB-PDL Chairperson shall in the presence of the other SEB-PDL Members:

a. Count the unused ballots, if there are any, and record in the Minutes the quantity thereof indicating therein the Precinct ID of the ballots;

b. Tear the unused ballots in half lengthwise and insert them in the envelopes containing the accomplished ballots;

c. Close the envelope containing the accomplished ballots using a paper seal with the initials of all the SEB-PDL Members; and

d. Hand the sealed envelope to the SEB-PDL SS for delivery to the voting center where the ballots were collected:

i. **For Barangay and Sangguniang Kabataan Elections**, collected ballots will be dropped in the ballot box in their respective polling places.

The SEB-PDL SS shall ensure that all accomplished ballots of PDL voters shall reach the polling place before 7:00 P.M. on election day.

SEC. 525. ***Disposition of election documents.*** - The SEB-PDL shall deliver to the OEO the EDCVL-PDL, PCVL-PDL and other election paraphernalia.

CHAPTER XIV
ESCORTED PDL VOTING

SEC. 526. ***Escorted PDL voters.*** - The following may avail themselves of escorted voting:

1. PDL voters who are registered voters of districts, cities or municipalities other than the district, city or municipality of incarceration; and

2. PDL voters in jail facilities or detention centers where no PDL-SPPs are established.

For escorted voting to apply, the PDL voter must obtain a court order allowing him or her to vote in the polling place where his or her precinct is assigned on election day and that it is logistically feasible on the part of the jail or prison management to escort him or her to said polling place.

For the above purpose, reasonable measures must be undertaken by the jail or prison management to: a) secure the safety of PDL voters; b) prevent their escape; and c) ensure public safety.

SEC. 527. ***Express lane for escorted PDL voters.*** – A PDL voter voting in the polling place shall be given priority to vote. When he or she reaches the polling place, the security escort shall inform the EB SS or any EB Member that the PDL voter is voting as such. Thereafter, the PDL voter shall be accommodated in the express lane in the polling place.

SEC. 528. ***Authority to bring a firearm.*** - To ensure the security of the PDL voter, his or her security escort may bring a firearm inside the polling place. Said escort and PDL voter shall immediately leave the polling place once the latter have finished voting.

CHAPTER XV
FORMS, DOCUMENTS AND SUPPLIES

SEC. 529. ***Forms, documents and supplies for SEB-C.*** -The following forms, documents and supplies shall be provided to the SEB-C prior to the counting of PDL ballots:

CEF NO.	FORMS AND SUPPLIES	RATE OF DISTRIBUTION	
ENVELOPES			
17, 17-A, 17-B, 17-C, 17-D, 17-E, 17-F, 17-G	Envelope for Election Returns	1	set of 8 pieces
A18 & 18-A	Envelope for Minutes of Voting and Counting of Votes	1	set of 2 pieces
A19 & A19A	Envelope for Key of Padlock	1	Piece
OTHER FORMS			

A30/A31	Temporary Appointment of Chairman/Poll Clerk/Member	10	Pieces
A35	Certificate of Challenge or Protest and Decision of the Board	10	Pieces
SUPPLIES			
	Ballpen	6	Pieces
	Rubber band	10	Pieces
	Bond paper	10	Pieces
	Packaging tape	1	Piece
	Thumbprint/Fingerprint Taker	1	Piece
	Marking Pen (red)	2	Pieces
	Seal with steel sire	1	Piece
	Plastic Security Seal	5	Pieces
	Comelec Padlock with key	1	Piece
	Ballot Boxes	1	Unit

CHAPTER XVI
CAMPAIGN

SEC. 530. *Campaign* - Candidates shall be allowed to campaign inside jail facilities or detention centers during the campaign period provided that they shall comply with the existing rules and regulations of the BJMP, BuCor and the Commission.

CHAPTER XVII
PREPARATION AND SAFEKEEPING OF ELECTION RETURNSAND OTHER ELECTION FORMS AND PARAPHERNALIA

SEC. 531. *Preparation and distribution of election returns.* - There shall be separate ERs for the Barangay and SK elections. The ERs for the Barangay elections shall be accomplished in four (4) copies while the ERs for the SK election shall be accomplished in three (3) copies. Each copy of the ER shall be signed and thumbmarked by the EB members and watchers, if the latter is available, sealed with a paper seal, placed in the envelope provided for the purpose, which envelope shall likewise be sealed with a paper seal, and distributed under proper receipt as follows:

For the Barangay elections

(a) Original, to the Barangay Board of Canvasser (BBOC);
(b) Second copy, to the EO;
(c) Third copy, to be deposited inside the ballot box; and

(d) Fourth copy, to the Secretary of the Sangguniang Barangay.

For the SK elections

(a) Original, to the BBOC;
(b) Second copy, to the EO; and
(c) Third copy, to be deposited inside the ballot box.

All data required in the ERs shall be accomplished in handwriting in such a manner that the entries on the first (original) copy are clearly impressed in all other copies. The total number of votes for each candidate shall be closed with the signatures and the clear imprints of the right thumb of all the EB members, affixed in full view of the public immediately after the last vote recorded or immediately after the name of the candidate receiving no vote.

The EB members and the watchers available shall accomplish the certification portion of the ERs. Thereafter, the Chairperson shall publicly announce the votes obtained by each candidate.

SEC. 532. ***Certificate of votes***. - After the counting of votes and announcement of the results of the election in the precinct, and before leaving the polling place, the EB members shall issue Certificate of Votes (CEF No. 13) upon request of the candidates or their watchers. The Certificate of Votes shall contain the total number of votes received by each candidate, written in words and figures, the precinct number, the name of the barangay, city or municipality and province, the total number of voters who voted in the precinct and the date of its issuance. The Certificate of Votes shall be signed and thumbmarked by all EB members.

The EB members shall require the requesting party to acknowledge receipt thereof.

The refusal of the EB or any of its members to furnish the Certificate of Votes shall constitute an election offense.

SEC. 533. ***Alterations and corrections in the election returns***. - Any correction or alteration made on the ERs by the EB members before the announcement of the results of the elections in the precinct shall be duly initialed by all the members thereof.

After the announcement of the results of the elections in the precinct, the EB shall not make any alteration or amendment in any copy of the ERs, unless so ordered by the Commission.

SEC. 534. ***Disposition of ballot boxes, keys, election returns and other documents.*** - Upon the termination of the counting of votes and the announcement of the results of the election in the precinct, the EB shall:

(a) Place the following documents inside the compartment of the ballot box for valid ballots:

    1. Envelopes containing:

        a. Counted official ballots;
        b. Excess/marked/spoiled ballots and one-half of the torn unused official ballots;
        c. ERs (copy for the ballot box); and
        d. Minutes (copy for the ballot box).

    2. Tally board; and

    3. Stubs of used official ballots.

(b) Close the inner compartments of the ballot box and seal them with one (1) plastic security seal. Lock the outer cover of the ballot box with one (1) padlock and two (2) plastic security seals. The EB shall wrap the ballot box with packaging tape and affix their signatures. The SNs of plastic security

seals must be recorded in the Minutes before the same shall be deposited inside the ballot box. The key to the padlock shall be placed in a separate envelope, which shall be sealed and signed by all EB members. The envelope with key shall be submitted to the EO.

(d) Deliver to the City/Municipal Treasurer the ballot box locked and sealed as well as all documents and supplies, accompanied by the watchers' present, if any. For this purpose, the City/Municipal Treasurer shall, if necessary, keep his office open all night on the day of election, and provide the necessary facilities for said delivery at the expense of the city/municipality;

In case the ballot box delivered by the EB is not locked and sealed, the City/Municipal Treasurer shall lock and/or seal the ballot box and shall include such fact and the SN of the plastic security seal used in his report to the Commission.

(e) Deliver to the EO the following:

1. Envelope containing the copy of the ERs intended for the EO;
2. Envelope containing the key to the padlock of the ballot box;
3. Envelope containing a copy of the Minutes;
4. EDCVL (barangay and SK);
5. PCVL (barangay and SK);
6. Unused thumbprint takers; and
7. Envelope containing the other half of torn unused ballots.

Failure to deliver the EDCVLs (barangay and SK) shall be a ground for the withholding of the payment of honoraria and benefits and the filing of appropriate case against the concerned members of the EB.

(f) Deliver to the Secretary of the Sangguniang Barangay the copy of the PCVL for the SK voters (CEF 2-A) and ER (barangay elections) copy for the Secretary of the Sangguniang Barangay.

On the day after the election, the EO or the City/Municipal Treasurer, as the case may be, shall require any EB who failed to deliver the election records or paraphernalia mentioned herein to deliver the same immediately.

SEC. 535. *Preservation of the list of voters*. - The EO shall keep the EDCVL-Barangay, EDCVL-SK, PCVL-Barangay and PCVL-SK used in the election in a safe place until such time the Commission gives instructions on their disposition.

SEC. 536. *Omission of documents to be placed inside the ballot box.* - If after locking and sealing the ballot box, the EB discovers that some election documents required to be placed in the ballot box were not placed therein, the EB instead of opening the ballot box in order to place therein said documents or articles, shall deliver the same to the EO.

In case the EB fails to place the envelope/s containing the counted ballots inside the ballot box, the EO shall, with notice to candidates, deposit said envelope/s in a separate ballot box which shall be properly sealed, padlocked and stored in a safe place in his office. The said ballot box shall remain sealed unless otherwise ordered by the Commission.

