

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

GENERAL INSTRUCTIONS FOR THE SPECIAL BOARD OF ELECTION INSPECTORS AND SPECIAL BALLOT RECEPTION AND CUSTODY GROUP IN THE CONDUCT OF AUTOMATED VOTING AND COUNTING OF VOTES UNDER REPUBLIC ACT NO. 9189, OTHERWISE KNOWN AS "THE OVERSEAS ABSENTEE VOTING ACT OF 2003" AS AMENDED BY REPUBLIC ACT NO. 10590 FOR PURPOSES OF THE MAY 9, 2016 NATIONAL AND LOCAL ELECTIONS.

BAUTISTA, J. Andres D.,	Chairperson
LIM, Christian Robert S.,	Commissioner
PARREÑO, Al A.,	Commissioner
GUIA, Luie Tito F.,	Commissioner
LIM, Arthur D.,	Commissioner
GUANZON, Ma. Rowena Amelia V.,	Commissioner
ABAS, Sheriff M.	Commissioner

Promulgation: February 3, 2016 *emb mtz*

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RESOLUTION NO. 10052 *infinito*

WHEREAS, Republic Act No. 9369 authorizes the Commission on Elections to use an Automated Election Systems (AES), as it may deem appropriate and practical for the process of voting, counting and transmission of results;

WHEREAS, in pursuit of this mandate, the Commission on Elections will adopt the AES in the May 9, 2016 National and Local Elections;

WHEREAS, in Minute Resolution 15-0798 dated December 8, 2015, the Commission on Elections authorized the adoption of AES in thirty (30) Philippine Embassies (PE) and Philippine Consulates General (PCG) and Philippine Overseas Labor Office (POLO), namely:

- A. Asia Pacific Region
 - 1) Hong Kong PCG
 - 2) Kuala Lumpur PE
 - 3) Osaka PCG
 - 4) Seoul PE
 - 5) Singapore PE
 - 6) Tokyo PE

- B. European Region
 - 1) London PE
 - 2) Madrid PE
 - 3) Milan PCG
 - 4) Rome PE

C. Middle East Region

- 1) Abu Dhabi PE
- 2) Beirut PE
- 3) Doha PE
- 4) Dubai PCG
- 5) Jeddah PCG
- 6) Kuwait PE
- 7) Manama PE
- 8) POLO Al Khobar
- 9) Riyadh PE
- 10) Tel Aviv PE

D. North and Latin American Region

- 1) Agana PCG
- 2) Chicago PCG
- 3) Honolulu PCG
- 4) Los Angeles PCG
- 5) New York PCG
- 6) Ottawa PE
- 7) San Francisco PCG
- 8) Toronto PCG
- 9) Vancouver PCG
- 10) Washington PE

NOW, THEREFORE, the Commission on Elections, pursuant to the authority vested in it by the Constitution, Batas Pambansa Blg. 881 (Omnibus Election Code), Republic Act No. 9189 (The Overseas Absentee Voting Act of 2003) as amended by Republic Act No. 10590, Republic Act No. 9369 and other election laws, **RESOLVED** to promulgate, as it hereby promulgates, the General Instructions for the Special Board of Election Inspectors (SBEI) and Special Ballot Reception and Custody Group (SBRCG) using AES in the conduct of overseas voting.

ARTICLE I
DEFINITION OF TERMS

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

- a. ***Approved Overseas Voter Registration Record*** - application for registration/certification approved by the Resident Election Registration Board (RERB) or the computer generated document which contains the demographic and biometric information of an overseas voter;
- b. ***Certified List of Overseas Voters (OVF No. 2)*** - list of registered overseas voters whose applications to vote have been approved by the RERB. Said list to be prepared by the Office for Overseas Voting (OFOV) of the Commission, on a country-by-country and post-by-post basis;
- c. ***Commission*** - the Commission on Elections;
- d. ***Day of Elections*** - the actual date of elections in the Philippines which is May 09, 2016;

- e. *Department of Foreign Affairs-Overseas Voting Secretariat (DFA-OVS)* – secretariat based at the Department of Foreign Affairs (DFA) home office tasked to assist the OFOV under the Commission, and to direct, coordinate and oversee the participation of the DFA in the implementation of the Overseas Voting Act of 2003, as amended;
- f. *Field Voting* – conduct of voting for a limited period of time outside the Post in places abroad where field registrations were conducted or in such areas overseas as may be authorized by the Commission;
- g. *List of Overseas Voters with Voting Records (OVF No. 2-A)* – certified list of overseas voters containing their names and biometrics arranged alphabetically, for use by the SBEIs or SBRCGs during the voting period;
- h. *Modified Postal Voting* – is a variation of postal voting where mailing packets, containing the official ballots and other election paraphernalia, are sent to the voters through the mail or are personally delivered to or picked-up by the voters at the Post or such other voting areas designated by the Commission. Whereupon, the voters may either mail or personally deliver their accomplished ballots to the Post;
- i. *National Registry of Overseas Voters (NROV)* – consolidated list prepared, approved and maintained by the Commission. Said list contains the names of overseas voters, including those registered under Republic Act No. 8189 who have applied to be certified as absentee voters, have been approved by the Resident Election Registration Board, indicating the Post where the overseas voter is registered;
- j. *Office for Overseas Voting (OFOV)* – office of the Commission tasked to oversee and supervise the effective implementation of the Overseas Voting Act of 2003 as amended;
- k. *Overseas Voter* – a citizen of the Philippines who is abroad on the day of the elections, qualified to register and vote under the Overseas Voting Act of 2003, as amended, not otherwise disqualified by law;
- l. *Overseas Voting* – process by which qualified citizens of the Philippines abroad exercise their right to vote;
- m. *Overseas Voting Election Returns* – a document showing the date of elections, the country in which it is held, the number of overseas voters qualified to vote, the number of overseas voters who actually voted, and the votes obtained by each candidate in an overseas voting precinct;
- n. *Overseas Voting Precinct* – groupings of overseas voters in a given country or Post designated for purposes of voting and counting;
- o. *Personal Voting* – a mode of voting where the voters personally appear to cast their votes at the Posts or such other voting areas designated by the Commission;

- p. **Postal Voting** – a mode of voting where mailing packets, containing the official ballots and other election paraphernalia, are sent to the voters through the mail or are personally delivered to or picked-up by the voters at the Post or such other voting areas designated by the Commission. Whereupon, the voters may either mail or personally deliver their accomplished ballots to the Post;
- q. **Posts** – Philippine embassies, consulates, foreign service establishments and other Philippine government agencies maintaining offices abroad, e.g., the Philippine Overseas Labor Offices (POLO), having jurisdiction over the places where the overseas voters reside. For purposes of overseas voting, Posts shall also mean to include the Manila Economic & Cultural Offices (MECOs) in Taiwan;
- r. **Representative of the Commission** – officials and employees of the foreign service corps, including Filipino contractual or project term personnel that the embassies, consulates and other foreign service establishments locally hired at the host country, deputized by the Commission pursuant to the Overseas Voting Act of 2003 as amended;
- s. **Seafarers** – ship officers and ratings manning ships, including offshore workers, service providers and fishermen, as defined in the Revised Rules on the Issuance of Seafarer's Identification and Record Book of the Maritime Industry Authority;
- t. **Special Ballot Reception and Custody Group (SBRCG)** – group deputized by the Commission to receive and take custody of all accountable and non-accountable election forms, supplies and paraphernalia sent by the OFOV for transmittal to the voters, SBEIs and Special Boards of Canvassers (SBOC);
- u. **Special Board of Canvassers (SBOC)** – body deputized by the Commission to conduct the consolidation and canvassing of votes;
- v. **Special Board of Election Inspectors (SBEI)** – body deputized by the Commission to conduct the voting and/or counting of votes;
- w. **Supervisory Teams** – officials and employees of the Commission designated by the Commission to supervise and ensure the implementation of the Overseas Voting Act of 2003 as amended. Such supervisory teams shall be headed by career officers or any lawyer of the Commission designated by the Commissioner-in-charge of the OFOV;
- x. **Voting Period** – a continuous thirty (30)-day period, the last day of which is the day of election as defined under letter “d” hereof, inclusive of established holidays in the Philippines and such other holidays in the host countries.

ARTICLE II CASTING AND SUBMISSION OF VOTES

Sec. 2. Who are allowed to vote. – All overseas voters may vote for President, Vice President, Senators and any one (1) of the accredited party/organization or coalition participating under the party-list system of representation.

Sec. 3. Period for casting of votes. - Casting of votes shall be for a period of thirty (30) continuous calendar days beginning at 8:00 o'clock in the morning of April 09, 2016, local time of the host country until 7:00 o'clock in the evening of May 09, 2016, Philippine time, inclusive of all established holidays in the Philippines and such other holidays in the host countries.

Except on April 09, 2016 where all Posts are required to open at 8:00 o'clock in the morning, local time of the host country, a flexible schedule for the operation of the various SBEIs may be adopted; provided that their schedule is continuous and it will not be less than eight (8) hours a day. The voting hours may be extended taking into account the number and influx of voters and the primary responsibilities and functions of the members of the SBEIs. Extension of voting hours during the voting period shall be recorded in the Minutes of Personal Voting (OVF No. 11).

If at 7:00 o'clock in the evening of May 09, 2016, Philippine time, there are still voters who have yet to cast their votes within the thirty (30) meters radius of the polling place, the voting shall continue to allow the voters to cast their votes without interruption. The Poll Clerk shall, without delay, list the names of said voters. The voters listed shall be called to vote by the Poll Clerk by announcing each name three (3) times in the order in which they are listed. Any voter who is not present when called shall not be permitted to vote at any later time.

Sec. 4. Place of voting. - Casting of votes shall be done in the designated voting area within the premises of the Post that has jurisdiction over the country where the voter resides, or at any field voting, mobile voting or polling place designated and authorized by the Commission or the Department of Foreign Affairs (DFA) with prior notice to the Commission.

Sec. 5. Opening of VCM on April 9, 2016. - The VCM shall be opened anew on April 9, 2016, before the voting starts, and in the presence of watchers, if any.

Sec. 6. Mixed voting. - A process where the voter has the option to vote either through postal voting or personal voting. This voting is applicable only in the following Posts including the countries and territories under their jurisdiction:

I. ASIA PACIFIC REGION

- a) Japan
 - 1) Philippine Embassy in Tokyo
 - 2) Philippine Consulate General in Osaka

- b) Korea
 - 1) Philippine Embassy in Seoul

- c) Singapore
 - 1) Philippine Embassy in Singapore

II. EUROPEAN REGION

- a) Italy (including Albania, Malta and San Marino)
 - 1) Philippine Embassy in Rome
 - 2) Philippine Consulate General In Milan

- b) United Kingdom of Great Britain (including Greenland and Ireland)
 - 1) Philippine Embassy in London

- c) Spain (including Andorra and Morocco)
 - 1) Philippine Embassy in Madrid

III. NORTH AND LATIN AMERICAN REGION

- a) Canada
 - 1) Philippine Embassy in Ottawa
 - 2) Philippine Consulate General in Toronto
 - 3) Philippine Consulate General in Vancouver

- b) United States of America (including American Samoa, French Polynesia, Anguilla, Antigua and Barbuda, Aruba, Bahamas, Barbados, Bermuda, Bonaire, British Virgin Islands, Cayman Islands, Curacao, Dominica, Guadeloupe, Haiti, Jamaica, Martinique, Puerto Rico, Saba, Saint Kitts and Nevis, Saint Maarten, St. Vincent and Grenadines, St. Eustatius, St., Barthelemy, St. Lucia, Trinidad and Tobago, British West Indies, Turks and Caicos Islands, and US Virgin Islands)
 - 1) Philippine Embassy in Washington D.C.
 - 2) Philippine Consulate General in Agana
 - 3) Philippine Consulate General in Chicago
 - 4) Philippine Consulate General in Los Angeles
 - 5) Philippine Consulate General in New York
 - 6) Philippine Consulate General in San Francisco

To avail of the postal voting, the voter may pick-up the mailing packet from the SBRCG, or the SBRCG may mail the same to the voter. To ensure that the ballots will be received by the voters and returned to the Posts during the voting period, all **REQUESTS TO MAIL THE BALLOTS MUST BE SUBMITTED/RECEIVED BY THE SBRCG ON OR BEFORE APRIL 22, 2016. All requests filed after this period shall no longer be entertained.** The voter may either mail, or personally deliver, the accomplished ballot to the SBRCG.

