



Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
Manila

**GENERAL INSTRUCTIONS FOR  
SPECIAL BOARD OF ELECTION  
INSPECTORS, SPECIAL BALLOT  
RECEPTION AND CUSTODY  
GROUP AND THE SPECIAL BOARD  
OF CANVASSERS IN THE  
CONDUCT OF VOTING, COUNTING  
AND CANVASSING OF VOTES  
UNDER REPUBLIC ACT NO.  
9189, OTHERWISE KNOWN AS  
“THE OVERSEAS ABSENTEE  
VOTING ACT OF 2003” FOR  
PURPOSES OF THE MAY 14, 2007  
SENATORIAL & PARTY-LIST  
ELECTIONS**

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Promulgated: 30 October 2006

**RESOLUTION NO. 7740**

The Commission on Elections, pursuant to the authority vested in it under the Constitution, Republic Act No. 9189, otherwise known as “The Overseas Absentee Voting Act of 2003” (OAVA), Batas Pambansa Blg. 881 (Omnibus Election Code), Republic Act 8436 and other election laws, **RESOLVED** to promulgate, as it hereby promulgates, the following General Instructions for Special Board of Election Inspectors, Special Ballot Reception and Custody Group and Special Board of Canvassers in the conduct of voting, counting and canvassing of votes under the Overseas Absentee Voting Act of 2003.

**ARTICLE I - Definition of Terms**

**Section 1. Meaning of words.** – As used in this General Instructions:

a) *Approved Overseas Absentee Voter Registration Record* refers to the document containing the demographic and biometric information of an overseas absentee voter approved by the Resident Election Registration Board (RERB);

b) *Certified List of Overseas Absentee Voters (OAVF No. 2)* refers to the list of registered overseas absentee voters whose applications to vote *in absentia* have been approved by the Committee on Overseas Absentee Voting, through the Resident Election Registration Board (RERB) on a country

by country and post-by-post basis. This list shall be prepared by the Committee on Overseas Absentee Voting (COAV) and approved by the Commission in an en banc resolution;

c) *Committee on Overseas Absentee Voting (COAV)* refers to the Committee tasked to oversee and supervise the effective implementation of the Overseas Absentee Voting Act (OAVA) of 2003;

d) *Day of Election* refers to the actual date of the elections in the Philippines;

e) *DFA-Overseas Absentee Voting Secretariat (DFA-OAVS)* refers to the Secretariat based at the Department of Foreign Affairs (DFA) home office to direct, coordinate and oversee the Department's participation in the implementation of the Overseas Absentee Voting Act (OAVA) through its embassies, consulates and economic and cultural offices;

f) *List of Overseas Absentee Voters with Voting Records (OAVF No. 2-A)* refers to the list of overseas absentee voters arranged alphabetically including their biometrics qualified to vote *in absentia* arranged alphabetically, for use by each Special Board of Election Inspectors (SBEI) during the voting period;

g) *Municipal/City/District Registry of Overseas Absentee Voters (ROAV)* refers to the consolidated list prepared, approved and maintained by the Commission, for every municipal/city/district, of overseas absentee voters whose applications for registration as such, including those registered voters under OAVA, who applied for certification as overseas absentee voters, have been approved by the Election Registration Board;

h) *National Registry of Overseas Absentee Voters (NROAV)* refers to the consolidated list prepared, approved and maintained by the Commission, of overseas absentee voters whose applications for registration as absentee voters, including those registered voters under OAVA, who have applied to be certified as absentee voters, have been approved by the Resident Election Registration Board. It shall indicate the Post where the overseas absentee voter is registered;

i) *Overseas Absentee Voter* refers to a citizen of the Philippines who is qualified to register and vote under the OAVA, not otherwise disqualified by law, who is abroad on the day of the elections;

j) *Overseas Absentee Voting* refers to the process by which qualified citizens of the Philippines abroad exercise their right to vote;

k) *Overseas Absentee Voting Book of Voters* refers to the compilation of all approved Overseas Absentee Voter Registration Records in a country or in a smaller unit in a given country;

l) *Overseas Absentee Voting Election Returns* refers to an election document prepared and authenticated by the Special Board of Election Inspectors (SBEI) for counting showing the date of the election, the country in which it is held, the number of voters qualified to vote as overseas absentee voters, the number of voters who actually voted; the votes obtained by each candidate in an Overseas Absentee Voting Precinct and such other data as may be required by law;

m) *Overseas Absentee Voting Precinct* refers to a country or a smaller territorial unit in a given country designated by the Commission for purposes of counting the ballots taking into consideration the presence of consular offices and the number of overseas absentee voters under the jurisdiction of each consular office. One precinct in a country shall be composed of not more than 500 overseas absentee voters.

n) *Posts* shall refer to the Philippine embassies, consulates, foreign service establishments and other Philippine government agencies maintaining offices abroad having jurisdiction over the places where the overseas absentee voters temporarily reside. Posts shall also mean to include the three (3) Manila Economic & Cultural Offices (MECO) in Taiwan;

o) *Resident Election Registration Board (RERB)* shall refer to the in-house Election Registration Board (RERB) of the COAV composed of three (3) ranking officials of the Commission, the main functions of which are to process, approve, or disapprove the application forms for registration or certification as overseas absentee voter;

p) *Registered Overseas Absentee Voter* refers to one whose application for registration or for certification as absentee voter has been approved by the RERB;

q) *Representative of the Commission* refers to the officials and employees of the foreign service corps, including the Filipino contractual employees and Filipino volunteers accredited by the Post and deputized by the Commission that the embassies, consulates and other foreign service establishments may locally hire at the host country;

r) *Seafarers* refer to 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;

s) *Special Ballot Reception and Custody Group (SBRCG)* refers to the group deputized by the Commission in every Post to receive and take custody of all accountable and non-accountable election forms, supplies and paraphernalia sent by the COAV for issuance to the Special Boards of Election Inspectors and Special Boards of Canvassers;

t) *Special Board of Election Inspectors (SBEI)* refers to the body deputized by the Commission to conduct the voting and counting of votes;

u) *Supervisory teams* refer to officials and employees of the Commission designated by the Commission to supervise and ensure the implementation of the OAVA and these Rules. Such supervisory teams shall be headed by career officers or any lawyer of the Commission designated by the Chairman of the COAV.

v) *Voting Period* refers to 30 days of voting. In case of personal voting, the voting period includes the day of elections.

## **ARTICLE II - Special Ballot Reception and Custody Group**

**Sec. 2. Special Ballot Reception and Custody Group; constitution.**

- A Special Ballot Reception and Custody Group (SBRCG) is hereby created in every Post.

The SBRCG shall be composed of three (3) members from among the personnel of the Post, and citizens of the Philippines abroad deputized by the Commission. The members of the SBRCG or their spouses shall not be related within the fourth civil degree of consanguinity or affinity to any member of the same SBRCG or to any of the candidates for Senators and to any of the nominees for the party-list system of representation.

The Commission may constitute sub-committees to assist the SBRCG in countries where the registered voters is at least forty thousand (40,000). Each sub-committee shall be composed of three members whose qualifications shall be the same as the members of the SBRCG. The Commission shall constitute the SBRCG not later than **February 15, 2007**.

**Sec. 3. Qualifications of members of the SBRCG.** – No person shall be appointed as chairman or member of the SBRCG, unless he:

- a) Is of good moral character and irreproachable reputation;
- b) Is a citizen of the Philippines living abroad;
- c) Is from among the staff of the Posts;
- d) Has never been convicted of any election offense or of any other crime punishable by more than six (6) months of imprisonment, or has no pending case filed against him for any election offense; and
- e) Is able to speak and write English or Pilipino.

**Sec. 4. Functions of the SBRCG.** - The SBRCG shall perform the following duties and functions:

- a) Receive from the Commission through the COAV, all accountable and non-accountable election forms, supplies and paraphernalia to be used in voting, counting and canvassing;
- b) Verify using the packing list, the received quantity and serial numbers of all ballots, election returns and canvassing forms, if any, and other accountable forms, in the presence of the head of the Post or his/her authorized representative, watchers of political parties and representatives of the Filipino community, if available.
- c) Notify the COAV within twenty-four (24) hours after verification, of the receipt of accountable and non-accountable forms, condition thereof and discrepancy if any, in the quantity and serial numbers of the accountable forms;
- d) Store in a secured place all received forms and supplies;
- e) In countries where voting by mail is allowed, perform such duties and functions as provided for in Section 36 hereof.

In case of temporary vacancy in the SBRCG, the provision of Section 9, Article III hereof shall apply.

### ARTICLE III – SPECIAL BOARDS OF ELECTION INSPECTORS

**Sec. 5. Special Board of Election Inspectors; constitution and appointment.** – There shall be constituted at least one (1) Special Board of Election Inspectors (SBEI) in every Post for purposes of voting and counting.

For purposes of voting, each SBEI shall handle not more than 4,000 voters. In excess of 4,000 voters, additional SBEIs may be constituted, upon approval by the COAV.

For purposes of counting, there shall be one (1) SBEI for every 500 ballots cast. The total number of SBEIs to be constituted shall be based on eighty (80%) of the total registered voters at the Post.

The SBEI shall be composed of a chairman and two (2) members, one of whom shall be designated as Poll Clerk and the other as Member-Secretary. The Ambassador or Consul-General, or any career public officer posted abroad designated by the Commission, shall act as the chairman. In the absence of any Post personnel, the two (2) other members shall be citizens of the Philippines, who are qualified to register and vote under the OAVA and deputized by the Commission not later than sixty (60) days before the day of the elections.

For the **May 14, 2007** elections, the Commission shall constitute the SBEIs not later than **February 15, 2007** subject to substitution in case of ineligibility due to prohibited relationship to candidates after the filing of certificate of candidacy.