SEC. 537. *Retrieval of inadvertently placed election documents inside the ballot box.* - The EO is authorized to open the ballot box in order to retrieve election documents and paraphernalia inadvertently placed therein. The opening of the ballot box, is subject to the issuance of notice to the members of the EB, Municipal/City Treasurer, candidates and watchers as to the time, place and venue of the opening of the ballot box and the submission of report to the PES within two (2) days from opening of the same. The PES shall likewise submit a report to the RED, who shall in turn submit a report to the Commissioner-In-Charge (CIC), through the Command Center of the PMO.

CHAPTER XVIII
DELIVERY AND TRANSMITTAL OF ELECTION RETURNS

SEC. 538. ***Manner of delivery and transmittal of election returns.*** - The copy of the ERs intended for the BBOC, placed inside a sealed envelope, shall be personally delivered by the EB to the BBOC or through the BBOC Support Staff under proper receipt.

It shall be unlawful for any person to delay, obstruct, impede, or prevent through force, violence, coercion, intimidation or by any means which vitiates consent, the transmittal of the ERs; or to take away, abscond with, destroy, deface, mutilate, or substitute the ERs or the envelope or the ballot box containing the ERs.

It shall also be unlawful to violate the right of the watchers to accompany the EB in delivering the ERs to the BBOC/BBOC Support Staff.

CHAPTER XIX
CANVASS AND PROCLAMATION

SEC. 539. ***Board of canvassers/Sub-Canvassing Unit.*** - There shall be one (1) BBOC in each barangay to canvass the ERs for both the Barangay and SK elections and thereafter proclaim the winning candidates.

The Commission through the EO shall constitute the BBOC/Sub-Canvassing Unit to be composed of a Chairperson, Vice-Chairperson and Member-Secretary. The BBOC/Sub-Canvassing Unit shall possess the same qualifications as that of the EB.

In a barangay with only one (1) EB, said EB shall convert itself as the BBOC.

The members of the BBOC/Sub-Canvassing Unit shall each receive an honorarium computed as follows:

NO. OF BARANGAY ELECTION RETURNS	**HONORARIA**	
	BBOC coming from EB	
1 to 5	P 1,000.00	
6 to 12	P 1,500.00	
13 to 24	P 2,000.00	
	BBOC (members thereof, shall not come from those who served as members of the EBs)	
25 to 36	P 2,500.00	
37 to 48	P 3,000.00	
	Main BBOC	**Sub-Canvassing Unit**
49 to 97 with one (1) Sub-Canvassing Unit	P 4,000.00	P 2,000.00

98 to 145 with two (2) Sub-Canvassing Unit	P 4,000.00	P 2,000.00
146 to 193 with three (3) Sub-Canvassing Unit		
194 to 241 with four (4) Sub-Canvassing Unit		
242 above with five (5) Sub-Canvassing Unit		

SEC. 540. *Supervision and control over the Barangay Board of Canvassers*. - The Commission shall have direct supervision and control over the BBOC/Sub-Canvassing Unit.

Any member of the BBOC/Sub-Canvassing Unit may, at any time, be relieved for cause and substituted *motu proprio* by the Commission through the EO.

SEC. 541. *Relationship with candidates and other members.* - The members of the BBOC/Sub-Canvassing Unit shall not be related within the fourth civil degree of consanguinity or affinity to any barangay candidate or SK candidate or to any of the candidate's spouse or to any member of the same BBOC/Sub-Canvassing Unit.

SEC. 542. *Prohibition against leaving official station*. - Beginning on election day until the proclamation of the winning candidates, no member of the BBOC/Sub-Canvassing Unit shall be transferred, assigned, or detailed outside of the official station, nor shall leave said station without prior authority from the Commission.

SEC. 543. *Feigned illness*. - Any member of the BBOC/Sub-Canvassing Unit feigning illness in order to be substituted shall be guilty of an election offense.

SEC. 544. *Notice of meeting of the Barangay Board of Canvassers.* - At least five (5) days before the meeting of the BBOC, the Chairperson shall give notice of the date, time and place of its meeting to all members thereof including the Sub-Canvassing Unit, if any, and to each candidate.

SEC. 545. *Vote required*. - A majority vote of all the members of the BBOC/Sub-Canvassing shall be necessary to render a decision.

SEC. 546. *Persons not allowed inside the canvassing room*. - It shall be unlawful for any officer or member of the Armed Forces of the Philippines, including the Philippine National Police; peace officer; armed or unarmed person belonging to any extra-legal police agency, special/reaction/strike/home defense force, barangay self-defense units; *barangay tanod*; member of the security or police organizations of government departments, commission, councils, bureaus, offices, instrumentalities, or government-owned or controlled corporations or their subsidiaries; or any member of a private-owned or operated security, investigative, protective or intelligence agency performing identical or similar functions, to enter the room where the canvassing of the ERs is being held, or to stay within a radius of fifty (50) meters from such room: Provided, however, That the BBOC may, by majority vote in writing, order the detail of policemen or any peace officer for its protection or that of the election documents and paraphernalia in its possession, 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 within a radius of thirty (30) meters near enough to be easily called by the BBOC at any time.

SEC. 547. *Canvass by the Barangay Board of Canvassers.* -

(a) The BBOC for barangays with more than one (1) EB shall meet at six o'clock in the evening of election day in the voting center of the barangay and shall forthwith canvass the ERs of the precincts within the barangay. If the barangay has several voting centers, the canvassing shall be held in the voting center that is most accessible as determined by the EO. The EO shall make a corresponding report to the OPES for consolidation purposes, which voting center was used as canvassing venue. The OPES shall consolidate the report, to be submitted to the ORED. The report from the OPES, shall be forwarded to the ORED who shall submit its consolidated report to the ODEDO while the ORED of NCR shall directly submit its report to the ODEDO.

(b) In canvassing the ERs, the BBOC shall comply with the following procedures:

FOR BBOC WITH NO SUB- CANVASSING UNIT

1) The Member-Secretary shall receive the envelopes containing the ERs intended for the BBOC, and record in the Minutes of Canvass (Minutes) the condition and SNs of the envelope and paper seal; and the precinct number(s) comprising the cluster;

2) Before opening, the Chairperson shall exhibit the envelope to those who are present;

3) Open the envelope and retrieve the ERs and proceed to canvass first all the Barangay ERs in accordance with the following procedures:

   (a) Examine the condition of the inner paper seal of the ERs; while the Member-Secretary records in the Minutes the condition and SN of said paper seal;

   (b) Break the inner seal, unfold the ERs and exhibit the same; while the Member-Secretary records in the Minutes the condition and SN of the ERs;

   (c) If there is no objection to the ERs, the BBOC shall proceed to canvass by reading the votes of the candidate and entering the same in the Statement of Votes (SOVs).

   For purposes of accomplishing the SOVs, the BBOC shall:

   i. divide the three (3) copies between the Vice-Chairperson (2 copies) and the Member-Secretary (1 copy);

   ii. fill up the statistical data portion; and

   iii. accomplish the SOVs simultaneously as the Chairperson reads the votes.

   (d) If there is an objection to an ER, the Member-Secretary shall note the objection in the Minutes and proceed to canvass the ER;

   (e) Immediately after an ER has been canvassed, the Chairperson shall write on the upper righthand corner the word "CANVASSED" and affix below it the signature and the date of the canvass. Thereafter, the canvassed ER shall be returned to its envelope;

   (f) When all the ERs have been canvassed:

   i. The Vice-Chairperson and Member-Secretary shall compare the entries in their respective copies of the SOVs. If there

are discrepancies in the entries, they shall refer to the corresponding ERs and make the necessary corrections on the SOVs. All corrections shall be initialed by the members of the BBOC and recorded in the Minutes of the Canvass;

ii. If there are no discrepancies, the members of the BBOC shall affix their signatures above their printed names and imprint their thumbmarks on the certification portion of the SOVs.

(g) After the SOVs have been completed, the BBOC shall prepare the Certificate of Canvass and Proclamation (COCP) and affix their signatures and thumbmarks on the certification portion of COCP and officially proclaim the winning candidates.

4) To determine the results of the election of SK officials, proceed with the canvass of all ERs for the SK elections following the same procedures in paragraphs 3 (a) to (g).

5) In barangays with only one (1) clustered precinct, the BBOC shall immediately accomplish in triplicate the SOVs and COCP and proclaim the winning candidates.

FOR BBOC WITH SUB-CANVASSING UNIT

1) Canvass all ERs for the barangay and SK elections following the same procedures provided in the preceding paragraphs b (1 to 3) hereof.

2) The BBOC Chairperson shall assign as many ERs to the Sub-Canvassing Unit taking into consideration Section 539 hereof.

3) The Sub-Canvassing Unit after accomplishing the SOV, shall turn-over the same to the BBOC.

4) The BBOC shall prepare the Summary Statement of Votes using all the SOVs in its custody. Thereafter prepare the COCP and proclaim the winning candidates.

SEC. 548. ***When the election returns are delayed, lost or destroyed.*** - In case the copy of the ERs for the BBOC is missing, the BBOC shall, by messenger or other means, obtain a copy of the missing ERs from the EB concerned, or, if said copy has been lost or destroyed, the BBOC may, upon prior authority of the Commission, use any of the authentic copies of the said ERs and forthwith direct its representative to investigate the case and immediately report the matter to the Commission.