To avail of the personal voting, voters must personally appear to cast their votes at the Posts or such other voting areas designated by the Commission. If the voter opts to personally cast his/her ballot, the voter shall proceed to the SBRCG which shall:

- 1) Verify in OVF No. 2-A if the voter has not been issued a ballot.
- 2) If the voter has not been issued a ballot, direct the voter to proceed to the SBEI designated to conduct the personal voting. For this purpose, the SBEI shall follow the procedures provided in Article III hereof.
- 3) If the ballot has been mailed, inform the voter of such facts and request him/her to wait for his/her ballot in the mail and instruct him/her to return or mail his accomplished ballot to the Post during the voting period.

ARTICLE III PERSONAL VOTING

Sec. 7. Personal voting. - A mode of voting where the voters personally appear to cast their votes at the Posts or such other voting areas designated by the Commission or the DFA with prior notice to the Commission.

Sec. 8. Prohibitions on personal voting. - The voter shall not:

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

Sec. 9. Rules to be observed during the voting. - During the voting, the SBEI shall ensure that:

- a) No watcher enters the designated voting area for the voters and the area designated for the SBEI, or to mingle and talk with the voters;
- b) No voter exhibits the contents of the ballot to any person;
- c) No person enters the designated voting area in the premises of the Posts or designated polling areas, carrying any firearm or any deadly weapon, except those expressly authorized by the Commission;
- d) The voters cast their ballots in the order of their arrival in the polling place; and
- e) There is no crowding of voters and disorderly behavior inside the designated polling place.

Sec. 10. Minutes of personal voting. - The SBEI shall accomplish in two (2) copies the Minutes of Personal Voting (OVF No. 11) and record the act or data required therein as they occur or become available during the voting. Copies of OVF No. 11 shall be sealed in separate envelopes to be distributed as follows:

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

Sec. 11. Preparation of ballots for voters who are illiterate or with disability. -

- a) No voter shall be allowed to vote as illiterate or with disability unless such fact is so indicated in the Certified List of Overseas Voters with Voting Records (OVF No. 2-A) or such condition of disability is apparent;

- b) A voter who is illiterate or physically unable to prepare the ballot may be assisted in the preparation of the ballot by a relative within the fourth civil degree of consanguinity or affinity, or by any person of the voter's confidence who belongs to the same household, or by any member of the SBEI;
- c) No person shall assist an illiterate or physically disabled voter more than three (3) times except for the members of the SBEI;
- d) The assistor shall accomplish the ballot for the illiterate or physically disabled voter using a ballot secrecy folder/voting booth in the presence of the latter; and
- e) The assistor shall be bound in writing and under oath to accomplish the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot.

Sec. 12. Challenge of illegal voters. - Any voter or watcher may challenge a voter for:

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

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

Sec. 13. Challenge based on certain illegal acts. - Any voter or watcher may challenge any voter on the ground that:

- a) The challenged person has received or expects to receive money or anything of value as consideration for the vote; has paid, offered or promised to pay; has contributed, offered or promised to contribute money or anything of value as consideration for the vote of another;
- b) The challenged person has made or received a promise to influence the giving or withholding of any such vote; or
- c) The challenged person has made a bet or is interested directly or indirectly in a bet, which depends upon the results of the election.

The challenged person shall take an oath before the SBEI of having not committed any of the acts alleged in the challenge and accomplish the Oath of Voter Challenged for Illegal Acts (OVF No. 39). Upon taking such oath, the challenge shall be dismissed and the voter shall be allowed to vote. In case the voter refuses to take such oath, the challenge shall be sustained and the voter shall not be allowed to vote.

Sec. 14. Record of challenges and oaths. - The Third Member of the SBEI shall record in OVF No. 11 all challenges and oaths taken in connection therewith and the decision of the SBEI in each case.

Sec. 15. Prohibition on premature announcement of voting. - Before the termination of the voting, no member of the SBEI shall make any announcement as to whether a certain registered voter has already voted or not.

Sec. 16. Express lane for Persons with Disability (PWDs) and senior citizens. - PWDs and senior citizens voting in their respective polling places shall be afforded their right to an express lane and made to vote as soon as they arrive.

Sec. 17. Voting Procedures. - The SBEI and SBRCG shall observe the following voting procedures:

I. BEFORE April 9, 2016:

A. The SBRCG shall:

- a) Issue the CLOV (OVF No. 2) and List of Voters with Voting Records (OVF No. 2-A) to each SBEI;
- b) Allocate to each SBEI the official ballots and other forms and supplies based on the rate of distribution indicated in the Certificate of Receipt of Forms and Supplies for Voting by the SBEI (OVF No. 14) and accomplish the blank columns thereof;
- c) Assign a corresponding identification number for each SBEI which shall be indicated on the Ballot Receptacle to be assigned to the SBEI;
- d) Place inside the Ballot Receptacle the forms and supplies listed in OVF No. 14;
- e) Issue the Ballot Receptacle and assign accomplished OVF No. 14 to the SBEI; and
- f) Receive from the SBEIs the Ballot Receptacle after they have checked the contents therein, together with the corresponding accomplished OVF No. 14.

B. The SBEI shall:

- a) Remove the contents of the Ballot Receptacle to ascertain if the actual quantity of ballots received is equal to the number of voters assigned to it based on the CLOV;
 - 1) If more than the number of voters, return the excess ballots to the SBRCG; or
 - 2) If less, obtain from the SBRCG additional ballots.
- b) Examine the quantity of other supplies, including the serial numbers, if any, to determine if they are the same as those recorded in the accomplished OVF No. 14;
 - 1) If the quantity of other forms and supplies are the same, sign the Acknowledgment Receipt on OVF No. 14; or
 - 2) If not, refer the matter to the SBRCG who shall report to OFOV any discrepancy.

- c) Accomplish Part I of OVF No. 11;
- d) Return the official ballots and other forms and supplies issued inside the Ballot Receptacle;
- e) Seal the cover of the Ballot Receptacle and affix their signatures thereon;
- f) Deliver the sealed Ballot Receptacle together with one copy of OVF No. 14 to the SBRCG for safekeeping. The other copy of OVF No. 14 shall be retained by the SBEI for their file;
- g) Require the SBRCG to acknowledge receipt of the Ballot Receptacle by accomplishing the log book maintained for the purpose; and
- h) Position the CLOV (OVF No. 2) in a conspicuous place within the premises of the polling place.

II. Before the voting begins on APRIL 9, 2016:

A. The SBRCG shall:

- a) Issue to each SBEI its Ballot Receptacle, Box of Ballots, and Election Materials Box; and
- b) Require SBEI to acknowledge receipt of the Ballot Receptacle, Box of Ballots, and Election Materials Box using a logbook maintained for the purpose.

B. 1. In the presence of the SBRCG, the SBEI shall:

- a) Break the Ballot Receptacle seal;
- b) Open the Ballot Receptacle;
- c) Determine and segregate the number of official ballots to be used which corresponds to the SD Cards installed in the VCM, other forms and supplies to be used for the day, and enter such fact in Part II.C.1 of OVF No. OVF No. 1111;
- d) Take out the envelopes in the Election Materials Box containing the iButtons and PINs that corresponds to the SD Cards installed in the VCM;
- e) Seal the cover of the Ballot Receptacle and the Election Materials box with a masking tape and affix their signatures thereon;
- f) Deposit the Ballot Receptacle and Election Materials Box to SBRCG for safekeeping;
- g) Require the SBRCG to acknowledge receipt of the Ballot Receptacle box and Election Materials Box using the logbook maintained for the purpose; and

- h) Bring the box of ballots, envelopes containing the BEIs iButtons, PINs, supplies and other election forms to the polling place.

B.2 . In the polling place, the SBEI shall:

- a) Record the names of the watchers present, date and time of arrival, and the party or candidate they represent on Part VI of OVF No. 11 and require them to affix their signatures;
- b) Ensure that the VCM box is in the precinct and that it has all the election forms, documents and supplies needed;
- c) Show to the public and the watchers present that:
- 1) VCM box is sealed;
 - 2) Ballot box is empty and sealed;
 - 3) Package of official ballots is sealed and thereafter, break the seal.
- d) Remove the seal of the VCM box;
- e) Open the VCM box;
- f) Check whether the following are inside the VCM box:
- 1) VCM;
 - 2) Power cord of the VCM;
 - 3) Ten (10) rolls per precinct of official thermal paper;
 - 4) Marking Pens;
 - 5) Plastic security seals;
 - 6) COMELEC paper seal;
- g) Get OVF No.11 to:
- 1) Check if the serial number of the paper seal used in the VCM box is the same as the serial number recorded in OVF No. 11;
 - 2) Enter in OVF No. 11 the number of ballots as indicated in the package of the ballots, the fact that the VCM box, and the package of ballots, were shown to the public with the seals intact
- h) Retrieve the SD cards, iButtons and security PINs and distribute the same among themselves. The RE-ZERO PIN shall remain inside the Election Materials Box. If there is a need to use the RE-ZERO PIN, inform the assigned Technical Support Personnel of the reason for the need, and enter such fact in OVF No. 11;
- i) Retrieve the VCM from its box;
- j) Place the VCM properly on top of the ballot box;
- k) Open the thermal paper printer cover;
- l) Ensure that the roll of official thermal paper is already properly installed;

- m) Close the thermal paper printer cover;
- n) Install the SD Cards to the slots labeled "A" and "B";
- o) Connect the power adaptor to the VCM AC power port (220 VAC) and plug the other end to the electrical outlet;
- p) Wait until the VCM will display the message: "PLEASE INSERT SECURITY KEY FOR AUTHENTICATION";
- q) The Chairman of the SBEI shall:
 - 1) Place the iButton security key on top of the iButton security key receptacle and apply a slight pressure thereon. The VCM will display the message: "PLEASE CHOOSE YOUR ROLE" and the role of the SBEIs;
 - 2) Select "MEMBERS". Options for "BEI MEMBER" and "POLL CLERK" will be displayed.
 - 3) The VCM will display the message: "PLEASE ENTER YOUR PIN"
 - 4) Enter the security PIN of the Member. The VCM will display the message: "BEI MEMBER PIN IS CORRECT. THANK YOU" appears on the screen and the VCM displays the previous screen;
 - 5) Select "POLL CLERK";
 - 6) The VCM will display the message: "PLEASE ENTER YOUR PIN"
 - 7) Enter the security PIN of Poll clerk. A message "BEI POLL CLERK PIN IS CORRECT. THANK YOU" appears on the screen.
 - 8) VCM returns to the Main Menu.
 - 9) Select ELECTION Option. Election Menu will be displayed.
 - 10) Select " OPEN VOTING".
 - 11) The VCM will display the message: "PLEASE CHOOSE YOUR USERNAME".
 - 12) Select "POLL CLERK";
 - 13) The VCM displays "PLEASE ENTER YOUR PIN".
 - 14) Enter the security PIN of Poll clerk. A message "BEI POLL CLERK PIN IS CORRECT. THANK YOU" appears on the screen. The VCM will automatically print the Initialization Report.

15) Detach the Initialization Report from the VCM. The SBEI members including those of the representatives of the political parties, candidates or citizens arm present shall affix their signatures thereon;

16) Place the Initialization Report inside the envelope (A16);

17) The VCM returns to the ELECTION MENU.

18) Press BACK button to proceed with the scanning of ballot. The VCM will display the message: "*PLEASE INSERT BALLOT/ PAKI PASOK ANG BALOTA*". Ensure that the INSERT BALLOT screen displays the following:

- i. Upper left - status of the VCM is OPEN
- ii. Upper right - DATE and TIME
- iii. Lower left -Ballot Cast is ZERO (0), and
- iv. Lower right - Precinct Code

r) The VCM is now ready to accept ballots.

Sec. 18. Manner of voting. -

a) The voter approaches the Poll Clerk, gives name and address together with other personal data.

b) The Poll Clerk shall verify from the OVF No. 2-A if the voter's name is included therein.