The Post may adopt a flexible schedule for the operation of the various SBEIs; provided it is continuous and it will not be less than eight (8) hours a day, to take into account the availability of voters and the primary responsibilities and functions of the members of the SBEIs.

**Sec. 6. Qualifications of members of the SBEI.** – No person shall be appointed as chairman or member of the SBEI, whether regular or substitute, unless he:

- a) Is of good moral character and irreproachable reputation;
- b) Is qualified to register and vote under the OAVA;
- c) Has never been convicted of any election offense or of any other crime punishable by more than six (6) months of imprisonment, or has no pending case filed against him for any election offense; and
- d) Is able to speak and write English or Pilipino.

**Sec. 7. Disqualification.** - No person shall serve as chairman or member of the SBEI if he or his spouse is related within the fourth civil degree of consanguinity or affinity to any member of the same SBEI or to any of the candidates for Senator and to any of the nominees for the party-list system of representation.

**Sec. 8. Notice of disqualification.** – Any member who is disqualified for any of the above reasons shall notify the head of the Post in writing, who shall, in turn submit a replacement to the COAV for appointment.

**Sec. 9. Temporary vacancies in the SBEI** – If at the time of the meeting of the SBEI, any member is absent or the office is still vacant, the members present shall call upon the substitute of the absent member to perform the duties of the latter. If the substitute cannot be found, the Head of the Post shall appoint any available official or employee of the foreign service corps or non-partisan registered voter not otherwise disqualified to temporarily fill said vacancy until the absent member appears or the vacancy is filled.

For this purpose, the Posts shall constitute a pool of substitutes which will likewise be deputized by the Commission.

**Sec. 10. Oath of members of the SBEI.** –The members of the SBEI shall, before assuming their office, take and sign an oath in the form prescribed by the Commission (OAVF Nos. 5 & 5A) before an officer authorized to administer oaths or, in the absence thereof, before any other member of the SBEI present or, in case no other member is present, before any overseas absentee voter. The oaths of the members of the SBEI shall be submitted to the SBRCG.

**Sec. 11. Powers and functions of the SBEI.** - The SBEI shall have the following powers and functions:

- a) Conduct the voting and counting of votes in personal voting and the counting of votes in voting by mail in countries where the same has been authorized by the Commission;
- b) Act as deputies of the Commission in the supervision and control of the election in the polling place where they are assigned;
- c) Maintain order within the polling place and its premises, to keep access thereto open and unobstructed, and to enforce obedience to its lawful orders. If any person refuses to obey its lawful order, or conducts himself in a disorderly manner in its presence or within its hearing and thereby interrupts or disturbs its proceeding, the SBEI may call upon the security force of the embassy, if any, or its deputized peace officer to take such person into custody until the adjournment of the meeting, but such order shall not be executed as to prevent the person from voting; and,
- d) Perform such other functions prescribed under the Omnibus Election Code or by the rules and regulations promulgated by the Commission.

**Sec. 12. Proceedings of the SBEI.** - The meeting of the SBEI shall be public and held in the polling place designated by the Commission. The SBEI shall act through its Chairman and shall decide, without delay, by a majority vote, questions which may arise in the performance of its duties. However, all resolutions of the SBEI, as a general rule, should carry the attestation of the Chairman.

**Sec. 13. Minutes of Voting.** – The SBEI shall accomplish in two (2) copies the Minutes of Voting (OAVF No. 11) and record the act or data required therein as they occur or become available during voting. Copies of the Minutes of Voting 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. 14. Prohibition against political activity.** – No member of the SBEI/SBRCG shall engage in any partisan political activity or take part in the elections except to discharge their duties and to vote.

**Sec. 15. Supervision by heads of Posts.** – All foreign service personnel and representatives of attached agencies duly deputized by the Commission shall be under the direct supervision of the Heads of Posts concerned insofar as the One Country Team Approach is concerned.

#### **ARTICLE IV - WATCHERS**

**Sec. 16. Watchers.** – Each candidate, political party, and parties, associations or organizations participating in the party-list system of elections, accredited citizens' arms and accredited OFW organizations shall be entitled to one (1) watcher during the voting and counting of votes. For this purpose, each candidate, political party, and parties, associations or organizations participating in the party-list system of elections, accredited citizens' arms and accredited OFW organizations shall submit to the Posts, copy furnished the COAV, 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) common watcher for the independent candidates, one (1) common watcher for the accredited citizens' arms and one (1) common watcher for accredited OFW organizations.

**Sec. 17. Qualifications of watchers.** – No person shall be appointed watcher unless he is a qualified overseas absentee voter in the Post where he is assigned under the Overseas Absentee Voting Act; is of good reputation; has not been convicted of any election offense or any crime; knows how to write and read English or Pilipino; and 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 he seeks appointment as watcher.

**Sec. 18. 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 letter "C" of the Minutes of Voting with a notation under their signatures that they are not disqualified to serve as such. The appointments of the watchers shall bear the facsimile signature of the candidate or the duly authorized representative of the political party, organization or coalition of coalition parties who appointed them or of organizations authorized by the Commission. For this purpose, registered political parties, organizations or coalitions authorized by the Commission, accredited citizens' arms and OFW organizations, shall provide the Commission and the Posts with the names and signatures of their representatives authorized to appoint watchers in each Post at least fifteen (15) days before the voting period.

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, tally board and ballot boxes/receptacles; (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 each ballot after it shall have been read by the chairman, as well as the election returns after it shall have been completed and signed by the members of the SBEI without touching such documents; and (g) be furnished, upon request, with a certificate of votes cast for the candidates duly signed and thumbmarked 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 V – ELECTION FORMS AND SUPPLIES

**Sec. 19. Election forms, documents and supplies.** – The SBRCG shall receive from the Commission through the COAV election forms, documents and supplies for its use and for distribution to the SBEIs. Except when authorized to do so earlier by the Commission, the SBEIs shall get the forms, documents and supplies early in the morning of each voting day. The allocation of the forms, documents and supplies shall be according to the following:

OAVF NO.	DESCRIPTION	RATE OF DISTRIBUTION	
<b>ELECTION FORMS (VOTING)</b>			
4	Certified List of Candidates for Senators, and List of Parties, Sectoral Orgs. Or Coalitions Participating under the Party-List System	12	Copies
5 & 5-A	Appointment of Chairman/Poll Clerk/Members of BEI	9	Pieces
6	Official Ballots	1	Piece per Voter
11	Minutes of Voting	1	Set of 2 pieces
12	Paper seals	7	Pieces
14	Certificate of Receipt of Forms and supplies for voting by SBEI	2	Pieces
16	Envelope for Spoiled and Official Ballots	3	Pieces
18	Envelope for Minutes of Voting	1	Set of 2 pieces
6-A	Envelope for Official Ballot of the Voter	1	Piece per Voter
2	Certified List of Overseas Absentee Voters	1	Copy
2-A	List of Overseas Absentee Voters with Voting Records	1	Copy
2-B	Certified List of Seafarer-Voters	1	Copy
	Book of Voters	1	Copy
<b>ELECTION FORMS (COUNTING)</b>			
	Ballot Box Containing Ballots to be counted	1	Piece
9	Election Returns	1	Set

10	Tally Board	1	Set
11-A	Minutes of Counting of Votes	1	Set of 2 Pieces
13	Certificate of Votes	20	Pieces
14-A	Certificate of Receipt of Election Returns, other Forms and Supplies for Counting by BEI	2	Pieces
12	Paper Seals	23	Pieces
27, 27-A, 27-B, 27-C & 27-D	OFFICIAL RECEIPT OF ELECTION RETURNS - Copy for the SBRCG - Copy for the Special Board of Canvassers - Copy for the Dominant Majority Party - Copy for the Dominant Minority Party - Copy for the Citizen's Arm	10	Pieces
16	Envelope for Counted Official Ballots; Excess, Marked; Torn Half of Unused Official Ballots; and Other Half of Torn Unused Official Ballots	5	Pieces
17, 17-A, 17-B, 17-C, 17-D, 17-E & 17-F	ENVELOPE FOR ELECTION RETURNS - Copy for the Special Board of Canvassers - Copy for the Commission - Copy for the Dominant Majority Party - Copy for the Dominant Minority Party - Copy for Accredited Citizen's Arm - Copy for Ballot Box	1	Set of 7 Pieces
18-A <b>OTHER FORMS</b>	Envelope for Minutes of Counting of Votes	1	Set of 2 Pieces
30	Temporary Appointment of Chairman/Poll Clerk	10	Pieces
33	Certificate of Challenge or Protest and Decision of the Board	10	Pieces
39	Oath of Voter Challenge for Illegal Acts	10	Pieces
40	Oath of Identification of Challenged Voter	10	Pieces
41	Summons re Challenged Voter General Instructions for SBEL	10 3	Pieces Copies
<b>SUPPLIES</b>			
<b>a. Voting</b>			
	Collapsible Ballot Box	1	Piece
	Ballot Box Tape	8	Pieces
	Ball pen	13	Pieces
	Ballot Secrecy Folder	12	Pieces
	Security Seals for the Ballot Box Tape	60	Pieces
	Thumbprint Takers	3	Pieces
<b>b. Counting</b>			
	Rubber band	8	Pieces
	Bond Paper Long	30	Pieces
	Carbon Paper	5	Sheets
	Thumbprint Takers	1	Piece

## ARTICLE VI – COMMON PROVISIONS FOR PERSONAL VOTING

**Sec. 20. Place of voting.** – In case of personal voting, casting of votes shall be done in the designated voting area within the premises of the Posts and other voting areas as may be determined by the Commission.

**Sec. 21. Prohibitions on personal voting.** - The voter shall not:

1. Be accompanied by anybody in accomplishing his/her ballot, except in the case of an illiterate or disabled voter;
2. Speak with anyone while accomplishing his/her ballot, other than as herein provided;
3. Intentionally tear, deface, or erase any printing on the ballot or put thereon any distinguishing mark;
4. Use carbon paper, paraffin paper or other means for making a copy of the ballot, or make use of any other means to identify his/her vote;
5. Prepare the ballot without the use of a ballot secrecy folder, or exhibit its contents to any person; or
6. Bring the ballot outside the designated voting area within the premises of Posts.