Even if the BBOC has not received all of the ERs, it may terminate the canvass and proclaim the candidates elected on the basis of the available ERs provided that the missing ERs will no longer affect the results of the elections.

SEC. 549. ***Material defects in the election returns.*** - If it should clearly appear that some requisites in form or data had been omitted in the ERs, the BBOC shall call for all the EB members concerned by the most expeditious means, for the same EB to effect the correction: Provided, That in case of omission in the ERs of the name of any candidate and/or his corresponding votes, the BBOC shall require the EB to complete the necessary data in the ERs and affix therein their initials: Provided, further, That if the votes omitted in the returns cannot be ascertained by other means except by recounting the ballots, the Commission shall, after satisfying itself that the identity and integrity of the ballot box and the ballots therein have not been violated, order the EB to open the ballot box and count the votes for the candidates whose votes have been omitted, with notice thereof to all candidates of the position involved, and thereafter complete the returns.

The right of a candidate to avail of this provision shall not be lost or affected by the fact that an election protest is subsequently filed by any of the candidates.

SEC. 550. ***When election returns appear to be tampered with or falsified.***- If the ERs submitted to the BBOC appear to be tampered with, altered, or falsified after they have left the hands of the EB, or are otherwise not authentic, or were prepared by persons other than the EB members or by such EB but under duress, force, and intimidation, the BBOC shall use other copies of the said ERs and, if necessary, the copy inside the ballot box, which upon previous authority given by the Commission, may be retrieved in accordance with Section 220 of BP Blg. 881. If the other copies of the returns are likewise tampered with, altered, falsified, not authentic, prepared by persons other than the EB or by such EB but under duress, force, intimidation, the BBOC shall bring the matter to the attention of the Commission. The Commission shall then, after giving notice to all the candidates concerned and satisfying itself that nothing in the ballot box indicates that its identity and integrity have been violated, order the opening of the ballots therein. It shall order the recount of the votes of the candidates affected and prepare a new return, which shall then be used by BBOC as basis for the canvass.

SEC. 551. ***Discrepancies in Election Returns.*** - In case it appears to the BBOC that there exist discrepancies in the votes of any candidate in words and figures in the same returns, and in either case the difference affects the results of the elections, the Commission shall, upon motion of the BBOC or any candidate affected and after due notice to all candidates concerned, proceed summarily to determine whether the integrity of the ballot box had been preserved.

Once the Commission is satisfied that the integrity of the ballot box had been preserved, it shall order the opening of the ballot box to recount the votes cast in the polling place solely for the purpose of determining the true result of the count of votes of the candidates concerned.

If upon opening the ballot box as ordered by the Commission, it should appear that there are signs of replacement, tampering, or violation of the integrity of the ballots, the Commission shall not recount the ballots but forthwith seal the ballot box and order its safekeeping.

SEC. 552. ***Manifest error.*** - (a) Where it is clearly shown before proclamation that manifest errors were committed in the tabulation or tallying of the ERs during the canvassing, the BBOC may *motu proprio*, or upon verified petition by any candidate, after due notice and hearing, correct the errors committed.

There is manifest error in the tabulation or tallying of the result during the canvassing when:

1) A copy of the ER was tabulated more than once;

2) Two (2) or more copies of the ERs for one (1) precinct were tabulated;

3) There was a mistake in the copying of the figures from the ERs to the SOVs;

4) ERs from non-existent precincts were included in the canvass;

5) ERs from precinct of one barangay were included in the canvass for another barangay; and

6) There was a mistake in the addition of the votes of any candidate.

(b) If the manifest error is discovered before proclamation, the BBOC shall promulgate an order in writing for the correction of the manifest error. They shall effect the necessary correction in the SOVs/COCP by crossing out the erroneous figures/entries to be initialed by the members of the BBOC and entering the correct figures/entries. The correction of manifest error made by the BBOC shall be recorded in the Minutes.

Any candidate aggrieved by the said order may appeal the order promulgated by the BBOC to the Commission within twenty-four (24) hours from promulgation. The appeal must implead as respondents the BBOC concerned and all candidates that may be adversely affected.

Once an appeal is made, the BBOC shall not proclaim the winning candidate, unless the votes are not affected by the appeal.

Upon receipt of the appeal, the Clerk of the Commission shall forthwith issue summons together with a copy of the appeal to the respondent/s and shall immediately set the appeal for hearing. The appeal shall be heard and immediately decided by the Commission *En Banc*.

(c) Manifest errors discovered after proclamation the same shall be filed by the board or any aggrieved party with the Commission.

SEC. 553. *Questions affecting the election returns; finality of decision thereon.* - All questions affecting the ERs shall be raised during the canvass and decided immediately by a majority vote of all the members of the BBOC. The decision shall be reduced in writing and form part of the Minutes of the proceedings and shall be final and immediately executory.

After all questions on the ERs shall have been resolved, the BBOC shall forthwith proceed with the proclamation of the winning candidates, without prejudice to the right of an aggrieved party to file an election protest.

SEC. 554. *Elections resulting in a tie*. - In cases where two (2) or more candidates for Punong Barangay or SK Chairperson received an equal and highest number of votes, or where two (2) or more candidates for Sangguniang *Barangay Kagawad* or SK *Kagawad* received the same number of votes for the first or last place, the BBOC, after recording this fact in its Minutes, shall, by resolution, and after notice to all the candidates concerned, immediately hold a special public meeting in which the BBOC shall proceed to the drawing of lots between the candidates who have tied and proclaim as elected the candidates who may be favored by luck.

The other candidates who lost in the draw for the first place, if there are only two (2) who tied, shall automatically be the second placer. If, however, more than two (2) candidates tied for first place, rolled pieces of paper duly marked by the numbers "1", "2", "3", and so on shall be made and the contesting candidates shall draw any one thereof, one after the other, and thereafter publicly open the same.

The number of the rolled paper drawn by each shall decide their ranking. The same procedure shall apply if the tie occurs among the second placers and so on.

If the tie is for the position of Punong Barangay or SK Chairperson or for the seventh place for Sangguniang *Barangay Kagawad* or SK *Kagawad*, the one favored by luck and proclaimed as elected shall have the right to assume office in the same manner as it had been elected by plurality vote. The BBOC shall forthwith issue a certificate stating the name of the candidate who had been favored by luck and proclaim on the basis thereof.

Nothing in this Section shall be construed as depriving the candidate of his right to contest the election.

SEC. 555. *Certificate of Canvass and Proclamation (COCP) and Proclamation of Winning Candidates.* - The BBOC shall prepare in quadruplicate the COCP duly signed and thumb marked by each member, supported by SOVs received by each candidate in each precinct, and, on the basis thereof, proclaim as elected the Punong Barangay and seven (7) *Kagawads* and the SK Chairperson and seven (7) *SK Kagawads* who obtained the highest number of votes.

Subject to reasonable exceptions, the BBOC shall complete the canvass within twenty-four (24) hours from the time the first ER is canvassed.

A copy of the SOVs shall be attached to each copy of the COCP except for the copy of the winning candidates. In case of a tie, Section 554 herein shall apply.

SEC. 556. *Distribution of Certificate of Canvass and Proclamation.* - Copies of the COCP shall be distributed as follows:

a) First copy, to the EO;

b) Second copy, to the winning candidate for *Punong Barangay* or SK Chairperson;

c) Third copy, to the Secretary of the *Sangguniang Bayan/Panglungsod*, as the case may be; and

d) Fourth copy, to the Secretary of the Sangguniang Barangay.

The winning candidate for Punong Barangay or SK Chairperson shall reproduce the copies of the COCP and distribute the same to each of the winning Barangay and *SK Kagawads*.

It shall be the duty of the EO to submit to the Election Records and Statistics Department (ERSD), COMELEC, Manila, a certified list of the votes obtained by each candidate ranked from highest to lowest for the Barangay and SK elections in each barangay together with the CD containing with the encoded results of the *Barangay and SK Election*, within fifteen (15) days after the conduct of the elections.

SEC. 557. *Safekeeping of canvassed election returns.* - After the canvass, the BBOC shall return the ERs for the Barangay and SK in their proper envelopes, place these envelopes in the envelope for canvassed ERs, close and seal the same with a paper seal. The serial number of the paper seal shall be noted in the Minutes. The Chairperson and members thereof shall affix their signatures on the paper seal.

Thereafter, the BBOC shall deliver the envelope containing the canvassed ERs to the City/Municipal Treasurer who shall place the same locked in a safe and secure place with the EO keeping the key thereto, together with the envelopes containing the canvassed ERs from other barangays.

CHAPTER XX
CONTINGENCY PLAN

SEC. 558. *Problems that may be encountered.* – The following problems may be encountered during the elections, to wit:

(a) Late arrival of official ballots, accountable election forms and other election paraphernalia;

(b) Shortage, non-availability or missing pages of accountable and non-accountable election forms and supplies;

(c) Discrepancies in the serial number of ballots;

1.) Ballots bearing the same SN;

2.) The upper and lower SNs are different;

3.) Either the upper or lower SN or both are missing;

4.) The SN is unreadable or hard to ascertain; and

5.) The SN does not belong to the series.