1) If the voter's name is included, the Poll Clerk shall ascertain the identity through the photo printed in OVF No. 2-A. In the absence of the voter's photo, the voter's valid passport or any identification card bearing the voter's photograph and signature shall be required.

In the absence of any identification documents, any member of the SBEI may identify the voter by accomplishing the Oath of an SBEI Member Identifying a Voter (OVF No. 40). Such fact shall be entered in Part V of the OVF No. 11 and the accomplished OVF No. 40-B shall be attached thereto.

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

2) If the identity of the voter has been ascertained or has not been challenged or having been challenged the question has been decided in favor of the voter, the Chairman shall issue the official ballot to the voter.

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

1) Authenticate the ballot by signing on the space provided for the purpose;

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

d) The voter shall:

- 1) Using a folder and the marking pen provided for the purpose, accomplish the ballot by fully shading the oval beside the names of the chosen candidates and party or organization participating in the party list system of representation;
- 2) Approach the VCM with his/her accomplished ballot inside the ballot secrecy folder, and insert the same in the ballot entry slot;
- 3) The VCM will display "PROCESSING/PAKIHINTAY KASALUKUYANG PRINOPROSESO".
- 4) The VCM will display voter verification screen indicating the Position and the candidate/s voted for with options TO CAST BALLOT, PRESS/PARA IPASOK ANG BALOTA, PINDUTIN and TO RETURN BALLOT, PRESS/PARA IBALIK ANG BALOTA, PINDUTIN. Verify the positions and the candidates voted and press the correct button.
 - i. If RETURN BALLOT is selected, the ballot will be returned to the voter for correction.
 - ii. If CAST BALLOT is selected, the ballot will drop into the ballot box. The VCM will display "YOUR VOTE HAS BEEN CAST/ ANG IYONG BOTO AY NAISAMA NA".
- 5) In cases of OVERVOTE, UNDERVOTE or ABSTENTION ballot:
 - i. OVERVOTE - The VCM will display all positions and the candidate/s voted. For positions with overvote, the space for candidates will be displayed with OVERVOTE
 - ii. UNDERVOTE - The VCM will display all positions and the candidate/s voted. For positions with undervote, the name/s of the candidates to complete the seat will be replaced as UNDERVOTE.
 - iii. ABSTENTION - The VCM will display all positions with candidates name as ABSTENTION

e) The VCM will be ready to accept the next ballot.

Sec. 19. Procedures for Rejected Ballots. - Ballots may be rejected by the VCM during the scanning. There will be four (4) different types of messages when the VCM rejects a ballot. For each message, the SBEI shall observe the following procedures:

1. "AMBIGUOUS MARK DETECTED" - The VCM shall display the position and the candidate with ambiguous mark. Let the voter review the ballot and ensure that the ovals opposite the names of the candidate voted for are fully shaded;
2. "MISREAD BALLOT" - Let the voter re-feed the ballot in four (4) different orientations.
3. "PREVIOUSLY READ BALLOT"

4. "INVALID BALLOT"

If the ballot corresponds to a different main SD card, the voter shall return the ballot to the Chairman who shall in turn mark the ballot with the word "REJECTED" and place the same inside the envelope for rejected ballots. The Chairman shall then issue to the voter the ballot that corresponds to the SD card installed in the VCM.

If the ballot corresponds to the correct main SD card, let the voter re-feed the ballot in four (4) orientations.

In all of the above cases, except (1), if the VCM rejects a ballot, the voter shall press button for message "TO DIVERT BALLOT IN REJECTED BIN PRESS " to divert the rejected ballot into the reject bin of the ballot box.

Except for (4) above, no replacement ballot shall be issued to a voter whose ballot has been rejected by the VCM.

Any party objecting to the rejection of the ballot shall reduce his objection in writing, which the SBEI shall attach to and note in OVF No. 11.

Sec. 20. Changing of SD cards in the VCM. - If all the ballots that correspond to the SD cards installed in the VCM have already been used up:

I. The Chairman of the SBEI shall:

- a) Place the iButton security key on top of the iButton security key receptacle and apply a slight pressure thereon. The VCM will display the message: "PLEASE CHOOSE YOUR ROLE" and the role of the BEIs will be displayed in the screen;
- b) Select CHAIRMAN. The VCM will display the message: "PLEASE ENTER YOUR PIN"
- c) Enter the security PIN of the Chairperson. The VCM will display the message: "BEI CHAIRMAN PIN IS CORRECT. THANK YOU", then VCM displays the MAIN MENU;
- d) From the MAIN MENU, select UTILITIES, press the downward arrow. Then Select SHUTDOWN;
- e) The VCM will display "PLEASE PRESS THE OK BUTTON TO SHUTDOWN THE SYSTEM";
- f) Select OK button. The VCM will display the message: "THE SYSTEM IS SHUTTING DOWN, PLEASE WAIT". Thereafter, the screen will automatically shut down;
- g) Disconnect the power adaptor to the VCM AC power port (220 VAC);
- h) Remove the main and back-up SD cards;

- i) Break the seal of the main and back-up SD cards slot and remove the same and label them as "1" and "1A". Label the next used SD cards as "2" and "2A" and so on;
- j) Remove the VCM from the ballot box and place it in its box;
- k) Place the envelope for rejected ballot, if any, inside the ballot box through the sliding cover;
- l) Seal the sliding cover of the ballot box with a plastic seal. Seal the cover of the ballot box with packaging tape by wrapping around the cover and extending it to the upper part of the ballot box, then affix their signatures and require the watchers present to also affix their signatures thereon;
- m) Collect the PINs and iButtons from the SBEI members and return them in their corresponding envelopes.

II. With the Third Member to remain in the polling place to secure the VCM, the Chairman and the Poll Clerk shall:

- a) Proceed to the SBRCG with the following items:
 - 1) ballot box;
 - 2) envelopes containing the used main and back-up SD cards, iButtons and PINs;
- b) Submit to the SBRCG the ballot box;
- c) Retrieve from the SBRCG the Election Materials box;
- d) Place the envelope containing the used main and back-up SD cards to the Election Materials Box
- e) Get a new envelope containing the new main and back-up SD cards, iButtons and PINs that corresponds to the new set of ballots to be used; and
- f) Seal the Election Materials box with a packaging tape and affix their signatures thereon;
- g) Get from the SBRCG a new ballot box.
- h) Retrieve from the SBRCG the sealed Ballot Receptacle; and in the presence of the former, the SBEI shall:
 - 1) Break the Ballot Receptacle seal;
 - 2) Open the Ballot Receptacle;
 - 3) Get four (4) new seals for the ballot box;
 - 4) Get two (2) new seals for the compartments of the main and back-up SD cards;

- 5) Determine and get the other forms and supplies to be used for the day;
- 6) Seal the cover of the Ballot Receptacle again with a packaging tape and affix their signatures thereon;
- 7) Deposit the Ballot Receptacle and the Election Materials box to the SBRCG for safekeeping;
- 8) Require the SBRCG to acknowledge receipt of the Ballot Receptacle and the Election Materials box using the logbook maintained for the purpose; and
- 9) Bring the box of ballots, envelopes containing the BEIs iButtons, PINs, ballot box, supplies and other election forms to the polling place.

III. In the polling place, the SBEI shall:

- a) Remove the cover of the ballot box;
- b) Show to the public that the ballot box is empty;
- c) Seal the sides of the ballot box with serially numbered plastic seals;
- d) Enter in Part V of OVF No. 11 the fact that the ballot box was shown to the public with its seals intact;
- e) Retrieve the VCM from its box, and place it on top of the new ballot box;
- f) Record in OVF No. 11 the new Ballot ID assigned to the new main and back up SD cards;
- g) Open the VCM "A" and "B" slots, and insert the main and backup SD cards in their corresponding slots;
- h) Seal the "A" and "B" compartments with serially-numbered plastic security seals, which shall remain sealed during the voting;
- i) Enter the serial number of the plastic security seal for the "A" and "B" compartments in OVF No. 11;
- j) Open the printer cover and ensure that there is still sufficient roll of thermal paper installed in the printer;
- k) Close the printer cover;
- l) Resume voting by following the procedures outlined in Sec. 17, II, B.2, items 3-18 hereof.

Sec. 21. Procedures at the end of each voting day. – The SBEI and SBRCG shall observe the following at the end of each voting day:

A. The SBEI shall:

a) Shutdown the VCM by:

- 1) Placing the iButton security key on top of the iButton security key receptacle and apply a slight pressure thereon. The VCM will display the message: "PLEASE CHOOSE YOUR ROLE" and the role of the BEIs will be displayed in the screen;
- 2) Select CHAIRMAN. The VCM will display the message: "PLEASE ENTER YOUR PIN"
- 3) Enter the security PIN of the Chairman. The VCM will display the message: "BEI CHAIRMAN PIN IS CORRECT. THANK YOU", then VCM displays the MAIN MENU;
- 4) From the MAIN MENU, select UTILITIES, press the downward arrow. Then Select SHUTDOWN. Before shutting down the VCM, accomplish Part II. B and record in Part II. D, 4 of OVF No. 11, the number of ballots cast as shown on the screen of the VCM;
- 5) The VCM will display "PLEASE PRESS THE OK BUTTON TO SHUTDOWN THE SYSTEM";
- 6) Select OK button. The VCM will display the message: "THE SYSTEM IS SHUTTING DOWN, PLEASE WAIT". Thereafter, the screen will automatically shut down;
- 7) Disconnect the power adaptor to the VCM AC power port (220 VAC);

The VCM and ballot box shall remain inside the polling place properly secured, for use in the succeeding days until May 09, 2016.

b) Through the Chairman, collect the PINs and iButtons from the SBEI members;

c) Place OVF No. 11 in the corresponding envelope;

d) Retrieve from the SBRCG the Election Materials box to return the envelopes containing the following:

- 1) SD cards;
- 2) iButtons;
- 3) PINs; and
- 4) Marking pens

The SBEI shall ensure that the iButtons and the PINs are placed inside their corresponding envelopes before returning the same into the Election Materials box.

e) Retrieve from the SBRCG the Ballot Receptacle, remove the tape, and place therein the following:

- 1) Unused ballots which shall be returned to its original ballot package;
- 2) Folders;

- 3) Envelopes containing OVF No. 11; and
- 4) Other forms and supplies.

- f) Seal the cover of the Ballot Receptacle and Election Materials box with masking tape, and the members of the SBEI shall affix their signatures thereon;
- g) Submit the sealed Election Materials Box, Ballot Receptacle and OVF No.2-A to the SBRCG for safe keeping; and
- h) Require the SBRCG to acknowledge receipt thereof using the log book maintained for the purpose.

B. The SBRCG shall:

- a) Ensure that the Election Materials Box and Ballot Receptacles are properly sealed; and
- b) Keep the Election Materials Box and Ballot Receptacles in a secured place for issuance the next day.