**Sec. 22. Rules to be observed during the voting.** - During the voting, the SBEI shall ensure that:

1. 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;
2. No ballot is brought outside the designated voting area in the Posts or other duly authorized polling places;
3. No person enters the premises of the Posts carrying any firearm or any deadly weapon, except those expressly authorized by the Commission;
4. The voters shall vote in the order of their arrival in the voting area in the premises of the Posts; and,
5. There is no crowding of voters and disorderly behavior inside the designated voting area.

**Sec. 23. Preparation of ballots for illiterate and disabled voters-**

1. No voter shall be allowed to vote as illiterate or physically disabled unless such fact is so indicated in the CLOAV;
2. A voter who is illiterate or physically unable to prepare the ballot by himself/herself may be assisted in the preparation of his/her ballot by a relative within the fourth civil degree of consanguinity or affinity, or, if he/she has none, by any person of his/her confidence who belongs to the same household, or by any member of the SBEI;
3. No person shall assist an illiterate or disabled voter more than three (3) times except the members of the SBEI. The Member-Secretary shall enter in the Minutes of Voting, the names of the persons each member assisted. At the end of each voting day, the Member-Secretary shall indicate in the Minutes of Voting the total number of times each member of the SBEI assisted an illiterate or disabled voter;

4. The assistor shall accomplish the ballot for the illiterate or disabled voter using a ballot secrecy folder in the presence of the latter; and,
5. The assistor shall bind himself 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, by affixing his/her signature in the appropriate space in the Minutes of Voting.

**Sec. 24. Challenge of illegal voters.** - Any voter or watcher may challenge a voter for:

1. Not being a registered overseas absentee voter;
2. Using the name of another; or,
3. Suffering from an existing disqualification.

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

**Sec. 25. Challenge based on certain illegal acts.** – Any voter or watcher may challenge any voter on the ground that:

1. The challenged person has received or expects to receive money or anything of value as consideration for his/her 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;
2. The challenged person has made or received a promise to influence the giving or withholding of any such vote; or,
3. 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 accomplish the Oath of a Voter Challenged for Illegal Acts (OAVF No. 39) and take an oath before the SBEI that he has not committed any of the acts alleged in the challenge. 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. 26. Record of challenges and oaths.** - The Member-Secretary of the SBEI shall record in the Minutes of Voting all challenges and oaths taken in connection therewith and the decision of the SBEI in each case.

**Sec. 27. Prohibition on premature announcement of voting.** – No member of the SBEI shall, before the termination of the voting, make any announcement as to whether a certain registered voter has already voted or not, as to how many have already voted or how many so far have failed to vote, or any other fact tending to show or showing the state of the polls, nor shall he/she make any statement at any time, except as witness before a court or body as to how any person voted.

## ARTICLE VII - CASTING OF VOTES

**Sec. 28. Who are allowed to vote** - All citizens of the Philippines abroad, not otherwise disqualified by law, at least eighteen (18) years of age on the day of the election, and a registered overseas absentee voter with an approved application to vote *in absentia*, may vote for Senators and Party-List Representatives.

**Sec. 29. Period for casting of votes** - Qualified overseas absentee voters shall cast their votes at any time within thirty (30) days, before the actual date of the election in the Philippines, including the day of election.

The period for casting of votes shall end at the close of voting hours on election day, synchronized with Philippine time.

For purposes of the **May 14, 2007** elections, the 30-day voting period shall start on **April 14, 2007**, local time of the host country. The period for casting of votes shall end at 3:00 P.M. of May 14, 2007, Philippine time.

If at three o'clock **on the last voting day**, there are still voters within thirty meters in front of the polling place who have not yet cast their votes, the voting shall continue to allow said 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 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.

In case of voting by mail, ballots received after three o'clock in the afternoon Philippine time of election day, shall not be opened, and shall be cancelled and disposed of appropriately.

**Sec. 30. Manner of casting of votes** - Qualified overseas absentee voters shall cast their votes either personally, or by mail in countries where voting by mail has been authorized by the Commission.

**Sec. 31. Preliminaries to personal voting** – A. The following procedures shall be observed:

**A. Preliminaries to the Start of Voting Period**

**THE SBRCG SHALL:**

1. Allocate to each SBEI the official ballots and other forms and supplies based on the rate of distribution indicated in OAVF No. 14 and accomplish the blank columns thereof.

In Posts where there are more than one (1) SBEI, each shall be assigned corresponding identification numbers.

2. Place inside the Ballot Receptacle to be assigned to the SBEI the following:
  - Pads of official ballots
  - Paper seals
  - Ballot Receptacle security seals
  - Other forms and supplies as listed in OAVF No. 14

3. Give OAVF No. 14 to the SBEI.

**THE SBEI SHALL:**

1. Get from the SBRCG the Ballot Receptacle and OAVF No. 14.
2. Remove all the contents of the Ballot Receptacle.
3. Ascertain if the actual quantity of ballots received is equal to the number of voters assigned to it based on OAVF No. 2.

If the actual quantity of ballots received is greater than the number of voters assigned to it, return to the SBRCG the excess ballots. If the actual quantity of ballots received is less than the number of voters assigned to it, get from the SBRCG additional ballots.

4. Examine the serial numbers & quantity of official ballots and other accountable forms and supplies based on OAVF No. 14.

If the serial numbers and quantity are not the same as indicated in OAVF No. 14, refer the matter to the SBRCG for appropriate action.

If the serial numbers and quantity are the same as that indicated in OAVF No. 14, sign the Acknowledgment Receipt on OAVF No. 14.

5. Determine and segregate the number of pads of ballots to be used on the first voting day and place them inside the Envelope for Official Ballots.
6. Accomplish Part I of the Minutes of Voting.
7. Return inside the Ballot Receptacle the Envelope for Official Ballots, the Minutes of Voting, the remaining ballots and all the forms and supplies.
8. Seal the Ballot Receptacle with security seal.
9. Deliver the sealed Ballot Receptacle to the SBRCG for safekeeping.
10. Submit one copy of OAVF No. 14 to the SBRCG and retain the other for filing.
11. Require the SBRCG to acknowledge receipt of the Ballot Receptacle by accomplishing the logbook maintained for the purpose.
12. Post one (1) copy of OAVF No. 2 in a conspicuous place within the premises of voting area.
13. Provide Ballot Secrecy Folders inside the voting area.

**B. Before The Start of Each Voting Day**

**THE SBRCG SHALL:**

1. Issue to the SBEI the Ballot Receptacle, the unassembled ballot box and the Book of Voters.
2. Require SBEI to acknowledge receipt of the Ballot Receptacle and the ballot box using a logbook maintained for the purpose.

**THE SBEI SHALL:**

1. Indicate in Part I of the Minutes of Voting the serial number of the ballot box issued by the SBRCG.
2. Break the Ballot Receptacle seal.
3. Open the Ballot Receptacle.
4. Retrieve the envelope containing the package of official ballots and other forms and supplies to be used for the day.
5. Seal the Ballot Receptacle with a new security seal and record in the Minutes of Voting the serial number thereof.
6. Deposit the Ballot Receptacle with SBRCG for safekeeping.
7. Require the SBRCG to acknowledge receipt of the Ballot Receptacle using the logbook maintained for the purpose.
8. Proceed to the voting center/area.

**C. Before the start of voting proper**

**THE SBEI SHALL:**

1. Show to the public and watchers of political parties and candidates that the seals of the package of official ballots and Book of Voters are intact.
2. Assemble the ballot box.
3. Exhibit the ballot box to show that it is empty.
4. Affix the security seals on all side openings of the ballot box in such a way that no ballot may be removed from or placed inside the ballot box without breaking the seal. The ballot box shall remain sealed until the start of counting.
5. In Posts where there are more than one (1) SBEI, indicate the SBEI number assigned by the SBRCG.
6. Accomplish Parts II.A and II.B of the Minutes of Voting.

In succeeding days, before the start of voting, show to the public that the security seals of the ballot box are intact.

**Sec. 32. Manner of obtaining ballots and voting -**

1. The person applying for a ballot approaches the Poll Clerk and gives his name and address together with other data concerning his person.
2. Verify from the Certified List of Overseas Absentee Voters (CLOAV) or the List of Overseas Absentee Voters with Voting Record (LOAVVR) or Book of Voters if the name of the person applying for the ballot is included

therein. If the name of voter is not included in any of the three, he shall not be allowed to vote and he shall be asked to depart the polling center.

3. If the name of the voter is included in any of the three, ascertain his identity using LOAVVR. In the absence of the voter's photo in LOAVVR, the voter will be required to present his Overseas Absentee Voter Identification Card/valid passport or any identification card. If his identity has not been ascertained, the voter shall not be allowed to vote and he will be asked to depart the polling center.
4. If the identity of the voter has been ascertained or has not been challenged or having been challenged the question has been decided in his favor, direct the voter to approach the Chairman for issuance of his official ballot.
5. Before issuing the official ballot, the Chairman shall:
  - a. Affix his signature in the space provided for the purpose in the LOAVVR;
  - b. Announce the serial number of the ballot;
  - c. Enter in the LOAVVR, opposite the name of voter, the serial number of ballot;
  - d. Authenticate the ballot by affixing his signature at the back of the ballot. Failure to authenticate the ballot shall not invalidate the ballot but the Chairman shall be liable for an election offense;
  - e. Require the voter to affix his signature opposite his name in LOAVVR;
  - f. Fold the ballot in such a manner that its contents are hidden and that only the portion where the serial number of the ballot coupon appears is shown; and,
  - g. Issue the folded ballot to the voter.
6. The voter shall personally accomplish his ballot by writing the names of the candidates/party list of his choice.
7. The voter should fold the ballot in the same manner as when he received the same.
8. The voter returns the ballot to the Member-Secretary.
9. The Member-Secretary, without seeing the contents of the ballot and within the view of the voter and the Chairman, verifies:
  - a. The serial number of the ballot coupon against the number previously entered in LOAVRR;
  - b. Whether or not the ballot coupon is detached; or,
  - c. The ballot is accidentally defaced by the voter such that it cannot lawfully be used.