SEC. 559. ***Contingency measures.*** **–** In case the foregoing problems are encountered, the REDs, AREDs, PESs, EOs, City/Municipal Treasurers, EB and BBOCs shall institute the appropriate contingency measure.

I. LATE ARRIVAL OF OFFICIAL BALLOTS, ACCOUNTABLE ELECTION FORMS AND OTHER ELECTION PARAPHERNALIA

a.) The EO, City/Municipal Treasurer and the EB, shall jointly assess based on the information from the Administrative Services Department (ASD)/Packing and Shipping Committee (PSC), the time of arrival of the ballots, accountable election forms and other election paraphernalia at the concerned polling place;

b.) If based on their assessment, the ballots will arrive before twelve o' clock in the afternoon on the day of election, they shall inform the voters of this situation. Upon arrival of the ballots, voting shall immediately start and continue up to five o' clock in the afternoon. If after five o'clock in the afternoon there are still voters present who have not yet cast their votes, Section 26 of Resolution No. 10602 shall apply;

c.) If the ballots, accountable election forms and other election paraphernalia will arrive after twelve o' clock in the afternoon on the day of election, such election shall be reset to the following day, or if it is not feasible, on the day after.

Voting, counting and canvassing shall continue in the clustered precincts not affected.

Notwithstanding the resetting of the elections in the affected clustered precinct, the BBOC may proclaim the winning candidates whose election will not be affected by the number of votes to be cast in the clustered precinct/s where the elections was rescheduled. If the number of votes to be cast in the clustered precinct where elections was rescheduled, will affect the result of the elections, the BBOC shall suspend its proceedings and reconvene at six o'clock in the evening of the day after election day or if not feasible, on such other dates as may fixed by law or the Commission; and

d.) The EO shall announce and post notice on the date of the resetting of elections in the clustered precinct/s affected. Not later than six o'clock in the evening of election day, the EO shall report to the PES which clustered precinct/s under his jurisdiction have extended/rescheduled its elections due to late arrival of ballots, accountable election forms and other election paraphernalia, the PES shall likewise report the same to the RED, who shall consolidate and submit (by fax or e-mail) to the ODEDO, the soonest possible time. The RED of NCR shall report directly to the ODEDO.

II. SHORTAGE, NON-AVAILABILITY OR MISSING PAGES OF ACCOUNTABLE AND NON-ACCOUNTABLE ELECTION FORMS AND SUPPLIES

A. ACCOUNTABLE FORMS AND OFFICIAL BALLOTS

a.) Official Ballots

1.) ***Lost/damaged in transit, shortage or non – availability of official ballots.*** - The EO shall report, by fastest means available, the lost/damaged in transit, shortage or non-availability of ballots to the CIC through the Allocation Committee of the Project Management Office (PMO) copy furnished the Command Center. If reported:

Before election day. – The Allocation Committee shall determine the necessity of printing ballots. If necessary, the Allocation Committee is authorized to determine the quantity requirements for printing. If printing is not necessary, it is authorized to instruct the City/Municipal Treasurer and the EO on the manner of re-allocating the ballots.

On election day. - The provision of Section 182 (Emergency Ballots) of the BP Blg. 881 shall apply on the shortage or non-availability of ballots on election day.

> *"Sec. 182. Emergency ballots. – No ballots other than the official ballots shall be used or counted, except in the event of failure to receive the official ballots on time, or where there are no sufficient ballots for all registered voters or where they are destroyed at such time as shall render it impossible to provide other official ballots, in which cases the city or municipal treasurer shall provide other ballots which shall be similar to the official ones as circumstances will permit and which shall be uniform within each polling place. The treasurer shall immediately report such action to the Commission. The municipal treasurer shall not undertake the preparation of the emergency ballots unless the political parties, candidates and the organizations collectively authorized by the Commission to designate watchers have been sufficiently notified to send their representatives and have agreed in writing to the preparation and use of emergency ballots."*

Authority from the Commission *En Banc* is required in the printing of emergency ballots. If there is time, printing shall be done by the Printing Committee; if not, the EO through the Municipal/City Treasurer shall print the same.

If the shortage is insignificant and it is impractical to print the required official ballots, the EB members shall obtain the needed ballots from the nearest polling place/s. The source and recipient EBs shall record in the Minutes of Voting the number of official ballots obtained.

b.) Election Returns/Tally Boards

1.) ***Lost/damaged in transit, shortage or non- availability of election returns/tally boards.*** -If either the election returns (ERs) or tally boards are not received or not available, the following shall:

The EO:

i. Report such fact to the CIC through the Allocation Committee of the Project Management Office (PMO) copy furnished the Command Center.

The EB:

i. Improvised ERs or Tally Boards and proceed with the counting of votes;

ii. After the counting, sign the improvised ERs or Tally Boards and imprint their thumbmarks;

iii. Distribute copies of the improvised ERs or Tally Boards in accordance with 53 of Resolution No. 10602;

iv. Enter in the Minutes that the ERs or Tally Boards are not available and that the EB together with the watchers decided to use improvised ERs or Tally Boards; and

v. Place all forms used inside the corresponding envelopes and deposit the same inside the ballot box;

1.) ***Missing pages/copies of election returns.*** - In case of missing page/s/copies of the ERs, the EB shall take measures to reproduce/photocopy such missing page/s/copies. It shall take steps to ensure that the copy intended for the BBOC is complete by obtaining the missing page/s/copies from the other copies of the ERs with no missing pages. Missing pages/copies of the election returns shall be certified by the EB and watchers, if available.

(c) Statement of Votes by Precinct

1) ***Non – availability of Statement of Votes by Precinct (SOVP)*** - If the SOVP is not available the following shall:

The EO:

i. Report the same to the CIC through the Allocation Committee of the Project Management Office (PMO) copy furnished the Command Center.

The BBOC:

i. Improvised SOVP and proceed with the canvass of ERs;

ii. After the canvass, sign the improvised SOVP and imprint their thumbmarks;

iii. Distribute copies of the improvised SOVP in accordance with 53 of Resolution No. 10602;

iv. Enter in the Minutes that the SOVP is not available and that the BBOC together with watchers decided to use improvised SOVP; and

v. Place all forms used inside the corresponding envelopes and deposit the same inside the ballot box;

2.) ***Missing pages/copies of the Statement of Votes by Precinct.*** - In case of missing pages/copies of the SOVP, the BBOC shall take measures to reproduce/photocopy the SOVPs. All such photocopies shall be certified to by the BBOC.

B. NON – ACCOUNTABLE FORMS

a.) ***Lost/damaged in transit, shortage or non- availability of Minutes of Voting and Counting and other non- accountable forms.*** - If either the Minutes of Voting and Counting and other non – accountable forms are not received or not available, the following shall:

The EO:

i. Report such fact to the CIC through the Allocation Committee of the Project Management Office (PMO) copy furnished the Command Center;

ii. Approve the reproduction/photocopying of all non-accountable forms and supplies by the EB; and

iii. Reimburse the cost of photocopying.

The EB:

i. Cause the reproduction/copying of non-accountable form upon approval of the EO.

ii. All such photocopies shall be certified by the EB and watchers, if available.

Authority of the Election Working Committees. – Authority is hereby granted to:

1.) The Printing Committee:

i. Upon approval of the CIC, print the required ballots/ERs as determined by the Allocation Committee, subject to the confirmation of the Commission *En Banc.*

2.) The PSC:

i. Immediately pack and ship the lacking ballots/ERs through the fastest means possible and ensure that the same arrive at and receive by the intended recipients on or before election day.

In the Metro Manila Area and whenever possible, all lacking or missing pages of all accountable forms shall be replaced.

Outside Metro Manila, all non - accountable forms and supplies may be reproduced/photocopied upon prior approval of the EO.

III. OFFICIAL BALLOTS BEARING THE SAME SERIAL NUMBERS; THE UPPER AND LOWER SERIAL NUMBERS OF THE BALLOT ARE DIFFERENT; EITHER THE UPPER OR LOWER SERIAL NUMBER OF THE BALLOT OR BOTH IS MISSING; THE SERIAL NUMBER OF THE BALLOT IS UNREADABLE OR HARD TO ASCERTAIN; OR THE SERIAL NUMBER OF THE BALLOT DOES NOT BELONG TO THE SERIES OF THE BALLOTS ISSUED.

(a) **Official ballots bearing the same serial numbers** -If the ballots bear the same SNs the following shall:

The City/Municipal Treasurer:

1.) Issue the subject ballots to the EB; and

2.) Take note of its condition in the inventory report.

The Chairperson of the EB:

1.) Prior to the issuance of subject ballots to the registered voters, shall add one Arabic numeral after the last digit of the serial number, starting with number 1, then 2, and so on and affix his initial thereon. In so doing, the ballots will now have different SNs; and

2.) Record opposite the name of the voters in the EDCVL-Barangay/EDCVL-SK, the new SNs.

The fact that the ballots have the same SN and its quantity shall be noted in the Minutes. Further, the new SNs shall also be recorded in the Minutes.

In all instances, the EBs are directed to issue first the ballots with complete and regular SNs. Except those which were marked as defective ballots, the EB shall only issue ballots with the same SNs to the voters, if there are no more available ballots with complete and regular SN in the polling place concerned.