Sec. 23. Procedures at the start of every voting day after April 9, 2016. - Before the start of every voting day, the SBEI and SBRCG shall observe the following procedures:

A. In the presence of the SBRCG, the SBEI shall:

- a) Retrieve the Ballot Receptacle, break its seal and get the number of ballots to be used for the day from the ballot package, forms and supplies corresponding to the SD cards installed in the VCM;
- b) Record in Part II. C.1 of OVF No. 11 the number of official ballots to be used for the day;
- c) Return inside the Ballot Receptacle the remaining official ballots, forms and supplies;
- d) Retrieve OVF No.2-A;
- e) Retrieve the Election Materials Box and get from the box the envelope containing the following:
 - 1) iButtons for the currently installed SD cards in the VCM;
 - 2) PINs for the SBEI;
 - 3) Marking pens;
- f) Seal the cover of the Ballot Receptacle and Election Materials Box;
- g) Deposit the Ballot Receptacle and Election Materials Box to the SBRCG for safekeeping;
- h) Require the SBRCG to acknowledge receipt of the Ballot Receptacle and Election Materials Box using the log book maintained for the purpose;

- i) Bring the box of ballots, envelopes containing the BEIs iButtons, PINs, ballot box, supplies and other election forms to the polling place

B. In the polling place, the SBEI shall:

- a) Record the names of the watchers present, date and time of arrival, and the party or candidate they represent on Part VI of OVF No. 11 and require them to affix their signatures;
- b) Ensure that it has all the election forms, documents and supplies needed;
- c) Without opening the ballot box, show that there are ballots inside the ballot box, as the case maybe;
- d) Enter in Part V of the OVF No. 11 the fact that the VCM box and ballot box were shown to the public;
- e) Distribute the iButtons and PINs among the members of the SBEI;
- f) Connect the power adaptor to the VCM AC power port (220 VAC) and plug it into the electrical outlet;
- g) Connect the battery to the VCM;
- h) Wait until the VCM will display the message: "*PLEASE ENTER SECURITY KEY FOR AUTHENTICATION*";
- i) The Chairman of the SBEI shall:
 - 1) Place the iButton security key on top of the iButton security key receptacle and apply a slight pressure thereon. The VCM will display the message: "*PLEASE CHOOSE YOUR ROLE*" and the role of the BEIs will be displayed in the screen;
 - 2) Select "BEI MEMBER";
 - 3) The VCM will display the message: "*PLEASE ENTER YOUR PIN*";
 - 4) Enter the security PIN of member. A message "*BEI MEMBER PIN IS CORRECT. THANK YOU*" appears on the screen and the VCM will display the previous screen;
 - 5) Select "BEI POLL CLERK";
 - 6) The VCM displays "*PLEASE ENTER YOUR PIN*";
 - 7) Enter the security PIN of poll clerk. A message "*BEI POLL CLERK PIN IS CORRECT. THANK YOU*" appears on the screen;
 - 8) The VCM will automatically print the STATUS REPORT;
 - 9) The VCM will display the message: "*PLEASE INSERT BALLOT*";

- 10) Detach the Status Report, affix their signatures thereon including the signatures of the watchers present;
- 11) Compare the number of valid ballots cast in the Status Report with that as recorded in OVF No. 11;
- 12) Place the Status Report inside the envelope (18-A) for submission to the SBRCG after each voting day for its safekeeping; and
- 13) Accomplish Part II. A of OVFN0.11.

Voting shall commence and continue for eight (8) hours or such number of hours as may be required in order to accommodate all voters present in the polling place for the day.

Sec. 23. Procedure on the last voting day. - The SBEI shall retrieve its Ballot Receptacle and Election Materials Box from the SBRCG and bring the same to the polling place and conduct the voting until 7:00 o'clock in the evening, on May 9, 2016, Philippine time. The SBEI shall:

a) Close the voting by:

- 1) The Chairman shall place his/her iButton security key on top of the iButton security key receptacle, apply slight pressure thereto, and remove the iButton security key from the receptacle, after which the VCM will display the message: "PLEASE ENTER YOUR PIN";
- 2) The Chairman shall press CHAIRMAN. The VCM will display the message: "PLEASE ENTER YOUR PIN";
- 3) The Chairman shall enter his/her PIN. The VCM will display the message: "THE BEI CHAIRMAN PIN IS CORRECT. THANK YOU";
- 4) The VCM will automatically go to the MAIN MENU;
- 5) The Chairman shall press ELECTION then CLOSE VOTING;
- 6) The VCM will display the message: "PLEASE ENTER YOUR PIN". The Chairman shall enter the PIN;
- 7) The VCM will display the message: "THE BEI CHAIRMAN PIN IS CORRECT. THANK YOU", followed by a message "PRESS OK TO ADD A DIGITAL SIGNATURE TO THE ELECTION RESULTS. NUMBER OF DIGITAL SIGNATURES [0/3]" with OK and CANCEL options;
- 8) The Chairman shall press OK to add digital signatures;
- 9) The VCM will display the message: "PLEASE TAP THE iBUTTON ON THE iBUTTON RECEPTACLE";
- 10) The Chairman shall place his/her iButton security key on top of the iButton security key receptacle and remove the iButton security key from its receptacle, after which the VCM displays the message: "PLEASE

ENTER THE DIGITAL SIGNATURE PASSWORD". The Chairman shall enter his/her digital signature password;

- 11) The VCM will display the message: "THE DIGITAL SIGNATURE HAS BEEN SUCCESSFULLY ADDED ". The VCM displays the message: "DO YOU WANT TO ADD ANOTHER SIGNATURE TO THE ELECTION RESULTS. NUMBER OF SIGNATURES [1/3]" with YES/NO options;
 - 12) The Chairman shall select YES;
 - 13) The VCM will display the message: "PLEASE TAP THE iBUTTON ON THE iBUTTON RECEPTACLE";
 - 14) The BEI Member shall place his/her iButton security key on top of the iButton security key receptacle and remove the iButton security key from its receptacle, after which the VCM will display "PLEASE ENTER THE DIGITAL SIGNATURE PASSWORD". The BEI Member shall enter his/her digital signature password;
 - 15) The VCM will display the message: "THE DIGITAL SIGNATURE HAS BEEN SUCCESSFULLY ADDED ". The VCM will then display "DO YOU WANT TO ADD ANOTHER SIGNATURE TO THE ELECTION RESULTS. NUMBER OF SIGNATURES [2/3]" with YES/NO options. Select YES;
 - 16) The Poll Clerk shall place his/her iButton security key on top of the iButton security key receptacle and remove the iButton security key from its receptacle, after which the VCM will display the message: "PLEASE ENTER THE DIGITAL SIGNATURE PASSWORD". The Poll Clerk shall enter his/her digital signature password;
 - 17) The VCM will display the message: "THE DIGITAL SIGNATURE HAS BEEN SUCCESSFULLY ADDED ". The VCM then will display the message: "DO YOU WANT TO ADD ANOTHER SIGNATURE TO THE ELECTION RESULTS. NUMBER OF SIGNATURES [3/3]" with YES/NO options. Select YES;
 - 18) The VCM will automatically generate eight (8) copies of the Election Results (ERs);
 - 19) The VCM will display the message: "DO YOU WANT TO TRANSMIT THE ELECTION RESULTS" with YES/NO options. Select NO;
 - 20) The VCM will return to the ELECTION MENU.
- b) Detach the ERs and affix their signatures and thumbmarks and ask the watchers present to also affix their signatures on the printed ERs;
 - c) Place each copy of ER in its corresponding envelope and seal with a paper seal;
 - d) The Chairman of the SBEI shall publicly announce the result by reading the Ballot ID, the total number of votes received by each candidate, stating their corresponding offices;

e) Shutdown the VCM by:

- 1) Place the iButton security key on top of the iButton security key receptacle and apply a slight pressure thereon. The VCM will display the message: "PLEASE CHOOSE YOUR ROLE" and the role of the BEIs will be displayed in the screen;
 - 2) Select CHAIRMAN. The VCM will display the message: "PLEASE ENTER YOUR PIN";
 - 3) Enter the security PIN of the Chairman. The VCM will display the message: "BEI CHAIRMAN PIN IS CORRECT. THANK YOU", then VCM displays the MAIN MENU;
 - 4) From the MAIN MENU, select UTILITIES, press the downward arrow. Then Select SHUTDOWN. Before shutting down the VCM, accomplish Part II. B and record in Part II. D, 4 of OVF No. 11, the number of ballots cast as shown on the screen of the VCM;
 - 5) The VCM will display "PLEASE PRESS THE OK BUTTON TO SHUTDOWN THE SYSTEM";
 - 6) Select OK button. The VCM will display the message: "THE SYSTEM IS SHUTTING DOWN, PLEASE WAIT" . Thereafter, the screen will automatically shut down;
 - 7) Disconnect the power adaptor to the VCM AC power port (220 VAC);
 - 8) Remove the main and backup SD cards from their respective compartments;
- f) Place the main and backup SD cards in its corresponding envelope;
- g) Record the serial number of the seals in OVF No. 11;
- h) Collect the PINs and iButtons from the SBEI members and return to its original envelope.
- i) Place the envelopes inside the Election Materials Box;
- j) Get the next envelope containing the main and back up SD cards;
- k) Open both SD cards compartments, and insert the main and backup SD cards in their corresponding compartments and slots;
- l) Repeat all steps for Close Voting until all SD cards have been closed.

SD cards which have not been used for voting shall have to undergo OPEN VOTING procedure before they can undergo CLOSE VOTING procedure.

Unless otherwise ordered by the Commission, the SBEI shall not stop or postpone the counting until it has been completed.

In case a VCM fails to count the vote or print the results, the IT capable SBEI member shall announce the error and undertake the necessary corrective measures. Should the IT capable SBEI member is unable to correct the error, he shall call on the Technical Support Personnel assigned to the Voting Center for assistance. Such fact shall be noted in the OVF No. 11.

- m) The Poll Clerk shall announce the posting of a copy of the ER for national positions on a wall within the premises of the polling place/counting center which must be sufficiently lighted and accessible to the public, and proceed to post such copies.

After forty-eight (48) hours following the posting, the Chairman of the SBEI shall detach the posted printed copy on the wall and keep the same in his custody to be produced as may be requested by any voter for image or data capturing or for any lawful purpose as may be ordered by competent authority.

ARTICLE IV MODIFIED POSTAL VOTING

Sec. 24. Modified Postal Voting - is a variation of postal voting where mailing packets, containing the official ballots and other election paraphernalia, are sent to the voters through the mail or are personally delivered to or picked-up by the voters at the Post or such other voting areas designated by the Commission. Whereupon, the voters may either mail or personally deliver their accomplished ballots to the Post.

Sec. 25. Preliminaries to modified postal voting. - The Posts, through the SBRCG, shall receive from the Office for Overseas Voting (OFOV) the following:

- a) Mailing packets;
- b) Ballot envelopes;
- c) Paper seals;
- d) Instructions to voters;
- e) Mailing labels containing the names and complete addresses of voters printed in sticker papers;
- f) OVF No. 2-A;
- g) Official Ballots; and
- h) Scanned copy of the application form where voter's signature appears, in the absence of the signature of said voter in OVF No. 2-A.

Sec. 26. Procedures for sending the mailing packets to the voters. - Upon receipt of the mailing packets, ballots and other elections forms, the SBRCG shall:

- a) Make an inventory of all the election paraphernalia received;
- b) Verify the addresses of the voters in the mailing labels to ensure that they are correct.

If the address is incorrect, the SBRCG shall correct the same. For this purpose, the Post may use its own mailing labels.



- c) Publish in conspicuous places in the embassy/consulate and in the website of the Post, the names of voters, with instructions as to when, where and how they can receive their ballots;
- d) Exhaust efforts to inform the voters thru phone, social media or e-mail that they have the options to:
 - 1) appear at the Post to personally cast their ballots.
 - 2) file a request/manifestation that they intend to receive their ballots through mail.
- e) **Upon receipt of request from voter to mail the ballots, the SBRCG shall:**
 - 1) Take one (1) mailing packet, paper seal, instructions to voters and ballot envelope;
 - 2) Get the printed name of the voter from the mailing label and paste it on the mailing packet;
 - 3) Take one ballot from the box of ballots intended for mailing. All ballots in this box must be used up before opening a new box of ballots.
 - 4) Write the Ballot ID issued in the "Ballot Envelope";
 - 5) Write opposite the name of the voter in OVF No. 2-A, the Ballot ID number, paper seal serial number, ballot envelope serial number and date of mailing;
 - 6) Fold the ballot crosswise, in equal parts, twice;
 - 7) Place the folded ballot inside the mailing packet;
 - 8) Seal the mailing packet;
 - 9) Send/issue the mailing packet to the voter.

The above procedures will apply, in case the voter opts to receive the ballot personally and cast it on a later date during the voting period. For this purpose, all ballots issued to the voters who will cast them on a later date must be submitted in a sealed Official Ballot Envelopes and must undergo a verification process before the voter or the SBRCG feeds the ballots to the Vote Counting Machine (VCM).

Sec. 27. Invalid ballots.—The following constitute invalid ballots and shall not be included in the counting:

- a) Those which are not contained in the Ballot Envelopes provided by the Commission;
- b) Those contained in the Ballot Envelopes but received after the close of voting hours on election day; or



- c) Those contained in the Ballot Envelopes, but the envelopes do not bear the signatures of the voters.

Sec. 28. Questionable ballots. – If the signature in the Ballot Envelope appears to be not identical with the signature appearing in OVF No. 2-A the ballots will be declared questionable ballots and shall be subject to further verification by the SBEI.