10. If the serial number of the ballot coupon is the same as that previously issued to him, the voter shall affix his right thumbmark in the corresponding space in the ballot coupon and opposite his name in the LOAVRR.
11. The Member-Secretary shall detach the ballot coupon, deposit it in the ballot box compartment for spoiled ballots, provide the voter with an envelope for the ballot, and return the same to the voter.
12. The voter shall place his ballot inside the envelope and return the same to the Chairman.
13. In the presence of the voter and other members of the SBEI, the Chairman shall deposit the envelope containing the ballot inside the ballot box compartment for valid ballots.
14. Voter shall then depart.

If during the voting, the ballots inside the ballot box reach 500 ballots, the SBEI shall:

- a. Seal the ballot box slit;
- b. Indicate the number of ballots inside the ballot box that will be submitted to SBRCG at the end of voting day;
- c. Request additional ballot box from the SBRCG which shall then issue the additional ballot box; and,
- d. Accomplish Parts II.A and II.B of the Minutes of Voting.

**Sec. 33. Spoiled Ballots.** A ballot shall be considered spoiled in the following instances:

1. The serial number of the ballot coupon is not the same as previously issued to the voter;
2. The ballot coupon has been detached not in presence of any member of SBEI; and,
3. The ballot is accidentally defaced by the voter such that it cannot be lawfully used.

**Sec. 34. Procedure for Spoiled Ballots.** The Chairman shall:

1. Without unfolding the ballot, write the word "SPOILED" at the back thereof;
2. Affix his signature below the word "SPOILED";
3. Deposit the spoiled ballot inside compartment for spoiled ballots;
4. Indicate the word "SPOILED" in the LOAVVR opposite the serial number of the ballot issued to the voter. Record the serial number of spoiled ballot in the Minutes of Voting.

5. Issue another authenticated ballot to the voter only when the ballot was accidentally defaced by the voter, after announcing the serial number of the second ballot and record the same in the corresponding space in the LOAVRR.

**No voter shall change his ballot more than once.**

**Sec. 35. A. Post voting procedures. –**

**AT THE END OF EVERY VOTING DAY, THE SBEI SHALL:**

1. Seal the ballot box slits.
2. Accomplish Parts II.C, II.D and II.E, if necessary, of the Minutes of Voting.
3. Place the unused ballots inside the Envelope for official ballots.
4. Secure from the SBRCG the Ballot Receptacle assigned to it.
5. Deposit inside the Ballot Receptacle the Minutes of Voting (two copies), the envelope containing the unused ballots and other forms and supplies.
6. Seal the Ballot Receptacle.
7. Record the serial number of security seal used.
8. Submit to the SBRCG for safekeeping, the Ballot Receptacle, sealed ballot box containing accomplished ballots, and spoiled ballots, if any, Book of Voters, OAVF No. 2 and OAVF No. 2-A.
9. Require the SBRCG to acknowledge receipt using logbook maintained for the purpose.

**THE SBRCG SHALL:**

1. Ensure that the ballot box slit and the Ballot Receptacle are properly sealed.
2. Keep in secured place the Ballot Receptacle and the ballot box containing accomplished ballots for re-issuance the following day.

**B. After voting on the last day of the voting period:**

**THE SBEI CHAIRMAN SHALL**

1. Seal the ballot box slit.
2. Indicate the number of ballots inside the ballot box.
3. Get from the SBRCG the Ballot Receptacle.
4. Retrieve from the Ballot Receptacle all the remaining unused ballots.

5. In the presence of other members of SBEI and watchers, if any, tear the unused ballots in half lengthwise.
6. Place one half of the torn ballots inside an envelope and the other half in another envelope.
7. Seal both envelopes with paper seal. They shall remain sealed unless the Commission orders otherwise.
8. The Member-Secretary shall accomplish Part III.A to III.E of the Minutes of Voting and places the same in corresponding envelopes.
9. The SBEI shall submit to the SBRCG the following:
  - Sealed ballot box with accomplished ballots
  - Overseas Absentee Book of Voters
  - CLOAV
  - List of Voters With Voting Records
  - Unsealed Minutes of Voting (Copy for the Commission)
  - Ballot Receptacle containing the following:
    - Envelopes containing half of torn unused ballots
    - Minutes of Voting (Copy for the Ballot Box)
    - Other election forms, supplies and paraphernalia

**Sec. 36. Preliminaries to voting by mail.** – In countries where voting by mail has been authorized by the Joint Congressional Oversight Committee (JCOC), the following procedures shall be adopted:

**COAV SHALL**

1. Not later than **March 15, 2007**, send directly to the voters by registered mail the Mailing Envelope containing the following:
  - List of Candidates
  - Instruction for Voters
  - Inner Envelope
  - Outer Envelope
  - Paper Seal for the Outer Envelope
  - Ballot
2. Send to the Posts the CLOAV which contains the names of voters and the serial numbers of the official ballots, Outer Envelope, and of the paper seals assigned to them as indicated therein.

**Sec. 37. Procedures for voting by mail -**

**INSTRUCTIONS TO VOTERS**

1. Accomplish personally the ballot by writing the names of candidates & party-list of your choice.
2. Affix your right thumbmark on the ballot coupon which is located on the lower portion of ballot.
3. Detach the ballot coupon and place it inside Outer Envelope provided for the purpose.

4. Place the accomplished ballot inside the Inner Envelope.
5. Close the Inner Envelope.
6. Place the Inner Envelope inside the Outer Envelope.
7. Write your name and affix your signature on the proper space in the Outer Envelope. Failure to affix your signature will invalidate your ballot.
8. Seal the Outer Envelope with paper seal provided and return it personally or by mail to the Post. Ensure that the ballot is received by the Post on or before May 14, 2007 at 3:00 o'clock Philippine time.

#### **RECEPTION OF OUTER ENVELOPES**

##### **THE SBRCG SHALL:**

1. Assign receptacles for valid ballots, invalid ballots and questionable ballots.
2. Stamp on the face of the Outer Envelope and opposite the name of the voter in the CLOAV the date and time of receipt thereof.
3. If the envelope is received after the close of voting on the day of elections, place the Outer Envelope in the receptacle for "Invalid Ballots".
4. If the envelope is received before the close of voting on the day of elections, proceed to the verification procedures.

#### **VERIFICATION PROCEDURES**

##### **1. Outer Envelope**

If the Outer Envelope is not the official envelope provided by the COAV, place it in the receptacle for "Invalid Ballots".

If the Outer Envelope is the official envelope sent by the COAV, verify the signature appearing thereat.

##### **2. Signature of the Voter**

If the signature of the voter does not appear in the Outer Envelope, place it inside the receptacle for "Invalid Ballots".

If the signature is not identical as that as appearing in OAVRR, attach the OAVRR in the Outer Envelope, indicate in the Outer Envelope that the signature of the voter is not identical to that appearing in the OAVRR, and place it inside the receptacle for "Questionable Ballots".

If the signature is identical to that appearing in OAVRR, verify if a paper seal is affixed to the Outer Envelope.

### 3. Paper Seal

If the Outer Envelope does not have a paper seal, indicate in the envelope that paper seal is not affixed and place it in the receptacle for "Questionable Ballots".

If the serial number of the paper seal is different from the assigned number, indicate in the envelope that the serial number of the paper seal is not the same as the assigned number and place the Outer Envelope in the receptacle for "Questionable Ballots".

If the serial number of the paper seal is the same as the assigned number, open the Outer Envelope to determine whether the ballot coupon is inside.

### 4. Ballot Coupon

If the ballot coupon is inside the Outer Envelope, verify its serial number. If the serial number is the same as the assigned number as indicated in the CLOAV, return the Inner Envelope and the ballot coupon inside the Outer Envelope and place the same in the receptacle for "Valid Ballots".

If the serial number is not the same as the assigned number as indicated in the CLOAV, indicate in the Outer Envelope that the serial number of the ballot coupon is not the same as the assigned number, return the Inner Envelope and the ballot coupon inside the Outer Envelope and place it in the receptacle for "Questionable Ballots".

If the ballot coupon is not inside, indicate in the Outer Envelope that the ballot coupon is not inside, place the Outer Envelope in the receptacle for "Questionable Ballots".

### **INVALID BALLOTS**

The following constitutes invalid ballots and shall not be included in counting:

- a. Those not contained in the official Outer Envelope.
- b. Those not received before the close of voting on the day of elections.
- c. The Outer Envelope does not contain the name and signature of the voter.

### **QUESTIONABLE BALLOTS**

The following constitutes questionable ballots and shall be validated by the SBEs before counting.

1. The signature of the voter in the Outer Envelope is not identical with his signature in his OAVRR.

2. The serial number of the paper seal affixed on the Outer Envelope is different from the assigned number as indicated in the CLOAV.
3. The Outer Envelope is without the assigned paper seal.
4. The detachable ballot coupon is not found inside the Outer Envelope.
5. The serial number of the ballot coupon is different from the assigned number as indicated in the CLOAV.

**In all cases, the SBRCG shall indicate on the face of the envelope the type of “Questionable Ballot”.**

5. Close and seal each receptacle at the end of each voting day.
6. On a daily basis during the entire voting period, keep a daily record of number of envelopes received and deposited in each receptacle.
7. At 3 p.m. of last day of the voting period, close the unfilled boxes in the CLOAV intended for the signatures of the voter by placing a line across the boxes and by affixing their signatures at the bottom of each page of the CLOAV. Other watchers, if available, shall likewise affix their signatures thereto.
8. Such facts shall be noted in the Minutes of Voting.