(b) **Upper and lower serial numbers of the official ballot are different.** –If the upper and lower SNs of the ballot are different, the following shall:

The Poll Clerk:

1.) Enter in the Minutes the different SNs appearing in the ballot, indicating therein whether it is located in the upper or lower portion thereof; and

2.) Record opposite the name of the voter in the EDCVL-Barangay/EDCVL-SK, the two (2) different SNs.

The Chairperson:

1.) Issue the ballot to the voter.

(c) **Either the upper or lower serial number of the official ballot is missing.** – If either the SN in the upper or lower portion of the ballot is missing, the members of EB shall:

The Poll Clerk:

1.) Take note in the Minutes the missing SN in the ballot either in the upper or lower portion, indicating whether it is located in the upper or lower portion thereof; and

2.) Record opposite the name of the voter in the EDCVL-Barangay/EDCVL-SK the available SN.

The Chairperson:

1.) Copy the available SN in the portion of the ballot where it does not appear and affix signature therein; and

2.) Issue the ballot to the voter.

(d) **Both the upper and lower serial numbers of the official ballot are missing.** –If both the SNs in the upper and lower portion are missing, the concerned EB members shall:

The Poll Clerk:

1.) Record the fact in the Minutes.

The Chairperson:

1.) Mark the ballot as "defective ballot"; and

2.) Place the same inside the envelope intended for spoiled ballots.

(e) **Serial number of the official ballot is unreadable or hard to ascertain.** - If the SN of the ballot is unreadable or hard to ascertain, the following shall:

The Poll Clerk:

1.) Check the SN of the ballot preceding the ballot with blurred SN and follow the sequence of the SNs;

2.) Enter in the Minutes the ascertained SN; and

3.) Record opposite the name of the voter in the EDCVL-Barangay/EDCVL-SK.

The Chairperson:

1.) Issue the ballot to the voter.

If the SN of the ballot is totally unreadable, the Poll Clerk shall record the same in the Minutes while the Chairperson shall mark the ballot as "defective ballot" and thereafter, place the ballot inside the envelope intended for spoiled ballots.

(f) **Serial number of the official ballot does not belong to the series.** –If the SN of the ballot does not belong to the series, the EB members shall:

The Poll Clerk:

1.) Note in the Minutes, the SN of the ballot that does not belong to the series; and

2.) Record the same opposite the name of the voter in the EDCVL-Barangay/EDCVL-SK.

The Chairperson:

1.) Issue the ballot to the voter.

In all instances, the EBs are directed to issue first the ballots with complete and regular SNs. Except those which were marked as defective ballots; the EB shall only issue to the voters, ballots with SNs not belonging to the series, if there are no more in-series ballots available in the polling place concerned.

CHAPTER XXI
ELECTION RELATED INCIDENTS AND CATASTROPHE

SEC. 560. ***The following shall be observed in case of election-related violent incidents, acts of God and other emergencies:***

A. There is sabotage, explosion, equipment robbery and other similar circumstances.

1. If required to leave the precinct, the EB shall report this to the EO and immediately secure all equipment, election forms and supplies, inform all political party representatives, citizens' arm and watchers present of the transfer or suspension of voting, and then proceed with security or health personnel to a safer place.

2. If peace and order is restored, the EB shall conduct inventory of all equipment, forms and election supplies. If there are missing item/s, the EB shall report to the EO and local PNP for proper documentation and investigation. Thereafter, the EO shall call the Command Center to inform about the missing item/s.

3. The EB shall record this in their Minutes.

B. There is a Catastrophe like fire, flood, earthquake and others, or by reason of emergency or health/ IATF rules and regulations in the locality.

1. If required to leave the precinct, the EB shall report this to the EO and immediately secure all equipment, election forms and supplies, inform all political

party representatives, citizens' arm and watchers present of the transfer or suspension of voting, and then proceed with security or health personnel to a safer place.

2. The EO shall report this to the Command Center.

3. This incident shall be recorded in the Minutes of the EB.

CHAPTER XXII
CONTINGENCY PROCEDURES FOR THE AUTOMATED BSKE

SEC. 561. ***Authority of the Commission to Adopt Current and Additional Contingency Procedures.*** **–** For purposes of the Automated BSKE, to be conducted in Barangay Pasong Tamo, 6th District of Quezon City and Barangays Paliparanan III and Zone II (Pob.) of Dasmariñas City, Cavite and other areas as may be approved by the Commission *En Banc*, the provisions of **Resolution No. 10759** ("*CONTINGENCY PROCEDURES IN CONNECTION WITH THE MAY 9, 2022 NATIONAL AND LOCAL ELECTIONS*") are hereby **ADOPTED,** *unless* a different resolution is issued by the Commission En Banc for such purpose.

Further, the Commission may adopt additional contingency procedures in the voting, counting, canvassing, storage, custody, distribution and retrieval of accountable forms and paraphernalia to fulfill its Constitutional mandate to ensure free, orderly, honest, peaceful and credible elections. *Furthermore*, the Commission may adopt the use of automated BSKE in other areas aside from the above-mentioned barangays, as it may deem proper.

CHAPTER XXIII
OPERATIONAL PLAN FOR THE COMMAND CENTER

SEC. 562. ***Establishment of a Command Center.*** **-** The Commission through the Project Management Office (PMO) BSKE, shall establish a Command Center to deal with the operational side of the conduct of the elections. The Command Center shall monitor all activities, including issues/concerns/incidents immediately before, during and after the conduct of the elections;

SEC. 563. ***Monitoring of pre – election activities.*** – The Command Center shall monitor the following pre – election activities:

1. Delivery/distribution of official ballots, accountable and non – accountable forms, documents and supplies from the point of origin (National Printing Office, and COMELEC designated warehouses) to the Office of the Provincial Treasurer to the Office of the City/Municipal Treasurers and finally to Electoral Boards (EBs);
2. Late deliveries;
3. Verification/checking of sufficiency/insufficiency of forms and supplies;
4. Lacking forms and supplies;
5. Security concerns; and
6. Requests for early delivery/distribution.

Using the reporting template provided by the Command Center, the City/Municipal Treasurer through the Election Officer (EO) shall submit a report on lacking forms and supplies. The Command Center shall refer the same to the concerned Committee/Office/Department for appropriate action.

SEC. 564. ***Monitoring of election day activities.*** **–** On election day, the following activities together with issues and concerns encountered, shall be monitored by the Command Center:

1. Deployment of members of the Electoral Boards (EBs);
2. Opening of polls;
3. Closing of polls;
4. Canvassing proceedings;
5. Proclamation;
6. Election Related Violent Incidents (ERVIs);
7. Failure of elections; and
8. Other issues/concerns.

Through the reporting template customize for the purpose of monitoring all election day activities, the Command Center, shall:

1. Submit status report regularly or upon request to the CIC through the PMO, and/or the *En Banc;*
2. Refer concerns/issues to the *En Banc* and/or concerned Committee/Office/Department for appropriate action;
3. Draft recommendations on issues and concerns under the jurisdiction of the Command Center; and
4. Draft implementing memorandum and monitor the status of its implementation.

SEC. 565. *Monitoring of post - election day activities.* – After the conduct of the elections, the Command Center shall:

1. Monitor the safe return of the members of the EBs and complete surrender of all items used during elections to the City/Municipal Treasurer's Office and the OEO;
2. Monitor any request for the opening of ballot boxes;
3. Monitor any petition by the BBOC to correct manifest error in the computation of the election results;
4. Monitor payment honoraria to the EBs and other individuals who rendered election related services; and
5. Other incidents that may occur post-election day.

SEC. 566. *Composition of the Command Center.* – The Command Center is composed mainly of personnel from the Election and Barangay Affairs Department (EBAD) and support personnel from the following offices, and department of the Commission and representatives from other government agencies and private entities:

- Office of the Deputy Executive Director for Operations (ODEDO);
- Office of the Deputy Executive Director for Administration/Printing Committee (ODEDA);
- Administrative Services Department (ASD)/Packing and Shipping Committee;
- Election Records and Statistics Department (ERSD)/Allocation Committee;
- Law Department/ Committee on the Ban of Firearms and Security Concerns (CBFSC);
- Office of the Clerk of the Commission;
- Office of the Commission Secretary;
- Philippine National Police (PNP);
- Armed Forces of the Philippines (AFP);
- Department of Education (DepED);
- Department of Health (DOH);
- Department of Energy (DOE); and
- Logistics Provider.

SEC. 567. *Total Number of Personnel Assigned at the Command Center.* - A total of one hundred two (102) personnel unless otherwise changed by the Commission *En Banc*, shall be assigned to man the Command Center, as shown below:

PERSONNEL	NUMBER
Command Center	
Head	1
Assistant Head	1
Supervising Lawyers (EBAD and ODEDO)	6
Secretariat	10
Regional In - Charges	34
Support Staff	10
Command Center Support Group	
ODEDO	4
ODEDA	4
ASD/Packing and Shipping Committee	4
ERSD/Allocation Committee	4
Law Department/CBFSC	4
Clerk of the Commission	2
Commission Secretary	2
PNP	4
AFP	4
DepED	2
DOH	2
DOE	2
Logistics Providers	2
Total	102

SEC. 568. ***Period of Operation*** **–** The start date of operation of the Command Center is synchronized with the deployment of official ballots and accountable forms and ends seven (7) days after the conduct of the elections. The formal operation at the venue of the Command Center shall be five (5) days before election day. A day before and after elections --- the Command Center will operate 24 hours with shifting of personnel for good measure.