Sec. 29. Reception and verification of the ballot envelopes. – The SBRCG shall:

A. Reception Procedures:

- a) For each Ballot ID, assign three (3) receptacles to store the following:
- 1) Valid ballots,
 - 2) Invalid ballots; and
 - 3) Questionable ballots.

The SBRCG shall prepare as many sets of receptacles as may be necessary, to store the ballots equivalent to the number of Ballot IDs issued.

- b) Receive and stamp on the face of the Ballot Envelope and opposite the name of the voter in the OVF No. 2-A, the date and time of receipt.
- 1) If the Ballot Envelope is received at any time before Election day, proceed to the verification procedures.
 - 2) If the Ballot Envelope is received on Election day but:
 - i. Before the close of voting hours, proceed to the verification process; or
 - ii. After the close of voting hours, place the Ballot Envelope inside the receptacle for "Invalid Ballots".
- c) Immediately upon receipt of the Ballot Envelopes, conduct the verification procedures below:

1) Ballot Envelopes

Verify if the Ballot Envelope is the Official Ballot Envelope provided by the OFOV. If not, place it in the receptacle for "Invalid Ballots". If it is the Official Ballot Envelope, verify the signature appearing thereon.

2) Signature

Compare the signature of the voter on the Ballot Envelope with that appearing on the OVF No. 2-A, or on the scanned application form.

- i. If the signature in the Ballot Envelope appears to be not identical with the signature appearing in OVF No. 2-A, or on the scanned application form, forward the envelope to any of the SBEIs which shall verify the signature and declare if the ballot is valid or invalid. SBEI shall return the ballot to the SBRCG for proper disposition;
- ii. If there is no signature, place the Ballot Envelope inside the receptacle for "Invalid Ballots".

3) Ballot ID

If the ballot ID is assigned to the Post, place the Ballot Envelope in the corresponding receptacle for "Valid Ballots". If not, write "not the same Ballot ID" on the Ballot Envelope, and place the same in the receptacle for "Invalid Ballots" that corresponds to the said Ballot ID.

- d) Cross out the name of the voter in the Ballot Envelope in such a way that the ballot thereon cannot be traced to the voter. DO NOT CROSS OUT THE SIGNATURE.
- e) Close and seal each receptacle at the end of each voting day;
- f) On a daily basis during the entire voting period, keep a record of the number of Ballot Envelopes received, verified and deposited in each receptacle;

Sec. 30. Date and time of feeding the ballots to the VCM. - Every **Mondays and Thursdays** during the voting period, at **9:00 o'clock in the morning**, local time in the host country, in the presence of the watchers, if available, the SBRCG shall turn over all ballots received and verified to the SBEI. Upon receipt thereof, the SBEI shall record in OVF No. 11 the number of valid ballots received from the SBRCG.

Sec. 31. Procedures of feeding the ballots to the VCM. - The SBEI shall feed all verified valid ballots to the VCM by observing the following procedures:

A. ON THE FIRST MONDAY OF FEEDING OF BALLOTS TO THE VCM.

- a) Check the ballot ID and locate the corresponding SD cards and the ballot box thereof;
- b) Place the VCM on top of the ballot box;
- c) Open the "A" and "B" compartments of the VCM and insert the main and back-up SD cards in the corresponding slots, and close the same;
- d) Retrieve the corresponding iButtons and PINs from the envelope;
- e) Connect the power adaptor to the VCM AC power port (220 VAC) and plug it in to the electrical outlet;
- f) Turn on the VCM;
- g) The Chairman or any member of the SBEI shall place his/her iButton security key on top of the iButton security key receptacle and apply slight pressure thereon. Remove the iButton security key from its receptacle. Enter the PIN after which the VCM displays the Main Menu
- h) Wait until the VCM will display the message: "PLEASE ENTER SECURITY KEY FOR AUTHENTICATION";
- i) The Chairman of the SBEI shall:

- 1) Place the iButton security key on top of the iButton security key receptacle and apply a slight pressure thereon. A message "*PLEASE CHOOSE YOUR ROLE*" and the role of the BEIs will be displayed in the screen;
- 2) Select "*MEMBERS*". Options for BEI Member and Poll Clerk will be Displayed;
- 3) The VCM displays "*PLEASE ENTER YOUR PIN*";
- 4) Enter the security PIN of member. A message "*BEI MEMBER PIN IS CORRECT. THANK YOU*" appears on the screen and the VCM will display the previous screen;
- 5) Select "*POLL CLERK*";
- 6) The VCM displays "*PLEASE ENTER YOUR PIN*";
- 7) Enter the security PIN of Poll clerk. A message "*BEI POLL CLERK PIN IS CORRECT. THANK YOU*" appears on the screen;
- 8) VCM returns to the Main Menu;
- 9) Select *ELECTION* Option. Election Menu will be displayed;
- 10) Select "*OPEN VOTING*";
- 11) The VCM will display the message: "*PLEASE CHOOSE YOUR USERNAME*";
- 12) Select "*POLL CLERK*";
- 13) The VCM will display the message: "*PLEASE ENTER YOUR PIN*";
- 14) Enter the security PIN of Poll clerk. The VCM will display the message: "*BEI POLL CLERK PIN IS CORRECT. THANK YOU*" appears on the screen. The VCM will automatically print the Initialization Report;
- 15) The VCM returns to the *ELECTION MENU*;
- 16) Press "*BACK*" button. The screen will display the message: "*PLEASE INSERT THE BALLOT*";
- 17) The SBEI shall feed all the ballots that correspond to the Ballot ID;
- 18) After feeding of ballots for each batch of Ballot ID, the SBEI Chairman shall place the iButton security key on top of the iButton security key receptacle and apply a slight pressure thereon. A message "*PLEASE CHOOSE YOUR ROLE*" and the role of the BEIs will be displayed in the screen;
- 19) Select "*CHAIRMAN*";
- 20) The VCM displays "*PLEASE ENTER YOUR PIN*";



- 20) The VCM displays "PLEASE ENTER YOUR PIN";
- 21) Enter the security PIN of Chairman. A message "BEI MEMBER PIN IS CORRECT. THANK YOU" appears on the screen and the VCM will display the Main Menu;
- 22) Select Utilities and Utilities Menu will be displayed;
- 23) Select Shutdown;
- 24) VCM will shut down;
- 25) Remove the SD cards from the SD card slots;
- 26) Return the following inside the Election Materials box:
 - i. Main and back-up SD cards;
 - ii. iButtons;
 - iii. PINs;
 - iv. Marking pens;
- 27) Remove the VCM from the Ballot Box;
- 28) Close the sliding cover of the Ballot Box and seal the same.

The SBEI shall ensure that the main and back-up SD cards, iButtons and the PINs are inside the original envelope before returning the same in the Election Materials box.

Repeat the above procedures for the next batch of ballots with different Ballot ID;

B. ON SUCCEEDING SCHEDULE OF FEEDING THE BALLOTS TO THE VCM.

- a) The SBEI shall observe the above procedures enumerated in items *a* to *h* above until the VCM will display the message: "PLEASE ENTER SECURITY KEY FOR AUTHENTICATION". The SBEI Chairman shall:
 1. Place the iButton security key on Top of the iButton security key receptacle and apply a slight pressure thereon. A message "PLEASE CHOOSE YOUR ROLE" and the role of the BEIs will be displayed in the screen;
 2. Select "CHAIRMAN";
 3. The VCM displays "PLEASE ENTER YOUR PIN";
 4. Enter the security PIN of member. A message "PIN IS CORRECT. THANK YOU" appears on the screen and the VCM will display the previous screen;
 5. The VCM shall automatically print the STATUS REPORT;



6. The VCM will display a message "PLEASE INSERT BALLOT";
- b) Detach the Status Report, affix their signatures thereon including the signatures of the watchers present;
- c) Compare the number of valid ballots cast in the Status Report with that as recorded in OVF No. 11;
- d) Place the Status Report inside the envelope (18-A) for submission to the SBRCG after each voting day for safekeeping;
- e) Accomplish Part II.A of OVF No.11;
- f) Feed to the VCM, one at a time, the ballots that correspond to the Ballot ID;
- g) After the feeding of ballots for each batch of Ballot ID, the SBEI shall shut down the VCM by:
 - 1) Placing the SBEI Chairman's iButton security key on top of the iButton security key receptacle and apply a slight pressure thereon. The VCM will display the message: "*PLEASE CHOOSE YOUR ROLE*" and the role of the BEIs will be displayed in the screen;
 - 2) Select "CHAIRMAN";
 - 3) The VCM will display the message: "*PLEASE ENTER YOUR PIN*";
 - 4) Enter the security PIN of member. The VCM displays the "*BEI MEMBER PIN IS CORRECT. THANK YOU*" appears on the screen and the VCM displays the Main Menu;
 - 5) Select Utilities and the Utilities Menu will be displayed;
 - 6) Select Shutdown;
 - 7) VCM will shut down;
- h) Remove the SD cards from the SD card slots;
- i) Place the SD cards in its corresponding envelope;
- j) Remove the VCM from the Ballot Box;
- k) Close the sliding cover of the Ballot Box and seal the same;
- l) Return the following inside the Election Materials box:
 - 1) Main and back-up SD cards;
 - 2) iButtons;
 - 3) PINs;
 - 4) Marking pens;

The SBEI shall ensure that the main and back-up SD cards, iButtons and the PINs are inside the original package before returning the same in the Election Materials Box.

Repeat items a to h, A, and items a to l, B hereof until all the ballots with different Ballot IDs have been fed to the VCM.

C. ON THE LAST DAY OF VOTING. At 7:00 o'clock of May 9, 2016, Philippine Time, voting shall be closed. The SBEI Chairman shall:

- a) Place his/her iButton security key on top of the iButton security key receptacle, apply slight pressure thereto, and remove the iButton security key from the receptacle, after which the VCM will display the message: "PLEASE ENTER YOUR PIN";
- b) The Chairman shall press CHAIRMAN. The VCM will display the message: "PLEASE ENTER YOUR PIN";
- c) The Chairman shall enter his/her PIN. The VCM will display the message: "THE BEI CHAIRMAN PIN IS CORRECT. THANK YOU";
- d) The VCM will automatically go to the MAIN MENU.
- e) The Chairman shall press ELECTION then CLOSE VOTING;
- f) The VCM will display the message: "PLEASE ENTER YOUR PIN". The Chairman shall enter the PIN;
- g) The VCM will display the message: "THE BEI CHAIRMAN PIN IS CORRECT. THANK YOU", followed by a message "PRESS OK TO ADD A DIGITAL SIGNATURE TO THE ELECTION RESULTS. NUMBER OF DIGITAL SIGNATURES [0/3]" with OK and CANCEL options;
- h) The Chairman press OK to add digital signatures;
- i) The Chairman taps his/her iButton in the iButton Receptacle. The VCM will display the message: "PLEASE TAP THE iBUTTON ON THE iBUTTON RECEPTACLE";
- j) The Chairman shall place his/her iButton security key on top of the iButton security key receptacle and remove the iButton security key from its receptacle, after which the VCM will display "PLEASE ENTER THE DIGITAL SIGNATURE PASSWORD". The Chairman shall enter his/her digital signature password;
- k) The VCM will display the message: "THE DIGITAL SIGNATURE HAS BEEN SUCCESSFULLY ADDED ". The VCM will then display "DO YOU WANT TO ADD ANOTHER SIGNATURE TO THE ELECTION RESULTS. NUMBER OF SIGNATURES [1/3]" with YES/NO options. Select YES;
- l) The Chairman shall press YES;
- m) The VCM will display the message: "PLEASE TAP THE iBUTTON ON THE iBUTTON RECEPTACLE";

- n) The BEI Member shall place his/her iButton security key on top of the iButton security key receptacle and remove the iButton security key from its receptacle, after which the VCM will display "PLEASE ENTER THE DIGITAL SIGNATURE PASSWORD". The BEI Member shall enter his/her digital signature password;
- o) The VCM will display the message: "THE DIGITAL SIGNATURE HAS BEEN SUCCESSFULLY ADDED ". The VCM will then display "DO YOU WANT TO ADD ANOTHER SIGNATURE TO THE ELECTION RESULTS. NUMBER OF SIGNATURES [2/3]" with YES/NO options. Select YES;
- p) The Poll Clerk shall place his/her iButton security key on top of the iButton security key receptacle and remove the iButton security key from its receptacle, after which the VCM will display "PLEASE ENTER THE DIGITAL SIGNATURE PASSWORD". The Poll Clerk shall enter his/her digital signature password;
- q) The VCM will display the message: "THE DIGITAL SIGNATURE HAS BEEN SUCCESSFULLY ADDED ". The VCM will then display "DO YOU WANT TO ADD ANOTHER SIGNATURE TO THE ELECTION RESULTS. NUMBER OF SIGNATURES [3/3]" with YES/NO options. Select YES;
- r) The VCM will automatically generate eight (8) copies of the Election Results (ERs);
- s) Detach the ERs and place it inside the envelope (A17) provided for the purpose;
- t) The VCM will display the message: "DO YOU WANT TO TRANSMIT THE ELECTION RESULTS" with YES/NO options. Select NO;
- u) The VCM will automatically twenty-two (22) copies of the Election Results (ERs);
- v) The VCM will return to the ELECTION MENU.