**Sec. 38. Procedures for Voting by Seafarers.**- The following guidelines shall be observed in voting by seafarers:

1. Seafarers may vote at any Post during the voting period.
2. COAV shall give each Post a soft copy of the CLOAV for seafarers.
3. Ballots for seafarers shall be apportioned proportionately for each Post with identified international ports except in Post where personal voting is adopted. These ballots shall be in the custody of the SBRCG of the Post for the entire voting period.

In Posts where personal voting is adopted, 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) CLOAVs.

In Posts where voting by mail is adopted, the seafarer shall personally claim and accomplish his ballot inside the Post and submit the accomplished ballot to the SBRCG which shall then dispose of the ballot in accordance with the procedures on voting by mail.

Field voting may be allowed where the location of the Post is distant from the port.

4. For purposes of monitoring and recording:
  - a. The Posts 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 COAV.
- b. The COAV shall, on a daily basis:
1. Update its file on seafarers who already voted; and,
  2. E-mail the updates to the Posts.
- c. The Posts shall, at the start of each succeeding voting day:
1. Verify from the updated COAV e-mail on seafarers the names of those who already voted; and,
  2. Indicate opposite the name of the seafarer in the CLOAV the date and place where he voted.

## **ARTICLE VIII – COUNTING**

**Sec. 39. Counting site.** – The counting of votes shall be conducted on site in the country where the votes were actually cast within the premises of the Posts, or in such other places as may be designated by the Commission.

**Sec. 40. Determination of number of SBEIs to conduct the counting of votes.** – On the basis of total number of voters who actually voted, the head of Post or his duly authorized representative, shall determine the number of SBEIs which will conduct the counting of votes at the rate of one (1) SBEI for every five hundred (500) ballots.

**Sec. 41. Manner of counting.** – The counting of votes shall be conducted publicly and without interruption. Unless otherwise ordered by the Commission, the SBEI shall not adjourn or postpone or delay the counting until it has been fully completed.

**Sec. 42. Start of counting** - The counting of votes shall start immediately after the close of voting at three o'clock in the afternoon of May 14, 2007, Philippine time.

**Sec. 43. Minutes of Counting of Votes.** – The SBEI shall accomplish in two (2) copies the Minutes of Counting (OAVF No. 11-A) and record the act or data required therein as they occur or become available during counting.

Copies of the Minutes of Counting must be signed, sealed in separate envelopes and distributed as follows:

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

## **ARTICLE IX – PRELIMINARIES TO COUNTING**

**Sec. 44. Preliminaries to counting for ballots cast personally** The following procedure shall be observed by the SBRCG and the SBEI in the presence of representatives/watchers of political parties, if available, before the counting of votes:

**A. SBRCG shall:**

**For Posts where the number of voters who cast their votes is 500 or less**

1. Allocate in accordance with the rate of distribution indicated in OAVF No. 14-A, the accountable forms and supplies to be used in counting.
2. Record using OAVF No. 14-A the quantity and serial numbers of accountable forms and supplies to be issued to the SBEI.
3. Issue to the SBEI :
  - a. The ballot box/es containing the accomplished ballots; and,
  - b. All forms and supplies indicated in OAVF No. 14-A.

**For Posts where the number of voters who cast their votes is more than 500**

1. Determine total number of SBEIs to function for counting such that each SBEI shall handle at least 500 but not more than 650 ballots.
2. Assign precinct number to each SBEI.
3. Allocate in accordance with the rate of distribution indicated in OAVF No. 14-A, the accountable forms and supplies to be used in counting.
4. Record using OAVF No. 14-A the quantity and serial numbers of accountable forms and supplies to be issued to the SBEI.
5. Issue to each SBEI one ballot box containing the ballots for counting.

If on the last day of voting, the SBEI that conducted the voting submitted ballot boxes containing less than 500 ballots, open the ballot box compartment for spoiled ballots.

If there are no spoiled ballots, gather the ballots and segregate them by 500's and place each set of 500 ballots in a separate ballot box. If there are still ballots in excess of 500 after segregation, allocate them equitably among all the SBEI's. Before issuing to the SBEI, indicate in the ballot box the number of additional ballots to be counted.

If there are spoiled ballots, place them inside the Envelope for Spoiled Ballots and place said envelopes in the Ballot Box.

6. Issue to SBEI:
  - a. Ballot box containing the accomplished ballots;
  - b. Additional ballots, if any;
  - c. All forms and supplies indicated in OAVF No. 14-A; and,
  - d. Accomplished OAVF No. 14-A.

**B. SBEI shall:**

1. Sign OAVF No. 14-A after verifying the quantity and serial numbers of accountable forms received from the SBRCG.

2. Verify whether the physical condition of the ballot box containing the ballots to be counted has been preserved and note such fact in the Minutes of Counting.
3. Proceed to the room where counting will be conducted and open the ballot box by removing the security tape.
4. Take out the envelopes containing the accomplished ballots.
5. Count the envelopes and compare the total number with the number indicated outside of the ballot box.

If the number of envelopes exceeds the total number indicated outside of the ballot box, return all the envelopes containing the ballots into the ballot box and thoroughly mixed therein. The Poll Clerk, with his/her back to the ballot box, shall publicly draw out as many envelopes equal to the excess, place them in the Envelope for Excess Ballots, and note such fact in the Minutes of Counting.

If the number of envelopes is less than the total number indicated outside the ballot box, note such fact in the Minutes of Counting.

6. Take out the spoiled ballots if any, and the ballot coupons found inside ballot box compartment for valid ballots and place them inside the Envelope for Spoiled Ballots.
7. Accomplish Parts A.I and A.II of the Minutes of Counting.
8. Take out the valid ballots from the envelopes.
9. Examine the ballots, whether there are:

**Ballots with undetached coupons.** The coupons shall be removed and placed inside an envelope provided for the purpose. The ballots shall be included in the pile of valid ballots.

10. Unfold the ballots face down, and form separate piles of one hundred (100) ballots each, held together by rubber bands and proceed to count the ballots in the manner prescribed under Section 45 herein.

**Sec. 45. Preliminaries to counting for accomplished ballots sent through the mail.** - The following procedures shall be observed:

**A. SBRCG shall in the presence of watchers of political parties and Filipino communities, if any:**

1. Based on the record kept by the SBRCG, determine the number of SBEI's to function by computing the total number of envelopes received and deposited in the receptacles for "Valid Ballots" and "Questionable Ballots" such that each SBEI shall handle at least 500 but not more than 650 ballots.
2. Allocate in accordance with the rate of distribution indicated in OAVF No. 14-A, the accountable forms and supplies to be used by each SBEI in counting.

3. Record using OAVF No. 14-A the quantity and serial numbers of accountable forms and supplies to be issued to the SBEI.
4. Assign precinct number to each SBEI.
5. Open the receptacle marked "Valid Ballots" which contains the envelopes with accomplished ballots.
6. Open the receptacle marked "Questionable Ballots".
7. Allocate the envelopes containing "Valid Ballots" and "Questionable Ballots" equitably among the SBEIs.
8. Place the envelopes in separate ballot boxes, one for "Valid Ballots" and another for "Questionable Ballots", which shall likewise be sealed by a security seal.
9. Indicate the number of ballots inside each ballot box and issue the same to the SBEI.
10. Issue to the SBEI:
  - a) Ballot box containing valid ballots;
  - b) Ballot box containing questionable ballots;
  - c) List of Voters with Voting Records; and,
  - d) All forms and supplies indicated in OAVF No. 14-A.

**B. The SBEI upon receipt the ballot box/es shall:**

1. Proceed to the room where counting will be conducted.
2. Open first the ballot box containing the questionable ballots.
3. Take out all the envelopes and segregate them according to the type of questionable ballots as indicated by the SBRCG.
4. Count the envelopes and compare the total number with the number indicated outside of the ballot box.

If the number of envelopes exceeds the total number indicated outside of the ballot box, return all the envelopes containing the ballots into the ballot box and thoroughly mixed therein. The Poll Clerk, with his/her back to the ballot box, shall publicly draw out as many envelopes equal to the excess, place them in the Envelope for Excess Ballots, and note such fact in the Minutes of Counting.

If the number of envelopes is less than the total number indicated outside the ballot box, note such fact in the Minutes of Counting.

5. Proceed to the Verification Process for Questionable Ballots.

**VERIFICATION PROCESS**

**A. Signature of the Voter**

Determine whether signature in the Outer Envelope is identical to signature appearing in the attached Overseas Absentee Voter Registration Record (OAVRR) of the concerned voter.

- If the signatures are not the same, indicate the word “invalid” on the face of the Outer Envelope, detach the OAVRR from the Outer Envelope, and both shall be submitted to the SBRCG after counting.
- If the signatures are identical, detach the OAVRR from the Outer Envelope, set them aside for submission to the SBRCG after counting, and proceed with the verification of the serial number of the paper seal attached to the Outer Envelope.

## **B. Paper Seal**

If the serial number of the paper seal is the same as that appearing in the LOAVVR, proceed with the verification of the ballot coupon.

If the Outer Envelope has no paper seal or the paper seal has a serial number different from that as appearing in the LOAVVR, the SBEI shall:

- a) Open the Outer Envelope.
  - b) Retrieve the Inner Envelope.
  - c) Determine if the integrity of the Inner Envelope had been violated, i.e. with signs of tampering or Inner Envelope is not closed.
- If integrity of the Inner Envelope appears to have been violated, put it back in the Outer Envelope, indicate the word “invalid” on its face and set it aside for submission to the SBRCG after counting.
  - If integrity of the Inner Envelope has not been violated, proceed with the verification of the ballot coupon.