SEC. 569. ***Budgetary Requirement and designation of Disbursing Officer.*** **-** The budgetary requirement for the operation of the Command Center shall be sourced from the approved Annual Procurement Plan. The Budget Division of the Finance Services Department is tasked to issue the corresponding Certificate of Availability of Allotment (CAA) for the said budgetary requirement.

Further, the Cash Division of the Administrative Services Department is tasked to name a Disbursing Officer to handle the budget. In the exercise of said task, the Disbursing Officer is authorized to draw cash advances for payment of necessary and incidental expenses to be incurred, subject to liquidation in accordance with accounting and auditing rules.

PART III

POST-ELECTION ACTIVITIES

Article XVIII

FILING OF SOCE

CHAPTER I
CONTRIBUTIONS AND EXPENDITURES

A. ELECTORAL CONTRIBUTIONS

SEC. 570. ***True name of contributor required.*** **-** No person shall make any contribution in any name except his own nor shall any candidate receive a contribution or enter or record the same in any name other than that of the person by whom it was actually made.

SEC. 571. ***Report of contributions; When and Where to file.*** – Every person giving contributions, whether in cash or in kind, to any candidate, or authorized representative of such candidate shall, within the period set by the Commission, file with the Office of the Election Officer concerned from 8:00 a.m. to 5:00 p.m. during weekdays, a report under oath stating the amount of each contribution, the name of the candidate or agent of the candidate receiving the contribution, and the date of the contribution.

SEC. 572. ***Prohibited contributions.*** **-** No contribution for purposes of election campaign shall be made directly or indirectly by any of the following:

(a) Public or private financial institutions: Provided, however, that nothing herein shall prevent the making of any loan to a candidate by any such public or private financial institutions legally in the business of lending money, and that the loan is made in accordance with laws and regulations and in the ordinary course of business;

(b) Natural and juridical persons operating a public utility or in possession of or exploiting any natural resources of the nation;

(c) Natural and juridical persons who hold contracts or sub-contracts to supply the government or any of its divisions, subdivisions or instrumentalities, with goods or services or to perform construction or other works;

(d) Natural and juridical persons who have been granted franchises, incentives, exemptions, allocations or similar privileges or concessions by the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations;

(e) Natural and juridical persons who, within one year prior to the date of the election, have been granted loans or other accommodations in excess of P100,000.00 by the government or any of its divisions, subdivisions or instrumentalities including government-owned or controlled corporations;

(f) Educational institutions which have received grants of public funds amounting to no less than P100,000.00;

(g) Officials or employees in the Civil Service, or members of the Armed Forces of the Philippines; and

(h) Foreigners and foreign corporations.

It shall be unlawful for any person to solicit or receive any contribution from any of the persons or entities enumerated herein.

SEC. 573. ***Soliciting or receiving contributions from foreign sources.*** - It shall be unlawful for any person, or public or private entity to solicit or receive, directly or indirectly, any aid or contribution of whatever form or nature from any foreign national, government or entity for the purposes of influencing the results of the election.

SEC. 574. ***Prohibited raising of funds.*** **-** It shall be unlawful for any person to hold dances, lotteries, cockfights, games, boxing bouts, bingo, beauty contests, entertainments, or cinematographic, theatrical or other performances for the purpose of raising funds for an election campaign or for the support of any candidate from the commencement of the election period up to and including election day; or for any person or organization, whether civic or religious, directly or indirectly, to solicit and/or accept from any candidate for public office, or from his/her campaign manager, agent or representative, or any person acting in their behalf, any gift, food, transportation, contribution or donation in cash or in kind from the commencement of the election period up to and including election day; Provided, that normal

and customary religious stipends, tithes, or collections on Sundays and/or other designated collection days, are excluded from this prohibition.

SEC. 575. *Prohibited donations by candidates.* - No candidate, their spouses, or any of their relatives within the second degree of consanguinity and affinity, or his campaign manager, agent or representative shall during the campaign period, on the day before and on the day of the election, directly or indirectly, make any donation, contribution or gift in cash or in kind, or undertake or contribute to the construction or repair of roads, bridges, schoolhouses, puericulture centers, medical clinics and hospitals, churches or chapels, cement pavements, or any structure for public use or for the use of any religious or civic organization; Provided, that normal and customary religious dues or contributions, such as religious stipends, tithes or collection on Sundays or other designated collection days, as well as periodic payments for legitimate scholarships established and school contributions habitually made before the prohibited period, are excluded from the prohibition.

B. ELECTORAL EXPENDITURES

SEC. 576. *Limitation upon expenses.* - No candidate shall spend for their election campaign an aggregate amount exceeding five pesos (P5.00) for every voter currently registered in the constituency or barangay where they filed their candidacy.

SEC. 577. *Coverage of Expenses.* - The expenses herein referred to shall include those incurred or caused to be incurred by candidates, whether in cash or in kind, including the use, rental or hire of land or watercraft, aircraft, equipment, facilities, apparatus and paraphernalia used in the campaign.

Provided that where land or watercraft, aircraft, equipment, facilities, apparatus and paraphernalia used is owned by the candidate, contributor or supporter, the candidate shall assess and declare the amount commensurate with the expenses for the use thereof, based on the prevailing rate in the locality and shall be included in the total expenses incurred by the candidate.

The Commission shall have the power to determine the correctness of such assessment and effect necessary correction thereto.

SEC. 578. *Persons authorized to incur election expenditures.* - No person, except the candidate or any person authorized by such candidate, shall make any expenditure in support of or in opposition to any candidate. Expenditures duly authorized by the candidate shall be considered as expenditures of such candidate.

The authority to incur expenditures shall be in writing, signed by the candidate and showing the expenditures so authorized, and shall state the full name and exact address of the person so designated. A copy of such authority shall be filed to the Office of the Election Officer concerned.

SEC. 579. *Lawful expenditures.* - No candidate shall, directly or indirectly, make any expenditure except for the following purposes:

a) For travelling expenses of the candidates and campaign personnel in the course of the campaign and for personal expenses incident thereto;
b) For compensation of campaigners, clerks, stenographers, messengers, and other persons actually employed in the campaign;
c) For telegraph and telephone tolls, postage, freight and express delivery charges;
d) For stationery, printing and distribution of printed matters relative to candidacy;
e) For employment of watchers at the polls;
f) For rent, maintenance and furnishing of campaign headquarters, office or place of meetings;

g) For meetings and rallies and the use of sound systems, lights and decorations during said meetings and rallies;
h) For newspaper, radio, television and other public advertisements;
i) For employment of counsel;
j) For copying and classifying list of voters, investigating and challenging the right to vote of persons registered in the lists;
k) For printing sample ballots in such color, size and maximum number as may be authorized by the Commission;

SEC. 580. ***Public Rally; Statement of Expenses.*** **-** Candidates shall notify the Election Officer concerned of any public rally they intend to organize. The notice must include the time and venue and shall be submitted not later than three (3) working days prior to the date thereof.

Within seven (7) working days after holding of any public rally, the candidates shall submit to the Election Officer concerned the "Statement of Expenses" they incurred in connection therewith. However, supporting receipts for expenses incurred may be filed together with the SOCE.

CHAPTER II
NOTICE TO CANDIDATE

SEC. 581. ***Duty of Election Officers to send notice to candidates.*** -It shall be the duty of the Election Officers to notify in writing, by personal delivery or registered mail, within five (5) days from the date of elections, all candidates residing in their jurisdiction to comply with the obligation to file SOCE.

The Election Officers shall, within five (5) days from receipt of the proof of service, submit to Campaign Finance Office (CFO) the proof of personal service or the registry receipt of the notice sent to each candidate.

CHAPTER III
FILING OF SOCE

SEC. 582. ***Forms and contents of SOCE.*** **-** The candidate, or through an authorized representative, shall submit a soft copy and two hard copies of SOCE using the prescribed forms. The prescribed forms may be downloaded from the COMELEC Website, www.comelec.gov.ph or requested to be photocopied from the Office of the Election Officer subject to payment of photocopying cost.

Only SOCE which entries are machine encoded shall be accepted. The soft copy shall be in pdf format.

The SOCE shall contain the full, true and itemized, statement of all contributions and expenditures. It shall be personally signed by the candidate. It shall also be subscribed and sworn to any person who is authorized to administer oath.

SEC. 583. ***When and where to file SOCE.*** **-** Every candidate, including those who withdrew, shall file SOCE **not later than one (1) month after the day of the election,** before the Office of the Election Officer concerned, from 8:00 a.m. to 5:00 p.m. during weekdays.

In case of special elections, it shall be filed within thirty (30) days from the date of such elections.

SEC. 584. ***Issuance of Certificate of Compliance.*** -The candidates shall receive a Certificate of Compliance from the Election Officer upon filing of SOCE. For elected candidates, they shall submit the said certificate to proper authorities upon their assumption to office.

The certificate contains attestation of receipt and compliance to formal requirements on the submission of SOCE imposed by the CFO. Nothing in this Section, however, and despite the issuance of the certificate, shall prevent the COMELEC from conducting further investigation or pursuing any legal action against such candidate who may have violated any election law or campaign finance rules.