Sec. 32. Returned mailed ballots. - refer to the undelivered mail packets containing the ballots and returned to the Posts where the voters are registered.

Sec. 33. Procedures for returned mailed ballots. -The SBRCG shall:

- a) Upon receipt of the returned mailed ballots, prepare a list of names of the voters whose mailed ballots have been returned to the Post;
- b) Post in conspicuous places in the embassy/consulate and in the website of the Post the list with the instructions as to when, where and how the voters can claim their returned mailed ballot;
- c) Exert efforts to communicate with/locate the voters concerned and if possible, forward the returned mailed ballots to them;
- d) Take into custody and keep an inventory of the returned mailed ballots that were not forwarded to the voter;

- e) All returned mailed ballots received after the voting period or not forwarded to the voters shall be shipped to the OFOV through the diplomatic pouch within six (6) months from the day of elections. The ballots contained in the returned mails are deemed cancelled;
- f) Submit to the OFOV a report prescribed by the Commission, not later than thirty (30) days from the day of elections.

ARTICLE V VOTING BY SEAFARERS

Sec. 34. Procedures. - The following voting procedures for seafarers shall be observed:

- a) During the voting period, seafarers may vote at any Post adopting the AES;
- b) The Post shall assign a specific SBEI to conduct the voting for seafarers in addition to its regular land-based voters. For this purpose, said SBEI shall manage two (2) OVF No.2A;
- c) OFOV shall give each Post a soft copy of the CLOV and OVF No. 2A for seafarers;
- d) For purposes of monitoring and recording, the SBEI shall, at the end of each voting day:
 - 1) Prepare a list of the names of the seafarers who cast their votes; and
 - 2) E-mail the same to OFOV;
- e) The OFOV shall, on a daily basis:
 - 1. Update its file on seafarers who already voted; and
 - 2. E-mail the updates to all Posts;
- f) The Posts upon receipt of the updates from the OFOV, indicate opposite the names of the seafarers in the OVF No.2A the date and place where the seafarer voted.

ARTICLE VI FIELD VOTING

Sec. 35 . Field Voting. -Refers to the conduct of voting for a limited period of time outside the Post in places where field registrations were conducted abroad or in such areas overseas as may be authorized by the Commission.

Sec. 36. Guidelines. -The following guidelines are hereunder provided in the conduct of field voting:

- a. The host government allows such field voting;
- b. The conduct of field voting will not compromise the security, integrity and sanctity of the voting process;

- c. It will impact upon a significant number of registered overseas voters;
- d. Information on the different schedules of field voting shall be widely disseminated by the Post;
- e. Voting at the premises of the embassy/consulate will have to be continuing, notwithstanding the field voting that the Post may schedule;
- f. The Post must submit a written request to the OFOV and must indicate the date, number of estimated overseas voters who will vote during the field voting and the costs. Such request shall be subject to the approval of the Commission, through the OFOV, provided that such request shall be favorably recommended by the DFA-OVS, and provided further, that the conduct thereof shall be with least expense on the part of the Commission or DFA-OVS;
- g. The SBEI/SBRCG for field voting shall be taken from the regular SBEIs/SBRCGs earlier deputized by the Commission, through the OFOV Chairman.

In cases where the Post has only one (1) set of SBEI/SBRCG, it may recommend to the Commission to deputize additional SBEI/SBRCG that will conduct the field voting. There shall be no additional honoraria for the members of the SBEI/SBRCG, if they are taken from the regular SBEI/SBRCG;

- h. The SBEIs/SBRCGs must bring copies of OVF No. 2 and OVF No. 2-A (template); and
- i. The pertinent provisions on personal or postal voting, as the case may be, shall be observed.

ARTICLE VII POST COUNTING PROCEDURES

Sec. 37. Post counting procedures. – After generating all the ERs, the SBEI shall:

- a) Sign all ERs;
- b) Place ERs in the corresponding envelopes and seal the same with paper seals;
- c) Seal the ballot boxes;
- d) Indicate on top of each ballot box the number of ballots contained therein;
- e) Retrieve from the Ballot Receptacle all remaining unused ballots and accomplish OVF No. 11;
- f) Tear the unused ballots in two the presence of the other members of SBEI and watchers, if any, and accomplish OVF No. 11;
- g) Place one half of the torn ballots inside OVF No. 16 and the other half in another OVF No. 16;
- h) Seal both envelopes with paper seals. These shall remain sealed unless the Commission orders otherwise;
- i) Require the Third Member to accomplish OVF No. 11 and place the same in corresponding envelopes. Seal the envelope containing the OVF No. 11 copy for the ballot box. The OVF No. 11 (copy for the Commission) shall not be sealed;
- j) Submit, together with the other members of the SBEI, the following to the SBRCG:
 - 1) Sealed ballot box with accomplished ballots;
 - 2) CLOV;
 - 3) OVF No. 2-A;
 - 4) OVF No. 11 (Copy for the Commission);

- 5) Ballot Receptacle containing the following:
 - i. OVF No. 16;
 - ii. OVF No. 11 (Copy for the Ballot Box); and
 - iii. Other election forms, supplies and paraphernalia.
- 6) Unclaimed ERs.

Sec. 38. Submission of results. - Immediately upon the completion of the counting, the SBEI shall transmit the results to the SBOC.

In case of Osaka PCG, Milan PCG, Dubai PCG, Jeddah PCG, POLO Al Khobar , Toronto PCG and Vancouver PCG, all ERs prepared by various SBEIs in the said Posts shall be personally transmitted to the SBOC by the one (1) representative of all the SBEIs designated by the Head of Post. The representative shall submit to the SBOC all SD cards, three (3) copies of the each set of ERs intended for the SBOC, Congress and the Commission and OVF No. 11 intended for the Law Department.

ARTICLE VIII ELECTION FORMS AND SUPPLIES

Sec. 39. Election forms, documents and supplies. - The SBRCCG shall receive from the Commission, through the OFOV, the VCMs, election forms, documents and supplies for its use and for distribution to the SBEI. Except when authorized to do so earlier by the Head of Post, the SBEIs shall get the forms, documents and supplies in the morning of each voting day. The allocation of the forms, documents and supplies shall be as follows:

a) FOR VOTING.

- 1) VCM box from the Commission intended for the SBEI containing the following:

TITLE OR DESCRIPTION	RATE OF DISTRIBUTION	UNIT
SAES 1800+ VCM	1 per 10 precincts	Unit
VCM Adaptor	1 per VCM	Unit

- 2) Election Materials Box intended for the SBEI containing the following:

TITLE OR DESCRIPTION	RATE OF DISTRIBUTION	UNIT
Main SD card	1 per precinct	Piece
Back-up SD card	1 per precinct	Piece
Contingency SD card	1 per precinct	Piece
iButton security key	3 per precinct	Piece
Thermal paper roll (installed)	1	Piece
Thermal paper roll (Not installed)	10 per precinct for e-Day	Piece
PINs		Piece

a. Chairman	1 per precinct	Piece
b. Member	1 per precinct	Piece
c. PollClerk	1 per precinct	Piece
d. Re-Zero PIN	1 per precinct	Piece
VCM inventory checklist	1	Piece
Marking Pens;	20 per precinct (for e-Day and FTS)	Piece
Plastic security seal (principal VCM)	1	Piece
Installed in the main SD card slot cover	1	Piece
Installed in the backup SD card slot cover	1	Piece
Installed in the Thermal paper printer cover	1	Piece
Not installed	2 per precinct	Piece
Plastic security seal (contingency VCM)	1	Piece
COMELEC paper seal		
Installed at top and bottom of VCM box	2	Piece

3) Election Forms/Supplies from the Commission:

TITLE OR DESCRIPTION	RATE OF DISTRIBUTION	UNIT
I. FOR VOTING		
A. BOTH FOR PERSONAL / MIXED VOTING		
OVF No. 2-A	1	Set
Ballots	1	Piece per voter
B. POSTAL VOTING		
a) Mailing Packets	1	per voter
b) Ballot Envelopes	1	per voter
c) Instructions to Voters	1	per voter
d) Paper Seals	1	per voter
e) Mailing List	1	Set
f) Mailing Labels	1	Set
g) Scanned Application Forms		
II. FOR VOTING AND COUNTING		
Envelope for Minutes of Voting (OVF No. 18-B)	1 of 2	Set
Envelopes for ERs	1 of 8	Set

4) Election Forms to be printed/reproduced/purchased by the Post

TITLE OR DESCRIPTION	RATE OF DISTRIBUTION	UNIT
Minutes of FTS, Voting and Counting (OVF No. 11)	1 set of 2	Set
Certified List of Overseas Voters (OVF No.2)	1	Set
General Instructions for Voting and Counting	1	Piece
Receptacles	1	Set
Ballot Materials Box	1	Set
For Postal Voting: Expanding Envelopes or Receptacle for Valid, Invalid and Questionable Ballots	1 set of 3	Set
Appointment and Oath of SBEI/SBRCG/SBOC (OVF No. 5 and 5-A)	1 set of 2	Set
Certificate of Votes (OVF No. 13)	1 set of 2	Set

Certificate of Challenge or Protest and Decision of the Board (OVF No. 33)	1 set of 2	Set
Record of Challenge/Protest (OVF No.33-A)	1 set of 2	Set
Oath of Voter Challenged for Illegal Acts (OVF No. 39)	1 set of 2	Set
Oath of Identification of Witness to Challenged Voter (OVF No. 40)	1 set of 2	Set
Oath of Identification of Challenged Watcher (OVF No. 40-A)	1 set of 2	Set
Oath of an SBEI Member Identifying a Voter (OVF No. 40-B)	1 set of 2	Set
Summons (OVF No. 41)	1 set of 2	Set

ARTICLE IX WATCHERS

Sec. 40. Watchers. - Every registered political party or coalition of political parties fielding candidates, accredited political parties, sectoral party/organization or coalition thereof participating in the party-list system of representation, every candidate, accredited citizens' arms and accredited OFW organizations shall be entitled to one (1) watcher at any given time during the voting and counting of votes.

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

However, if there is no sufficient space for all watchers to be accommodated, preference shall be given to the watchers of the dominant majority and dominant minority parties as determined by the Commission, one (1) watcher for the accredited citizens' arm, one (1) common watcher for accredited OFW organizations, and one (1) common watcher for the independent candidates.

Sec. 41. Qualifications of watchers. - No person shall be appointed watcher unless he:

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

Sec. 42. Rights and duties of watchers. - Upon entering the polling place, the watchers shall present and deliver to the Chairman of the SBEI their appointments and forthwith, their names shall be recorded in Part VI of OVF No. 11 with annotation under their signatures that they are not disqualified to serve as such. The appointments of the watchers shall bear the personal or facsimile signature of the candidate or the

duly authorized representative of the political party, organization or coalition of parties who appointed them or of organizations authorized by the Commission.