## **C. Ballot Coupon**

Retrieve the ballot coupon from the Outer Envelope and compare its serial number with the serial number of the ballot issued to the voter as recorded in the LOAVVR.

- If the serial number is the same, place the ballot coupon together with the Inner Envelope in the Outer Envelope and place it in the ballot box for valid ballots.
- If the serial numbers are not the same, retrieve the ballot from the Inner Envelope, the Chairman shall write the word “spoiled” diagonally across the face of the ballot, return it to the Inner Envelope. The Inner Envelope shall then be placed in the Outer Envelope which in turn shall be placed in the envelope for spoiled ballots.

**Spoiled ballots will not be included in the counting**

- If the Outer Envelope does not contain a ballot coupon retrieve and open the Inner Envelope, take out the accomplished ballot to determine whether the coupon is undetached.

If the ballot coupon is not attached to the ballot, write the word “spoiled” diagonally across the face of the ballot, return the same to the Inner Envelope, place the Inner Envelope inside the Outer Envelope and place the Outer Envelope for Spoiled Ballots.

In case the coupon is still undetached, remove the coupon, and follow the procedure in verifying the serial number of the ballot coupon.

After all the ballots contained in the ballot box for “Questionable Ballots” have been verified, the envelope containing the spoiled ballots shall be sealed and signed by the members of the SBEI, for submission to the SBRCG after the counting. The serial number/s of the spoiled ballot/s shall be recorded in the Minutes of Counting.

6. After the verification process, open the ballot box containing the valid ballots.
7. Retrieve the ballots from the Inner Envelopes.
8. Unfold the ballots face down and form separate piles of one hundred (100) ballots each, held together by rubber bands and proceed with the counting of ballots.

## **ARTICLE X– PROCEDURE FOR COUNTING**

### **Sec. 46. Manner of counting.**

#### **A. The SBEI shall**

1. Clear the tables to be used for counting of all unnecessary writing paraphernalia.
2. The Chairman, the Poll Clerk and the Member-Secretary shall position themselves in such a way as to give the watchers and the public an unimpeded view of the ballot being read by the Chairman, as well as of the Overseas Absentee Voting Election Returns (OAVF No. 9) and Tally Board (OAVF No. 10) being simultaneously accomplished by the Poll Clerk and the Member-Secretary, respectively. The watchers and the public shall not touch any of the said election documents.
3. The Chairman shall take the ballots of the first pile one by one and read the names of the candidates voted for and the offices for which they were voted as well as the name of the party, organization or coalition voted for under the party-list system, in the order in which they appear thereon.
4. The Poll Clerk and the Member-Secretary shall record in the election returns and in the tally board, respectively, each vote as it is read.

Each vote shall be recorded by a vertical line, except every fifth vote, which shall be recorded by a diagonal line crossing the previous four vertical lines.

5. Votes obtained by each candidate and party-list candidates recorded by a vertical line, except for every fifth vote which shall be recorded by a diagonal line crossing the previous four vertical lines.

The SBEI shall ensure that the entries on the first copy of the election returns are clearly impressed on the other copies.

Any violation of the above shall constitute an election offense.

6. After finishing the first pile of ballots, add the votes obtained by each candidate and party-list candidates, and record the sum on the election returns and on the tally board. In case of discrepancy, a recount shall be made. The ballots shall again be grouped together as before.
7. The same procedure shall be followed with the succeeding piles of ballots.
8. After all the ballots have been read, the members shall affix their initials after the last vote recorded or immediately after the name of the candidates/party, sectoral organization or coalition participating in the party-list system who did not receive any votes.
9. Thereafter, record, in words and in figures, the total number of votes obtained by each candidate and by each party, organization or coalition, participating under the party-list system, both in the election returns and the tally board.
10. The members shall accomplish the certification portion of the election returns and tally board.
11. The watchers, if any, shall affix their signatures on every page of the election returns and the imprint of their right thumbmarks on the last page thereof.
12. The Chairman shall orally and publicly announce the total number of votes received by each candidate stating their corresponding offices, as well as the total number of votes received by a party, sectoral organization or coalition participating under the party-list system of representation.
13. Thereafter, the SBEI shall fold each copy of the election returns, sealed with a serially numbered paper seal, placed in its corresponding envelope, seal the same for distribution under Section 50 hereof.
14. The counted ballots shall be placed in the envelope for the purpose which shall be closed, signed, and sealed. The tally board as accomplished and certified by the SBEI shall not be changed or destroyed but shall be placed inside a ballot box/receptacle before submission to the SBRCG.
15. Distribute the envelopes containing the election returns.

**Sec. 47. Rules for the appreciation of ballots.** – In the reading and appreciation of ballots, every ballot shall be presumed to be valid unless there is clear and good reason to justify its rejection. The SBEI shall observe the following rules, bearing in mind that the object of the election is to obtain the expression of the voter's will:

- a) Where only the first name of a candidate or only his/her surname is written the vote for such candidate is valid, if there is no other candidate with the same first name or surname for the same office.

Where the name of a party-list participant is incompletely written or not in the proper order as appearing in the certified list of parties, the vote for such party, if identifiable, is valid if there is no other party using the same.

- b) Where only the first name of a candidate is written on the ballot which when read, has sound similar to the surname of another candidate, the vote shall be counted in favor of the candidate with such surname. If there are two or more candidates with the same full name, first name or surname and one of them is the incumbent, and on the ballot is written only such full name, first name or surname, the votes shall be counted in favor of the incumbent.

- c) In case the candidate is a woman who uses her maiden or married surname or both and there is another candidate with the same surname, a ballot bearing only such surname shall be counted in favor of the candidate who is an incumbent.

- d) When two or more words are written on the same line on the ballot, all of which are the surnames of two or more candidates, the same shall not be counted for any of them, unless one is surname of an incumbent who has served for at least one year in which case it shall be counted in favor of the latter.

When two or more words are written on different lines on the ballot all of which are the surnames of two or more candidates bearing the same surname for an office for which the law authorizes the election of more than one and there are the same number of such surnames written as there are candidates with that surname, the votes shall be counted in favor of all the candidates bearing the surname.

- e) When on the ballot is written a single word which is the first name of a candidate and which is at the same time the surname of his/her opponent, the vote shall be counted in favor of the latter.

- f) When two words are written on the ballot, one of which is the first name of a candidate and the other is the surname of his/her opponent, the vote shall not be counted for either.

- g) A name or surname incorrectly written which, when read, has a sound similar to the name or surname of a candidate when correctly written shall be counted in his/her favor.

A name incorrectly written which, when read, has a sound similar to the name of a party-list participant, when correctly written shall be counted in its favor.

- h) When a name of a candidate appears in a space of the ballot for an office for which he is a candidate and in another space for which he is not a candidate, it shall be counted in his/her favor for the office for which he is a candidate and the vote for the office for which he is not a candidate shall be considered as stray, except when it is used as a means to identify the voter, in which case, the whole ballot shall be void.

When the name of a party appears in a space of the ballot for an office other than for the party list, it shall be considered stray but it shall not invalidate the whole ballot except when it is used as a means to identify the voter, in which case, the whole ballot shall be void.

If the word or words written on the appropriate blank on the ballot is the identical name or surname or full name, as the case may be, of two or more candidates for the same office none of whom is an incumbent, the vote shall be counted in favor of that candidate to whose ticket belong all the other candidates voted for in the same ballot for the same constituency.

- i) When in a space in the ballot there appears a name of a candidate or party that is erased and another clearly written, the vote is valid for the latter.
- j) The erroneous initial of the first name which accompanies the correct surname of a candidate, the erroneous initial of the surname accompanying the correct first name of a candidate, or the erroneous middle initial of the candidates shall not annul the vote in favor of the latter.
- k) The fact that there exists another person who is not a candidate with the first name or surname of a candidate shall not prevent the adjudication of the vote of the latter.
- l) Ballots which contain prefixes such as "Sr.", "Mr.", "Datu", "Ginoo", "Hon.", "Gob.", or suffixes like "Hijo", "Jr.", "Segundo", are valid.
- m) The use of the nicknames and appellations of affection and friendship, if accompanied by the first name or surname of the candidate, does not annul such vote, except when they were used as a means to identify the voter, in which case the whole ballot is invalid: Provided, That if the nickname used is unaccompanied by the name or surname of a candidate and it is the one by which he is generally or popularly known in the locality, the name shall be counted in favor of said candidate if there is no other candidate for the same office with the same nickname.
- n) Any vote containing initials only or which is illegible or which does not sufficiently identify the candidate for whom it is intended shall be considered as a stray vote but shall not invalidate the whole ballot.

The initials of a party-list participant shall be considered valid, provided, that they are the same initials as appearing in the certified list of party-list participants.

- o) If on the ballot is correctly written the first name of a candidate but with a different surname, or the surname of the candidate is correctly written but with a different first name, the vote shall not be counted in favor of any candidate having such first name and/or surname but the ballot shall be considered valid for other candidates.
- p) Any ballot written with crayon, lead pencil, or in ink, wholly or in part, shall be valid.
- q) Where there are two or more candidates/parties voted for in an office for which the law authorizes the election of only one, the vote shall not be counted in favor of any of them, but this shall not affect the validity of the other votes therein.
- r) If the candidates voted for exceed the number of those to be elected, the ballot is valid, but the votes shall be counted only in favor of the candidates whose names were firstly written by the voter within the space provided for said office in the ballot until the authorized number is covered.
- s) Any vote in favor of a person who has not filed a certificate of candidacy or in favor of a candidate for an office for which he did not present himself shall be considered as a stray vote but it shall not invalidate the whole ballot.

A vote cast for a party-list participant not entitled to be voted for shall not be counted.