SEC. 585. *Effect of failure to file.* - No elected candidates shall enter upon the duties of their office until they filed the SOCE.

CHAPTER IV

ADMINISTRATION OF OATH

SEC. 586. *Officers of the Commission who are authorized to administer oath; Free of charge.* - The following officers, whether in permanent or in acting capacity, are hereby authorized to administer oath, free of charge, in all submissions related to SOCE:

a) Regional Election Director;
b) Assistant Regional Election Director;
c) Regional Election Attorney;
d) Provincial Election Supervisor;
e) Election Officers; and
f) Lawyers of the Commission holding career service positions.

The authority given to said officers shall not be interpreted to render ineffective the authority granted to any person to administer oaths under existing laws.

SEC. 587. *Record Requirement for Administration of Oaths.* -There shall be a "Record of Oaths" to be kept by the authorized officers mentioned in the preceding section, containing the list of all documents they administered in connection with the submission of SOCE elections.

All authorized officers in the preceding section shall submit the record to the CFO within date as may be fixed by the Commission *En Banc*.

CHAPTER V
RECEPTION OF SOCE AND SUBMISSION TO CFO

SEC. 588. *Procedure on receiving SOCE.* - Election Officers are required to accomplish the Receiving Log Sheet, indicating the name of candidate, elective position sought, date, time, and the list of documents submitted. If the submission is made by a person other than the candidate, it must indicate therein that such authority under oath is given by the candidate.

All entries in the Receiving Log Sheet shall be written clearly and legibly by hand. At the close of office hours every day, the Election Officer shall write a line and the word "CLOSED" at the end of the last entry in the Receiving Log Sheet affixing their signature thereat.

SEC. 589. *Compliance Check and Production of its Certificate.* - Upon receipt of SOCE from the candidate, the Election Officer shall check whether the documents submitted comply with the formal requirements under the Rules. It shall be reviewed whether the documents are properly signed, dated, with attached annexes and supporting receipts, and executed under oath.

In case there is lacking any detail and/or document in the submission, the Election Officer shall immediately advise the candidate, or the duly authorized representative, to supply the lacking detail and/or document. Only complete SOCE shall be accepted.

The Election Officer shall issue a Certificate of Formal Compliance after being satisfied that the SOCE of the candidate is complete and in order. The certificate shall be issued free of charge for the first original copy. Issuance of additional copy, as requested, shall be charged with a fee of One Hundred Pesos (P100.00) by the Election Officers. The CFO may also issue additional copy in case that the records are already submitted before it in accordance with the succeeding section hereof.

SEC. 590. ***Collation at the Office of the Provincial Election Supervisor and submission to CFO.*** -The Election Officers shall, within seven (7) days from the last day of filing of SOCE, transmit the soft copy and one hard copy of SOCEs and its attachments of each candidate to the Office of the Provincial Election Supervisor. They shall likewise submit the Receiving Log Sheet, List of Candidates with issued Certificate of Compliance, proof of service of Notice to Candidate, and the Record of Oaths.

The Provincial Election Supervisors shall collate all the SOCEs and documents received from all Election Officers in the province. They shall then submit to the CFO, the soft copy of SOCE of all candidates, Receiving Log Sheet, List of Candidates with issued Certificate of Compliance, proof of service of Notice to Candidate, and the Records of Oaths.

Article XIX

PROCEDURE ON THE FILING OF: (1) PETITION TO DENY DUE COURSE TO OR CANCEL CERTIFICATE OF CANDIDACY; (2) PETITION TO DECLARE A NUISANCE CANDIDATE; AND (3) PETITION FOR DISQUALIFICATION

SEC. 591. ***Grounds.*** **-**

a. ***Denial or Cancellation of Certificate of Candidacy.*** **–** A verified Petition to Deny Due Course to or Cancel a Certificate of Candidacy for any elective office may be filed by any registered voter or a duly registered political party, organization, or coalition of political parties, on the exclusive ground that any deliberate and material representation contained in the Certificate of Candidacy (COC) as required by law is false.

b. ***Declaration of a Candidate as a Nuisance Candidate.*** **–** A verified Petition to Declare a duly registered candidate as a Nuisance Candidate may be filed by the Commission or any aggrieved candidate for the same position, on any of the following grounds:

1. The Certificate of Candidacy has been filed to put the election process in mockery or disrepute;

2. The Certificate of Candidacy causes confusion among voters by the similarity of the names of the registered candidates; and

3. By other acts or circumstances which clearly demonstrate that the candidate has no *bona fide* intention to run for the office for which the Certificate of Candidacy has been filed and thus prevent the faithful determination of the true will of the electorate.

A Petition to Declare a Candidate a Nuisance Candidate invoking grounds for a Petition to Deny Due Course to or Cancel Certificate of Candidacy or grounds for Disqualification, or combining grounds for a separate remedy, shall be summarily dismissed.

c. ***Disqualification of Candidates.*** – A registered voter or a duly registered political party, organization or coalition of political parties may file a verified Petition for disqualification against any candidate for any of the following grounds:

1. For lack of qualifications or possessing any of the grounds for disqualification provided by law or the Constitution; and

2. In an action or protest in which he or she is a party, for having been declared by final decision of a competent court, guilty of, or found by the Commission of, having:

   i. Given money or material consideration to influence, induce to corrupt voters or public officials performing electoral functions;

   ii. Committed acts of terrorism to enhance his or her candidacy;

   iii. Spent in his or her election campaign an amount in excess of that allowed by law;

   iv. Solicited, received or made any contribution prohibited under Sections 89, 95, 96, 97, and 104 of the Omnibus Election Code; or

   v. Violated any of Sections 80, 83, 85, 86, and 261 paragraphs d, e, k, v, and cc sub-paragraph 6 of the Omnibus Election Code.

Section 592. *When to File Petition.* - For the BSKE, the Petition must be filed within five (5) days from the time of filing of the COC.

In case of substitution of candidate by his or her spouse, the Petition must be filed within five (5) days from the time the substitute candidate filed his or her COC.

Section 593. *Where to File Petition and Manner of Filing.* – The Petition herein mentioned shall be filed, in clear and legible Portable Document Format (PDF), before the Office of the Clerk of the Commission (OCOC), *via* electronic mail (E-mail) to its official E-mail address (clerkofthecommission@comelec.gov.ph), pursuant to COMELEC Resolution No. 10673.[27] The date of E-mail shall be considered as the date of filing. Attachments or annexes belatedly filed shall no longer be considered as part of the Petition.

The electronic copies of the Petition and its annexes pertaining to one (1) case shall be attached to one (1) E-mail only. For large and voluminous files, the parties shall use an accessible file hosting service (e.g., Google drive, Microsoft Onedrive, Dropbox).

After electronic filing, the party shall immediately send four (4) hard, clear, and legible copies of the exact same Petition with complete annexes, a printed copy of the proof of E-mail of the Petition and annexes, along with the full payment of filing and legal research fees, through the fastest means available, including personal filing, registered mail or any courier service, before the aforementioned office.

In cases of Petitions filed *motu proprio* by the Commission, either personal or E-mail filing is sufficient.

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[27] In Re: Guidelines on Electronic Filing, Conduct of Hearings/Investigations/Inquiries *via* Video Conference, and Service, promulgated on 25 June 2020.

Section 594. *Procedures to be Observed.* - Both parties shall observe the following procedures:

1. The petitioner shall, before filing the Petition, furnish the respondent with a copy of the Petition with complete annexes, through personal service or *via* e-mail, to the physical address or e-mail address indicated in respondent's COC;

2. Any notice or document sent to the E-mail address provided in the COC shall be considered received by the candidate, and shall be binding on the candidate as if the notice or document had been personally served. The candidate shall be responsible for ensuring that the E-mail address or physical address provided in the COC is accurate and accessible at all times;

3. The proof of service or the affidavit stating the circumstances of the service shall be attached to the Petition;

4. In addition to the PDF copy filed *via* E-mail, the Petition intended for the Commission shall be in four (4) hard, clear, and legible copies. Upon receipt of the Petition, and the official receipt for the payment of the full filing fees of PhP 10,000.00 and legal research fee of PhP 100.00, the OCOC shall docket the Petition and assign to it a docket number which must be consecutive according to the order of receipt, must bear the year and be prefixed as SPA (BRGY). An additional payment of fees of the same amount shall be charged for every additional respondent.

   For *motu proprio* cases filed by the Commission, there shall be no filing and legal research fees and be prefixed as SPA (B) (MP).

   The Petition shall be immediately raffled to a Division.

6. The Petition shall contain the correct information as to the addresses, telephone numbers, and E-mail of both parties and counsel;

7. The Commission may summarily dismiss the Petition on any of the following grounds:

   i. The Commission has no jurisdiction over the subject matter;

   ii. The Petition is insufficient in form;

   iii. The Petition was filed beyond the period prescribed by the rules;

   iv. The filing fee and legal research fee were not paid within the reglementary period;

   v. The Petition was not filed in the proper venue;

   vi. The petitioner failed to duly serve the Petition with complete annexes to the respondent;

   vii. The petitioner failed to submit proof of service of the Petition with complete annexes to the respondent or failed to execute an affidavit of service; and

   viii. The parties failed to comply with the rules governing electronic filing and service of pleadings and other papers by the parties, except *motu proprio* Petitions which may be personally filed by the Commission before the OCOC;

8. If the Petition is not summarily dismissed, the OCOC shall issue the corresponding summons directly to the respondent or through the appropriate field office having jurisdiction over the party, *via* E-mail or, in areas where E-mail is inaccessible, through

personal service services. The concerned field office shall serve personally serve a copy of the summons, Petition and annexes to the respondent.