The watchers shall have the right to:

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

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

ARTICLE X ELECTION OFFENSES/PROHIBITED ACTS

Sec. 43. Election offenses/ prohibited acts.-

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

- a. Vote-buying and vote-selling. -
 1. Any person who gives, offers or promises money or anything of value, gives or promises any office or employment, franchise or grant, public or private, or makes or offers to make an expenditure, directly or indirectly, or cause an expenditure to be made to any person, association, corporation, entity, or community in order to induce anyone or the public in general to vote for or against any candidate or withhold his vote in the election, or to vote for or against any aspirant for the nomination or choice of a candidate in a convention or similar selection process of a political party.
 2. Any person, association, corporation, group or community who solicits or receives, directly or indirectly, any expenditure or promise of any office or employment, public or private, for any of the foregoing considerations.
- b. Conspiracy to bribe voters. - Two or more persons, whether candidates or not, who come to an agreement concerning the commission of any violation of paragraph (a) of this section and decide to commit it.
- c. Wagering upon result of election. - Any person who bets or wagers upon the outcome of, or any contingency connected with an election. Any money or thing

of value or deposit of money or thing of value situated anywhere in the Philippines put as such bet or wager shall be forfeited to the government.

d. Coercion of subordinates. -

1. Any public officer, or any officer of any public or private corporation or association, or any head, superior, or administrator of any religious organization, or any employer or land-owner who coerces or intimidates or compels, or in any manner influence, directly or indirectly, any of his subordinates or members or parishioners or employees or house helpers, tenants, overseers, farm helpers, tillers, or lease holders to aid, campaign or vote for or against any candidate or any aspirant for the nomination or selection of candidates.
2. Any public officer or any officer of any commercial, industrial, agricultural, economic or social enterprise or public or private corporation or association, or any head, superior or administrator of any religious organization, or any employer or landowner who dismisses or threatens to dismiss, punishes or threatens to punish by reducing his salary, wage or compensation, or by demotion, transfer, suspension, separation, excommunication, ejection, or causing him annoyance in the performance of his job or in his membership, any subordinate member or affiliate, parishioner, employee or house helper, tenant, overseer, farm helper, tiller, or lease holder, for disobeying or not complying with any of the acts ordered by the former to aid, campaign or vote for or against any candidate, or any aspirant for the nomination or selection of candidates.

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

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

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

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

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

2. Any government official who promotes, or gives any increase of salary or remuneration or privilege to any government official or employee, including those in government-owned or controlled corporations.
- h. Transfer of officers and employees in the civil service. - Any public official who makes or causes any transfer or detail whatever of any officer or employee in the civil service including public school teachers, within the election period except upon prior approval of the Commission.
- i. Intervention of public officers and employees. - Any officer or employee in the civil service, except those holding political offices; any officer, employee, or member of the Armed Forces of the Philippines, or any police force, special forces, home defense forces, barangay self-defense units and all other paramilitary units that now exist or which may hereafter be organized who, directly or indirectly, intervenes in any election campaign or engages in any partisan political activity, except to vote or to preserve public order, if he is a peace officer.
- j. Undue influence. - It is unlawful for any person to promise any office or employment, public or private, or to make or offer to make an expenditure, directly or indirectly, or to cause an expenditure to be made to any person, association, corporation or entity, which may induce anyone or the public in general either to vote or withhold his vote, or to vote for or against any candidate in any election or any aspirant for the nomination or selection of an official candidate in a convention of a political party. It is likewise unlawful for any person, association, corporation or community, to solicit or receive, directly or indirectly, any expenditure or promise or any office, or employment, public or private, for any of the foregoing considerations.
- k. Unlawful electioneering. - It is unlawful to solicit votes or undertake any propaganda on the day of registration before the board of election inspectors and on the day of election, for or against any candidate or any political party within the polling place and with a radius of thirty meters thereof.
- l. Prohibition against dismissal of employees, laborers, or tenants. - No employee or laborer shall be dismissed, nor a tenant be ejected from his landholdings for refusing or failing to vote for any candidate of his employer or landowner. Any employee, laborer or tenant so dismissed or ejected shall be reinstated and the salary or wage of the employee or laborer, or the share of the harvest of the tenant, shall be restored to the aggrieved party upon application to the proper court.
- m. Appointment or use of special policemen, special agents, confidential agents or the like. - During the campaign period, on the day before and on election day, any appointing authority who appoints or any person who utilizes the services of special policemen, special agents, confidential agents or persons performing

similar functions; persons previously appointed as special policemen, special agents, confidential agents or persons performing similar functions who continue acting as such, and those who fail to turn over their firearms, uniforms, insignias and other badges of authority to the proper officer who issued the same.

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

- n. Illegal release of prisoners before and after election. - The Director of the Bureau of Prisons, any provincial warden, the keeper of the jail or the person or persons required by law to keep prisoners in their custody who illegally orders or allows any prisoner detained in the national penitentiary, or the provincial, city or municipal jail to leave the premises thereof sixty days before and thirty days after the election. The municipal or city warden, the provincial warden, the keeper of the jail or the person or persons required by law to keep prisoners in their custody shall post in three conspicuous public places a list of the prisoners or detention prisoners under their care. Detention prisoners must be categorized as such.
- o. Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign. - Any person who uses under any guise whatsoever, directly or indirectly, 1) public funds or money deposited with, or held in trust by, public financing institutions or by government offices, banks, or agencies; 2) any printing press, radio, or television station or audio-visual equipment operated by the Government or by its divisions, sub-divisions, agencies or instrumentalities, including government-owned or controlled corporations, or by the Armed Forces of the Philippines; or 3) any equipment, vehicle, facility, apparatus, or paraphernalia owned by the government or by its political subdivisions, agencies including government-owned or controlled corporations, or by the Armed Forces of the Philippines for any election campaign or for any partisan political activity.
- p. Deadly weapons. - Any person who carries any deadly weapon in the polling place and within a radius of one hundred meters thereof during the days and hours fixed by law for the registration of voters in the polling place, voting, counting of votes, or preparation of the election returns. However, in cases of affray, turmoil, or disorder, any peace officer or public officer authorized by the Commission to supervise the election is entitled to carry firearms or any other weapon for the purpose of preserving order and enforcing the law.
- q. Carrying firearms outside residence or place of business. - Any person who, although possessing a permit to carry firearms, carries any firearms outside his residence or place of business during the election period, unless authorized in writing by the Commission: Provided, That a motor vehicle, water or air craft shall not be considered a residence or place of business or extension hereof.

This prohibition shall not apply to cashiers and disbursing officers while in the performance of their duties or to persons who by nature of their official duties,

profession, business or occupation habitually carry large sums of money or valuables.

- r. Use of armored land, water or air craft. - Any person who uses during the campaign period, on the day before and on election day, any armored land, water or air craft, provided with any temporary or permanent equipment or any other device or contraption for the mounting or installation of cannons, machine guns and other similar high caliber firearms, including military type tanks, half trucks, scout trucks, armored trucks, of any make or model, whether new, reconditioned, rebuilt or remodelled: Provided, That banking or financial institutions and all business firms may use not more than two armored vehicles strictly for, and limited to, the purpose of transporting cash, gold bullion or other valuables in connection with their business from and to their place of business, upon previous authority of the Commission.
- s. Wearing of uniforms and bearing arms. - During the campaign period, on the day before and on election day, any member of security or police organization of government agencies, commissions, councils, bureaus, offices, or government-owned or controlled corporations, or privately-owned or operated security, investigative, protective or intelligence agencies, who wears his uniform or uses his insignia, decorations or regalia, or bears arms outside the immediate vicinity of his place of work: Provided, That this prohibition shall not apply when said member is in pursuit of a person who has committed or is committing a crime in the premises he is guarding; or when escorting or providing security for the transport of payrolls, deposits, or other valuables; or when guarding the residence of private persons or when guarding private residences, buildings or offices: Provided, further, That in the last case prior written approval of the Commission shall be obtained. The Commission shall decide all applications for authority under this paragraph within fifteen days from the date of the filing of such application.

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

During the election period, whenever the Commission finds it necessary for the promotion of free, orderly, honest and peaceful elections in a specific area, it shall confiscate or order the confiscation of firearms of any member or members of the Armed Forces of the Philippines, police forces, home defense forces, barangay self-defense units, and all other para-military units that now exist, or

which may hereafter be organized, or any member or members of the security or police organization, government ministries, commissions, councils, bureaus, offices, instrumentalities, or government-owned or controlled corporations and other subsidiaries, or of any member or members of privately owned or operated security, investigative, protective or intelligence agencies performing identical or similar functions.

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

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

- v. Prohibition against release, disbursement or expenditure of public funds. - Any public official or employee including barangay officials and those of government-owned or controlled corporations and their subsidiaries, who, during forty-five days before a regular election and thirty days before a special election, releases, disburses or expends any public funds for:
 - 1. Any and all kinds of public works, except the following:
 - a. Maintenance of existing and/or completed public works project: Provided, That not more than the average number of laborers or employees already employed therein during the six-month period immediately prior to the beginning of the forty-five day period before election day shall be permitted to work during such time: Provided, further, That no additional laborers shall be employed for maintenance work within the said period of forty-five days;
 - b. Work undertaken by contract through public bidding held, or by negotiated contract awarded, before the forty-five day period before election: Provided, That work for the purpose of this section undertaken

under the so-called "takay" or "paquiao" system shall not be considered as work by contract;

- c. Payment for the usual cost of preparation for working drawings, specifications, bills of materials, estimates, and other procedures preparatory to actual construction including the purchase of materials and equipment, and all incidental expenses for wages of watchmen and other laborers employed for such work in the central office and field storehouses before the beginning of such period: Provided, That the number of such laborers shall not be increased over the number hired when the project or projects were commenced; and
 - d. Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility.
2. The Ministry of Social Services and Development and any other office in other ministries of the government performing functions similar to said ministry, except for salaries of personnel, and for such other routine and normal expenses, and for such other expenses as the Commission may authorize after due notice and hearing. Should a calamity or disaster occur, all releases normally or usually coursed through the said ministries and offices of other ministries shall be turned over to, and administered and disbursed by, the Philippine National Red Cross, subject to the supervision of the Commission on Audit or its representatives, and no candidate or his or her spouse or member of his family within the second civil degree of affinity or consanguinity shall participate, directly or indirectly, in the distribution of any relief or other goods to the victims of the calamity or disaster; and
 3. The Ministry of Human Settlements and any other office in any other ministry of the government performing functions similar to said ministry, except for salaries of personnel and for such other necessary administrative or other expenses as the Commission may authorize after due notice and hearing.
- w. Prohibition against construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices. - During the period of forty-five days preceding a regular election and thirty days before a special election, any person who a) undertakes the construction of any public works, except for projects or works exempted in the preceding paragraph; or b) issues, uses or avails of treasury warrants or any device undertaking future delivery of money, goods or other things of value chargeable against public funds.
 - x. Suspension of elective provincial, city, municipal or barangay officer. - The provisions of law to the contrary notwithstanding during the election period, any public official who suspends, without prior approval of the Commission, any elective provincial, city, municipal or barangay officer, unless said suspension will be for purposes of applying the "Anti-Graft and Corrupt Practices Act" in relation to the suspension and removal of elective officials; in which case the provisions of this section shall be inapplicable.
 - y. On voting:
 1. Any person who votes more than once in the same election, or who, not being a registered voter, votes in an election.

2. Any person who votes in substitution for another whether with or without the latter's knowledge and/or consent.
3. Any person who, not being illiterate or physically disabled, allows his ballot to be prepared by another, or any person who prepares the ballot of another who is not illiterate or physically disabled, with or without the latter's knowledge and/or consent.
4. Any person who avails himself of any means of scheme to discover the contents of the ballot of a voter who is preparing or casting his vote or who has just voted.
5. Any voter who, in the course of voting, uses a ballot other than the one given by the board of election inspectors or has in his possession more than one official ballot.
6. Any person who places under arrest or detains a voter without lawful cause, or molests him in such a manner as to obstruct or prevent him from going to the polling place to cast his vote or from returning home after casting his vote, or to compel him to reveal how he voted.
7. Any member of the board of election inspectors charged with the duty of reading the ballot during the counting of votes who deliberately omits to read the vote duly written on the ballot, or misreads the vote actually written thereon or reads the name of a candidate where no name is written on the ballot.
8. Any member of the board of election inspectors charged with the duty of tallying the votes in the tally board or sheet, election returns or other prescribed form who deliberately fails to record a vote therein or records erroneously the votes as read, or records a vote where no such vote has been read by the Chairman.
9. Any member of a board of election inspectors who has made possible the casting of more votes than there are registered voters.
10. Any person who, for the purpose of disrupting or obstructing the election process or causing confusion among the voters, propagates false and alarming reports or information or transmits or circulates false orders, directives or messages regarding any matter relating to the printing of official ballots, the postponement of the election, the transfer of polling place or the general conduct of the election.
11. Any person who, without legal authority, destroys, substitutes or takes away from the possession of those having legal custody thereof, or from the place where they are legally deposited, any election form or document or ballot box which contains official ballots or other documents used in the election.
12. Any person having legal custody of the ballot box containing the official ballots used in the election who opens or destroys said box or removes or destroys its contents without or against the order of the Commission or who,

through his negligence, enables any person to commit any of the aforementioned acts, or takes away said ballot box from his custody.