- t) Ballots containing the name of a candidate or party-list participant printed and pasted on a blank space of the ballot or affixed thereto through any mechanical process are totally null and void.
- u) Circles, crosses or lines put on the spaces on which the voter has not voted shall be considered as signs to indicate his/her desistance from voting and shall not invalidate the ballot.
- v) Unless it should clearly appear that they have been deliberately put by the voter to serve as identification marks, commas, dots, lines, or hyphens between the first name and surname of a candidate, or in other parts of the ballot, traces of the letter "T", "J" and other similar ones, the first letters or syllables or names which the voter does not continue, the use of two or more kinds of writing and unintentional or accidental flourishes, strokes or strains, shall not invalidate the ballot.
- w) Any ballot which clearly appears to have been filled by two distinct persons before it was deposited in the ballot box during the voting is totally null and void.
- x) Any vote cast in favor of a candidate or party who has been disqualified by final judgment shall be considered as stray and shall not be counted but it shall not invalidate the ballot.
- y) Ballots wholly written in Arabic in localities where it is of general use are valid. To read them, the SBEI may employ an interpreter who shall take an oath that he shall read the votes correctly.

- z) The accidental tearing or perforation of a ballot does not annul it.
- aa) Failure to remove the detachable coupon from a ballot does not annul such ballot.

**Sec. 48. Preparation of overseas absentee voting election returns and tally board. –**

1. The SBEIs shall prepare in their own handwriting the election returns and the tally board simultaneously with the counting of the votes in their respective counting areas. The election returns shall be prepared in six (6) copies.
2. The Chairman shall strictly ensure that all the following data are entered in the election returns:
  - a) Name of country/ies where the embassy, consulate or foreign service establishment have consular jurisdiction;
  - b) Total number of:
    - 1) Ballots received;
    - 2) Ballots found in the ballot box; and,
    - 3) Spoiled ballots.

**Sec. 49. Alteration and correction in the overseas absentee voting election returns.** – Before the announcement of the results of the election, the SBEI may, on its own, make any correction or alteration in the election returns, provided, that all the members thereof duly initial the corrections or alterations.

After announcement of the results of the election in the polling place, the SBEI shall not make any alteration or amendment in any of the copies of the election returns.

**ARTICLE XI - POST COUNTING PROCEDURE**

**Sec. 50. Transmittal of results of the election.** - Immediately upon completion of the counting and announcement of results by the Chairman, the SBEI shall transmit via facsimile, and/or electronic mail the results of the election in each precinct to the COAV in Manila. Upon request, accredited major political parties may be supplied with copies thereof at their respective addresses, by the Commission.

**Sec. 51. Distribution of overseas absentee voting election returns.** – The copies of the election returns contained in each corresponding envelope shall be distributed as follows:

- a) First copy to the Special Board of Canvassers;
- b) Second copy to the Commission;
- a) Third copy to the dominant majority party as determined by the Commission;
- b) Fourth copy to the dominant minority party as determined by the Commission;

- c) Fifth copy to the citizens' arm authorized by the Commission to conduct an unofficial count; and
- d) Sixth copy to be deposited in a ballot box.

The Chairman of the SBEI shall submit personally the first, and second copies of the election returns to the Chairman of the Special Board Of Canvassers (SBOC) who will in turn submit personally the second copy to the Commission.

The third, fourth, and fifth copies intended for the dominant majority party, dominant minority party and the citizens arm authorized by the Commission to conduct a quick unofficial vote count, shall be given to their respective representatives. In the absence of such representative, the copies shall be given to the SBRCG who shall keep the same until claimed by the parties concerned.

**Sec. 52. Certificate of votes.** – After the announcement of the results of the election, the SBEI shall, as a matter of policy, issue upon request to interested parties a Certificate of Votes (OAVF No. 13) duly signed by all the members of the SBEI.

**Sec. 53. Disposition of ballots and other documents.** - Upon the termination of the counting of votes and the accomplishment of election returns for the precinct -

**A. The SBEI shall:**

1. Assemble the collapsible ballot box.
2. Place the following documents in the receptacle/ ballot box:
  - a) Envelope containing the election returns, (Copy for the Ballot Box);
  - b) Envelope containing counted official ballots;
  - c) Envelope containing excess/marked/spoiled/torn half of unused official ballots;
  - d) Envelope containing the Minutes of Voting (Copy for the Ballot Box);
  - e) Envelope containing the Minutes of Counting (Copy for the Ballot Box);
  - f) Tally Board;
  - g) Envelope pf ballot coupon stubs of used official ballots; and
  - h) Inner and Outer Envelopes (for voting by mail)
3. Seal the ballot box; and,
4. Deposit with the SBRCG the ballot box together with Envelopes containing Minutes of Voting and Minutes of Counting (Copies for the Commission).

**B. The SBRCG shall:**

1. Receive from the SBEI the ballot box together with Envelopes containing Minutes of Voting and Minutes of Counting (Copies for the Commission) for safekeeping until further instructions from the Commission.
2. Submit via facsimile or electronic mail, a formal report to the COAV on the conduct of elections at the Post. These data include the number of actual voters, the number of invalid and unused/unclaimed ballots, spoiled

ballots, and other pertinent data as may be required by the Commission, immediately after the completion of the canvass; and,

3. After completion of the counting of votes, keep and retain at the Posts all used and unused forms, supplies and paraphernalia as submitted by the SBEI.

The formal report submitted by the SBRCG will be in the custody of the COAV.

## **ARTICLE XII - CANVASS OF VOTES**

**Sec 54. Special Board of Canvassers, Constitution and Appointment.** – There shall be one (1) Special Board of Canvassers (hereinafter referred to as the “Board”) in each country to canvass the OAV Election Returns and prepare the Overseas Absentee Voting Certificate of Canvass. The Boards shall be constituted by the COMELEC through the Chairman of the COAV not later than 15 February 2007.

The members of the Board shall be appointed by the COMELEC and shall be composed of a Chairman who must preferably be a lawyer, or in the absence thereof, a senior career officer from the Post as chairman, and a vice-chairman and member-secretary who should be a career officer from the Post or any of the government agencies maintaining a post abroad and, in the absence of another government officer, a citizen of the Philippines qualified to vote.

**Sec. 55. Qualifications of the Members of the Board.** – No person shall be appointed as a member of the Board, unless he or she is:

- a) Of good moral character and irreproachable reputation; and
- b) Able to speak and write English or Pilipino.

**Sec. 56. Disqualifications.** – The following are disqualified from serving as members of the Board:

- a) Those who, including their spouses, are related within the fourth civil degree of consanguinity or affinity to:
  1. Any member of the same board or their spouses;
  2. Any of the candidates for Senator or their spouses; or
  3. Any of the nominees for the party-list system of representation or their spouses.
- b) Those who have been convicted of any election offense or of any other crime punishable by more than six (6) months imprisonment; or,
- c) Those who have a pending case filed against them for any election offense.

**Sec. 57. Supervision and control** - The COMELEC shall exercise direct supervision and control over all Boards and may *motu proprio* relieve at any time for cause any member thereof and designate the corresponding substitute/replacement.

**Sec. 58. Replacement of Chairman and Members of the Board.** - In case of non-availability, absence, disqualification due to relationship, or incapacity for any cause of the Chairman, any other ranking official from the Post or from any of the government agencies maintaining a post abroad of good standing, not otherwise disqualified under the law, shall be appointed as his replacement.

With respect to the other members of the Board, the Chairman of the COAV shall appoint a replacement from the foreign service corps or from members of the Filipino community at the Posts.

**Sec. 59. Minutes of the Board.** - The Member-Secretary shall prepare the Minutes of Canvassing (OAVF No. 11-B) of the Board in three (3) copies by recording therein the proceedings and such other incidents or matters relevant to the canvass.

Minutes of the proceedings shall be distributed accordingly: one copy for the Chairman of the Committee, one copy for the Law Department of the COMELEC. The last copy shall be given to the SBRCG at the Post where canvassing was held.

**Sec. 60. Notice of Meetings of the Board.** - Not later than May 9, 2007, the Chairman of the Board, through the COAV, shall give written Notice (OAVF No. 11-C) to all members thereof and to each candidate, political party or coalition of political parties fielding candidates for senator and political parties, organizations or coalitions thereof participating under the party-list system of representation of the date, time and place of the canvassing, which shall be held in the Philippine Embassy/Consulate, unless otherwise ordered by the COMELEC.

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

Notice of the canvassing shall also be posted in three (3) conspicuous places in the building where the canvass shall be held as well as in the websites of the COMELEC, the DFA and the different Philippine Posts abroad.

Failure to give notice of the date, time and place of the meeting of the Board is an election offense under Sec. 261 (aa) (1) of the Omnibus Election Code.

The COAV may, whenever practicable, authorize the use of other means of disseminating such notice. Such means may include but not be limited to the tri-media.

**Sec. 61. Convening of the Board.** - The Board shall meet at 6:00 o'clock, Philippine time, in the evening of May 14, 2007 at the designated building/place in the Philippine Embassy/Consulate or other foreign service establishments authorized by the COMELEC to receive the election returns and to immediately canvass those that have already been received. It shall meet continuously from day to day until the canvass is completed, and may

adjourn only for the purpose of awaiting the unsubmitted election returns. However, as the need arises, the Board may declare a recess.

The proceedings of the Board shall be open and public.

**Sec. 62. Temporary absence of a regular Board Member.** - In case a regular member of the Board is temporarily absent, the members present shall first verify whether notice has been served on the absent member. In case no such notice was sent, one shall be immediately served on the absent member. If the latter cannot be located or his whereabouts are unknown, he shall be substituted. These facts shall be recorded in the Minutes of the Board. As soon as the absent member appears, the substitute member shall relinquish his seat to the regular member.