Within a non-extendible period of three (3) days from receipt of the E-mail, the field office concerned shall send an affidavit of service and/or acknowledgment receipt to the OCOC through E-mail;

9. Within a non-extendible period of five (5) days from receipt of summons, the respondent shall file his or her verified ANSWER CUM MEMORANDUM *via* E-mail (clerkofthecommission@comelec.gov.ph) pursuant to COMELEC Resolution No. 10673, and thereafter submit four (4) hard, clear, and legible copies to the OCOC at the COMELEC Main Office through the fastest means available, including personal filing, registered mail or any courier service.

   The failure of the respondent to file his or her verified Answer *cum* Memorandum within the reglementary period shall bar the respondent from submitting controverting evidence.

   A motion to dismiss, reply, rejoinder and similar pleadings are prohibited and shall be considered mere scraps of paper. Nonetheless, the grounds for a motion to dismiss may be used as affirmative defenses; and

10. The case shall be deemed submitted for resolution upon the receipt of the respondent's Answer *cum* Memorandum or upon the expiration of the period to do so, whichever comes first.

    The Commission may, at its discretion, set a clarificatory hearing, and order any other pleading to be filed for a period not exceeding five (5) days reckoned from the date of the hearing.

Section 595. *Reception of Evidence.* - In case the Division or the Commission *En Banc* sets a clarificatory hearing, the OCOC is hereby designated to receive evidence and conduct a comparison between the original and/or certified true copies and copies of documentary and real evidence.

Section 596. *Promulgation.* - The promulgation of a Resolution or Order of the Division or the Commission *En Banc* shall be made by filing or delivering a complete copy of the Resolution or Order to the OCOC.

The OCOC shall, thereafter serve the Resolution or Order of the Division or Commission *En Banc* to all counsel, or parties if not represented by counsel, through their official E-mail addresses, by personal service, or registered mail.

The Division or the Commission *En Banc* may issue or promulgate Omnibus Resolutions or Orders, when necessary, for the prompt disposition of petitions.

Section 597. *Period to Resolve.* – The period to resolve shall be in accordance with Sections 7 and 8, Rule 18 of the COMELEC Rules of Procedure as amended by COMELEC Resolution No. 7808.[28]

Section 598. *Motion for Reconsideration.* - A motion to reconsider a Resolution or Order of a Division shall be filed within five (5) days from receipt thereof in accordance with COMELEC Resolution No. 10673, and upon the payment of filing fee in the amount of PhP 1,000.00. Such motion, if not *pro-forma*, suspends the execution for implementation of the

[28] In the Matter of Amending Rule 3 Sections 4, 6, and 8; Rule 18 Sections 1 and 5; and Rule 38 Section 8 with Additional Sections of the 1993 COMELEC Rules of Procedure and Inserting a New Rule on Precedence and Protocol, promulgated on 16 January 2007.

Resolution or Order. The movant shall be required to furnish a copy of his or her motion for reconsideration to the adverse party prior to filing the same with the OCOC.

The Clerk of the Commission shall immediately notify the Presiding Commissioner who shall certify the case to the Commission *En Banc* without need of comment from the adverse party. The Commission may opt to deny the motion for reconsideration pursuant to Rule 19, Section 2 of the COMELEC Rules of Procedure, as amended by Rule 23, Section 7 of COMELEC Resolution No. 9523.

A Resolution or Order is deemed final and executory if, in case of a Division ruling, no motion for reconsideration is filed within the reglementary period, or the motion for reconsideration is denied in accordance with the preceding paragraph, or in cases of rulings of the Commission *En Banc*, no restraining order is issued by the Supreme Court within five (5) days from receipt of the Resolution or Order.

Section 599. *Granting of Petition – Effects. –*

a. In the event a Petition to Deny Due Course to or Cancel Certificate of Candidacy is granted by final judgment, the person whose certificate of candidacy is cancelled or denied due course is never considered a candidate. Thus, the votes cast for the candidate whose certificate of candidacy has been cancelled or denied due course shall be deemed as stray votes.

Should the Petition be granted after the proclamation of the candidate whose certificate of candidacy has been denied due course or cancelled, the latter's proclamation shall be declared null and void and without any legal force and effect. The person obtaining the highest number of valid votes based on the Certificate of Canvass shall be proclaimed as the duly-elected candidate.

There can be no valid substitution for a candidate whose COC has been cancelled or denied due course.

b. In case the candidate has been declared a nuisance candidate by final judgment, the votes cast for the nuisance candidate shall be added to the candidate who share the same name. Thereafter, the candidate who garnered the highest number of votes shall be proclaimed.

In cases where two or more candidates have the same names as the nuisance candidate, the votes cast shall be considered as stray votes and shall not be credited to any candidate.

In case the nuisance candidate does not have the same name as any candidate for the same position, the votes cast for the nuisance candidate shall be considered as stray votes.

In case of a multi-slot office, if the ballot contains one vote for the nuisance candidate and no vote for the *bona fide* candidate, the vote will be counted in the latter's favor. However, if the nuisance candidate and the bona fide candidate each gets one vote, only one vote will be counted in the latter's favor.

c. In the event a Petition to Disqualify a candidate is granted by final judgment and the disqualified candidate obtains the highest number of votes, the candidate with the second highest number of votes cannot be proclaimed and the rule of succession, if allowed, shall be observed.

In case the rules of succession shall not apply, a vacancy shall exist for such position.

Section 600. ***Suspension of Proclamation.*** **-** In all cases cited in Section 599 hereof and the Petition remains unresolved by final judgment on the day of the elections, the Division or the Commission *En Banc* may suspend the proclamation of the winning candidate who is the respondent in the Petition, *provided*, that the evidence is strong.

Section 601. ***Applicability.*** **-** The herein rules of procedure shall apply to all Petitions to Deny Due Course to or Cancel Certificates of Candidacy, Petitions to Declare Nuisance Candidates, and Petitions for Disqualification tagged as SPA cases and filed relative to the 2023 Barangay and Sangguniang Kabataan Elections only.

Section 602. ***Electronic Filing.*** **-** Relevant provisions of COMELEC Resolution No. 10673 continue to apply to all SPA cases, unless revoked by the Commission.

Article XX

MINIMUM HEALTH AND SAFETY STANDARD AND OTHER TRANSITORY PROVISIONS

SEC. 603. ***COVID-19 Safety Standard Compliance.*** **–** Whenever applicable, the following protocols institutionalizing the new normal shall be observed together with the minimum public health standards prescribed by the Department of Health (DOH), the *Inter-Agency Task Force* for the Management of Emerging Infectious Diseases (IATF), and the local government units concerned, to wit:

a. Wearing of face mask and face shield;
b. Body temperature scanning;
c. One-meter physical distancing;
d. Frequent disinfection of hands;
e. Frequent disinfection of regularly-touched surfaces;
f. Proper cough and sneezing etiquette;
g. Limited number of workers;
h. Disinfection of documents, supplies, device/equipment;
i. Use of own pen;

SEC. 604. ***Changes in Procedure and Protocols.*** – The Commission may modify the guidelines set forth herein as the circumstances may warrant depending on the rules to be issued by the national government, DOH, IATF/EID, and Local Government Unit concerned.

SEC. 605. ***Separability clause.*** – If any part or provision of this general guidelines is declared invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SEC. 606. ***Amendments and Revisions.*** - Any amendment to, revision, or repeal of this Code shall be made by a resolution approved by the Commission *En Banc*.

SEC. 607. *Publication and Dissemination.* - The Education and Information Department shall cause the publication of these general guidelines in at least two (2) daily newspapers of general circulation in the Philippines. The ITD shall cause the posting of these general guidelines in the official website of the Commission.

Let the Executive Director, Deputy Executive Director for Operations and the Project Management Office for BSKE, implement these general guidelines.

SO ORDERED.

C000111779

GEORGE ERWIN M. GARCIA
Chairperson

SOCORRO B. INTING
Commissioner

MARLON S. CASQUEJO
Commissioner

AIMEE P. FEROLINO
Commissioner

REY E. BULAY
Commissioner

ERNESTO FERDINAND P. MACEDA, JR.
Commissioner

NELSON J. CELIS
Commissioner

CERTIFICATION

APPROVED by the Commission *En Banc* during its regular meeting on ***June 7, 2023***, pursuant to its Resolution No. 10671 or the *Supplemental Resolution to COMELEC Resolution No. 9936 promulgated March 25, 2015 entitled, "Rule on the Enactment and Promulgation of Executive or Administrative Resolutions" Providing for Other Format of Meetings to Include On Line Meetings Applicable in Times of the COVID-19 Pandemic and the Imposition of Community Quarantines and Similar Emergency Situations*, promulgated on June 09, 2020.

ATTY. CONSUELO B. DIOLA
Director IV
Office of the Commission Secretary

This Resolution may be verified at (02)8527-2987 and comsec@comelec.gov.ph.