13. Any member of the board of election inspectors who knowingly uses ballots other than the official ballots, except in those cases where the use of emergency ballots is authorized.
14. Any public official who neglects or fails to properly preserve or account for any ballot box, documents and forms received by him and kept under his custody.
15. Any person who reveals the contents of the ballot of an illiterate or disabled voter whom he assisted in preparing a ballot.
16. Any person who, without authority, transfers the location of a polling place.
17. Any person who, without authority, prints or causes the printing of any ballot or election returns that appears as official ballots or election returns or who distributes or causes the same to be distributed for use in the election, whether or not they are actually used.
18. Any person who, without authority, keeps, uses or carries out or causes to be kept, used or carried out, any official ballot or election returns or printed proof thereof, type-form mould, electro-type printing plates and any other plate, numbering machines and other printing paraphernalia being used in connection with the printing of official ballots or election returns.
19. Any official or employee of any printing establishment or of the Commission or any member of the committee in charge of the printing of official ballots or election returns who causes official ballots or election returns to be printed in quantities exceeding those authorized by the Commission or who distributes, delivers, or in any manner disposes of or causes to be distributed, delivered, or disposed of, any official ballot or election returns to any person or persons not authorized by law or by the Commission to receive or keep official ballots or election returns or who sends or causes them to be sent to any place not designated by law or by the Commission.
20. Any person who, through any act, means or device, violates the integrity of any official ballot or election returns before or after they are used in the election.
21. Any person who removes, tears, defaces or destroys any certified list of candidates posted inside the voting booths during the hours of voting.
22. Any person who holds or causes the holding of an election on any other day than that fixed by law or by the Commission, or stops any election being legally held.
23. Any person who deliberately blurs his fingerprint in the voting record.
 - 1) Common to all boards of election inspectors and boards of canvassers:
 - a. Any member of any board of election inspectors or board of canvassers who deliberately absents himself from the meetings of said body for

the purpose of obstructing or delaying the performance of its duties or functions.

- b. Any member of any board of election inspectors or board of canvassers who, without justifiable reason, refuses to sign and certify any election form required by this Code or prescribed by the Commission although he was present during the meeting of the said body.
- c. Any person who, being ineligible for appointment as member of any board of election inspectors or board of canvassers, accepts an appointment to said body, assumes office, and actually serves as a member thereof, or any of public officer or any person acting in his behalf who appoints such ineligible person knowing him to be ineligible.
- d. Any person who, in the presence or within the hearing of any board of election inspectors or board of canvassers during any of its meetings, conducts himself in such a disorderly manner as to interrupt or disrupt the work or proceedings to the end of preventing said body from performing its functions, either partly or totally.
- e. Any public official or person acting in his behalf who relieves any member of any board of election inspectors or board of canvassers or who changes or causes the change of the assignments of any member of said board of election inspectors or board of canvassers without authority of the Commission.

2) On candidacy and campaign:

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

3) Other prohibitions:

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

authorized hotels or establishments are exempted from the provisions of this subparagraph.

- b. Any person who opens in any polling place or within a radius of thirty meters thereof on election day and during the counting of votes, booths or stalls of any kind for the sale, dispensing or display of wares, merchandise or refreshments, whether solid or liquid, or for any other purposes.
- c. Any person who holds on election day, fairs, cockfights, boxing, horse races, jai-alai or any other similar sports.
- d. Refusal to carry election mail matter. - Any operator or employee of a public utility or transportation company operating under a certificate of public convenience, including government-owned or controlled postal service or its employees or deputized agents who refuse to carry official election mail matters free of charge during the election period. In addition to the penalty prescribed herein, such refusal shall constitute a ground for cancellation or revocation of certificate of public convenience or franchise.
- e. Prohibition against discrimination in the sale of air time. - Any person who operates a radio or television station who without justifiable cause discriminates against any political party, coalition or aggroupment of parties or any candidate in the sale of air time. In addition to the penalty prescribed herein, such refusal shall constitute a ground for cancellation or revocation of the franchise.

II. Under R.A. 9189 "Overseas Absentee Voting Act of 2003", as amended

1. For any officer or employee of the Philippine government to influence or attempt to influence any person covered by the Overseas Absentee Voting Act of 2003 as amended to vote, or not to vote, for a particular candidate. Nothing in this Act shall be deemed to prohibit free discussion regarding politics or candidates for public office;
2. For any person to:
 - a. deprive another of any rights secured in the Overseas Voting Act of 2003 as amended;
 - b. give false information as to one's name, address, or period of residence for the purposes of establishing the eligibility or ineligibility to register or vote under the Overseas Voting Act of 2003 as amended;
 - c. conspire with another person for the purpose of encouraging the giving of false information in order to establish the eligibility or ineligibility of any individual to register or vote under the Overseas Voting Act of 2003 as amended;
 - d. pay, or offer to pay, or to accept payment either for application for registration, or for voting;
3. For any person to steal, conceal, alter, destroy, mutilate, manipulate, or in any way, tamper with the mail containing the ballots for overseas voters, the ballot, the election returns, or any record, document or paper required for purposes of the Overseas Voting Act of 2003 as amended;
4. For any deputized agent to refuse without justifiable ground, to serve or continue serving, or to comply with one's sworn duties after acceptance of the deputization;

5. For any public officer or employee or accredited or deputized organization or association to cause the preparation, printing, distribution or posting of information or material, without the prior approval of the Commission;
6. For any public officer or employee to cause the transfer, promotion, extension, recall of any member of the Foreign Service Corps, including members of attached agencies, or otherwise cause the movement of any such member from the current post or position one (1) year before and three (3) months after the day of elections, without securing the prior approval of the Commission;
7. For any person who, after being deputized by the Commission to undertake activities in connection with the implementation of the Overseas Voting Act of 2003 as amended shall campaign for or assist, in whatever manner, candidates in the elections;
8. For any person to engage in partisan political activity abroad during the thirty (30)-day overseas voting period.
9. For any person who is not a citizen of the Philippines to participate, by word or deed, directly or indirectly through qualified organizations/associations, in any manner and at any stage of the Philippine political process abroad, including participation in the campaign and elections.

The provision of existing laws to the contrary notwithstanding, and with due regard to the Principle of Double Criminality, the prohibited acts described in this section are electoral offenses and shall be punishable in the Philippines.

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

1. When the tampering, increase and/or decrease of votes perpetrated or the refusal to credit the correct votes or to deduct tampered votes, is/are committed in the election of a national elective office which is voted upon nationwide and the tampering, increase and/or decrease votes, refusal to credit the correct votes or to deduct tampered votes, shall adversely affect the results of the election to the said national office to the extent that losing candidate/s is/are made to appear the winner/s;
2. Regardless of the elective office involved, when the tampering, increase and/or decrease of votes committed or the refusal to credit the correct votes or to deduct tampered votes perpetrated, is accomplished in a single election document or in the transposition of the figures/results from one election document to another and involved in the said tampering increase and/or decrease or refusal to credit correct votes or deduct tampered votes exceed five thousand (5,000) votes, and that the same adversely affects the true results of the election; and
3. Any and all other forms or tampering increase/s and/or decrease/s of votes perpetuated or in cases of refusal to credit the correct votes or deduct the tampered votes, where the total votes involved exceed ten thousand (10,000) votes.

Any and all other persons or individuals determined to be in conspiracy or in connivance with the members of the SBEIs or SBOCs involved, shall be meted the same penalty of life imprisonment.

Sec. 43. Penalties. - Any person found guilty of committing any of the prohibited acts enumerated in the immediately preceding Sections shall be punished with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage.

The penalty of *prision mayor* in its minimum period shall be imposed upon any person found guilty of tampering with the ballot, the mail containing the ballots for overseas voters, the Overseas Voting Election Returns, including the destruction, mutilation and manipulation thereof, without the benefit of the operation of the Indeterminate Sentence Law. If the offender is a public officer or a candidate, the penalty shall be *prision mayor* in its maximum period. In addition, the offender shall be sentenced to suffer perpetual disqualification to hold public office and deprivation of his/her right to vote.

When the tampering, increase or decrease of votes or the refusal to credit the correct votes and/or to deduct tampered votes are perpetrated on a large scale or in substantial numbers, the same shall be considered, not as an ordinary election offense under Sections 261 and/or 262 of the Omnibus Election Code, but a special election offense to be known as electoral sabotage and the penalty to be imposed shall be life imprisonment.

ARTICLE XI ROLE OF GOVERNMENT AGENCIES

Sec. 44. Assistance from government agencies.- a) All government offices, particularly the Department of Foreign Affairs, Department of Labor & Employment, Department of Transportation and Communications, Philippine Postal Corporation, Philippine Overseas Employment Administration, Overseas Worker's Welfare Administration, Commission on Overseas Filipinos, the Foreign Service Institute, the Social Security System and other government agencies concerned with the welfare of Filipino overseas shall, to the extent compatible with their primary responsibilities, assist and give the Commission the fullest support in the implementation of the Overseas Voting Act of 2003.

ARTICLE XII CONCLUDING PROVISIONS

Sec. 45. Access to official records and documents.- Subject to the pertinent provisions of the Overseas Absentee Voting Act of 2003 as amended and these Rules, any person shall have the right to access and/or copy at his/her expense all registration records, voters' lists and other official records and documents, subject to payment of prescribed charges.

Sec. 46. Security measures to safeguard the secrecy and sanctity of the ballots. - In the interest of transparency, all necessary and practicable measures shall be adopted to allow representation of the candidates, accredited major political parties, accredited

citizens' arms and non-government organizations to assist, and observe in all stages of the electoral exercise to prevent any and all forms of fraud and coercion and ensure free, honest, orderly peaceful and credible election.

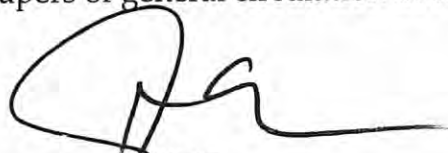
Sec. 47. Applicability of other election laws.—The pertinent provisions of the Omnibus Election Code, as amended and other election laws, which are not in conflict with the provisions of the Overseas Voting Act of 2003, as amended, shall remain in full force, and shall have suppletory application of these Rules.

Sec. 48. Enforcement and administration by the Commission.— The Commission, for the purpose of ensuring honest, orderly, peaceful and free elections abroad, shall have exclusive charge of the enforcement, administration and implementation of the Overseas Voting Act of 2003.

Sec. 49. Dissemination.— The Education and Information Department shall cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines and to furnish the Department of Foreign Affairs, Department of Labor and Employment, Department of Transportation and Communications, Philippine Postal Corporation, Philippine Overseas Employment Administration, Overseas Worker's Welfare Administration, Commission on Overseas Filipinos, the Foreign Service Institute, the Social Security System and other government agencies concerned with the welfare of Filipinos overseas.

Sec. 50. Effectivity.— These General Instructions shall take effect seven (7) days after publication in two (2) newspapers of general circulation in the Philippines.

SO ORDERED.



J. ANDRES D. BAUTISTA
Chairman



CHRISTIAN ROBERT S. LIM
Commissioner



AL A. PARRENO
Commissioner



LUIS TITO F. GUIA
Commissioner



ARTHUR D. LIM
Commissioner



MA. ROWENA AMELIA V. GUANZON
Commissioner



SHERIFF M. ABAS
Commissioner