**Sec. 63. Prohibition against transfer, leaving official station.** During the period beginning election day, May 14, 2007, until the Certificates of Canvass of Votes (COC) shall have been personally submitted to the COMELEC sitting *en banc* as the National Board of Canvassers for Senator and Party-List, no member or substitute member of the different Boards shall be transferred, assigned or detailed outside of his official station nor shall he leave said station without prior authority of the Chairman of the COAV.

**Sec. 64. Feigned illness.** - Any member of the Board feigning illness in order to be substituted from the start until the completion of the canvass shall be liable for an election offense.

**Sec. 65. Incapacity of a regular Board Member.** - In case of sickness or serious injury of a regular member of the Board, the member concerned shall submit to the other members of the Board a medical certificate attesting to his incapacity. Said medical certificate shall be recorded in and form part of the Minutes of the Board. Upon submission of the medical certificate, a substitute shall be appointed.

**Sec. 66. Quorum.** - A majority of the members of the Board shall constitute a quorum for the transaction of business, and a majority vote of all the members thereof shall be necessary to render a decision.

**Sec. 67. Powers and functions of the Board.** - The Board shall have full authority to keep order within the canvassing room or hall including its premises and enforce obedience to its lawful orders. If any person refuses to obey any lawful order of the Board or conducts himself in such disorderly manner as to disturb or interrupt its proceedings, the Board may, by a majority vote, order in writing any peace officer/guard of the embassy or consulate to take such person into custody until adjournment of the meeting. In the absence of any peace officer/guard, any other competent and able person deputized by the Board in writing, shall execute such order. Such fact shall be noted in the Minutes of the proceedings.

The Board shall:

- a) Canvass the election returns submitted by the SBEIs;
- b) Accomplish the SOVP and thereafter, the SSOV;
- c) Upon completion of the canvass, prepare in six (6) copies, a Certificate of Canvass of Votes (COC) for Senators and Party-List representatives (OAVF No. 21);

- d) Transmit immediately after the completion of the canvass, an advance copy of the COC and the SOVP to the COMELEC, through the DFA-OAVS, via the facsimile or other electronic mail facilities of the Philippine embassies/consulates and of other authorized canvassing centers.
- e) Furnish the accredited major political parties and accredited citizens' arms, through the COAV, with copies thereof via facsimile, or any other means of transmission equally safe, secure and reliable.
- f) The Chairman of the Board shall personally deliver the COCs together with the SOVPs, SSOVs and the election returns intended for the COMELEC. Watchers of candidates, political parties and other interested parties may accompany the delivery.
- g) Perform such other duties as may be required by the COMELEC.

**Sec. 68. Right to be present and to counsel.** - Every registered political party and party-list group, and every candidate for Senator has the right to be present and to counsel during the canvass of the election returns: *Provided*, that if there are two or more counsels, only one may argue for each party or candidate. They shall have the right to examine the election returns being canvassed without touching them, make observations thereon, and file protests. No dilatory action or tactics shall be allowed by the Board.

**Sec. 69. Watchers During Canvass.** - Each registered political party fielding candidates for Senator, and party-list group shall be entitled to one watcher in every canvassing center.

The citizens' arm of the COMELEC, and civic, religious, professional, business, service, youth and other similar organizations shall collectively, and upon prior authority of the Chairman of the COAV, be entitled to two (2) watchers to serve alternately.

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 COMELEC, one (1) common watcher for the independent candidates, one (1) common watcher for the accredited citizens' arm and one (1) common watcher for accredited OFW organizations.

The watchers shall have the right to:

- a.) Be present at, and take note of, all the proceedings of the Board;
- b.) Stay behind the chairman of the Board near enough to be able to read the election returns without touching said documents;
- c.) File the appropriate protest against any alleged irregularity noted in the election returns and obtain from the Board a resolution thereon in writing; and
- d.) Watchers shall not be allowed to participate in the deliberation of the Board.

A person convicted by final judgment of any election offense or of any other crime, or who is related to any member of the Board within the fourth civil degree of consanguinity or affinity shall not be appointed as watcher.

**Sec. 70. Persons not allowed inside the canvassing room.** - During the canvass, it shall be unlawful for any person carrying firearm or deadly weapon to enter the room where the canvass is being held or to stay within a radius of fifty (50) meters from such room.

**Sec. 71. Safekeeping of election returns.** – The Board shall place the election returns intended for the COMELEC in a specially marked envelope which shall be sealed with serially numbered security tapes. The serial number of every security tape used shall be entered in the Minutes.

The said special envelope shall be kept in a safe and secured room before, during and after the canvass to ensure that no envelope may be taken out of or deposited in the room without the presence of the Board.

**Sec. 72. Canvassing forms and supplies.** – The Board shall receive from COAV through the SBRCG the following canvassing forms and documents for its use:

<b>CANVASSING FORMS</b>			
<b>OAVF No.</b>	<b>Title/Description</b>		<b>Rate of Distribution</b>
20	Statement of Votes by Precinct	1	Set of 6 copies for every 11 Precincts in 3 pages
20-A	Summary of Statement of Votes Per Country	1	Set of 6 copies
21	Certificate of Canvass of Votes for Senatorial Positions & Party-List	1	Set of 6 copies
21-A to 21-G	Envelopes for Certificate of Canvass	1	Set of 6 copies
21-A-1 to 21-G-1	Official Receipt of Certificate of Canvass	1	Set of 6 copies
12	Paper Seals	20	Pieces
14-E	Certificate of Receipt of Canvassing Forms by SBOC	1	Set of 2 copies
11-D	Objections	25	Pieces
18-D	Envelopes for Minutes of Canvassing	3	Pieces
	Special Envelopes	5	3 of red (COC) 2 of blue (ER)
<b>SUPPLIES</b>			
	Ballot Box	1	Piece
	Security Tapes	210	8 long, 2 short

The following supplies shall be purchased by the Posts in accordance with the following schedule:

<b>SUPPLIES</b>			
	Bondpaper	30	Pieces
	Carbonpapers	10	Pieces
	Thumbprint taker	1	Piece
	Rubberband	10	Pieces
	Ballpens		

**Sec. 73. Canvassing procedure.** – Before the start of canvass, and upon entering the canvassing center/place, counsels/watchers shall present and deliver to the Chairman of the Board their appointments and forthwith, their names shall be recorded in the Minutes with a notation under their

signatures that they are not disqualified to serve as such. The appointments of the watchers shall bear the facsimile signature of the candidate or the duly authorized representative of the political party, organization or coalition of coalition parties who appointed them or of organizations authorized by the COMELEC.

For this purpose, registered political parties, organizations or coalitions authorized by the COMELEC, accredited citizens' arms and OFW organizations, shall provide the COMELEC and the Posts with the names and signatures of their representatives authorized to appoint counsels/watchers in each Post at least fifteen (15) days before the day of canvassing, or until April 30, 2007.

### **FOR SINGLE Special Board of Elections Inspectors (SBEI)**

The Board shall -

- 1) Assign a set of Statement of Votes by Precinct (SOVP) and enter in the Minutes its serial number.
- 2) Through the Member-Secretary, receive the election returns (copies for the SBOC and COMELEC) and record in the Minutes:
  - a. Time and date of receipt of election returns;
  - b. The precinct number of the election returns;
  - c. Serial number of the envelope and paper seal; and
  - d. Condition of the envelope and paper seal.

The copy intended for the COMELEC shall be placed in a separate special pouch for personal delivery by the Chairman or any member of the Board after the canvassing of votes in the Posts.

- 3) Before opening the envelope containing the election returns (copy for the SBOC), exhibit the same before the counsels/watchers present.
- 4) Open the envelope, retrieve the election returns and exhibit the same to the counsels/watchers present.
- 5) Through its Chairman, examine the condition of the inner paper seal of the election returns, during which time, the Member-Secretary shall record in the Minutes its condition and serial number.
- 6) Break open the inner seal, unfold the election returns and exhibit the same to the counsel/watchers present. The Member-Secretary shall record in the Minutes the condition and serial number of the election returns.
- 7) Canvass the election returns by entering in the SOVP the votes obtained by each candidate as they are read by the Chairman.

For purposes of preparing the SOVP, the Board shall distribute the six (6) copies of the SOVP between the Vice-Chairman and the Member-Secretary each of whom will receive 3 copies. The Vice-Chairman and the Member-Secretary shall accomplish the same simultaneously as the votes are read.

8) Immediately after the election returns had been canvassed, the chairman of the Board shall write on its upper right hand corner the word "CANVASSED" and affix below it his signature and the date of canvass. Thereafter, the canvassed election returns shall be returned to its envelope without sealing it.

9) The Vice-Chairman and Member-Secretary of the Board shall compare the entries contained in their respective copies of the SOVP. If there are discrepancies in the entries, they shall refer to the election returns and make the necessary correction/s on the SOVP. Correction/s shall be authenticated with the initials of all the members.

10) All the members of the Board shall affix their signatures above their printed names on its certification portion of the SOVP.

11) Prepare a Certificate of Canvass (COC), and thereafter affix their signatures and the imprints of their right thumb on the certification portion thereof.

In accomplishing the COC, the SOVP and other forms, all the members of the Board, shall see to it that the impression on the first copy of the set is recorded on each and every page thereof.

12) Require the watchers, if any, to affix their signatures and the imprints of their right thumb on the COC.

13) Attach the SOVP to the COC, fold them together and seal with a paper seal, place them in the corresponding envelopes provided for the purpose and seal said envelope with paper seal, except the copy for the Board.

14) Place the sealed envelope containing the COC and SOVP inside a special pouch.

15) Transmit to the COMELEC, through the DFA-OAVS, via the facsimile or any other electronic mail facilities of the Philippine embassies/consulates, and other authorized canvassing centers an advance copy of the COC, using the copy for the SBOC.

16) Return the COC and SOVP copy for the Board inside its envelope, seal the same, and place it in the special pouch.

17) Distribute the other copies of the COC, together with the corresponding SOVP, in the manner herein prescribed.

Copies which are not claimed by the concerned parties shall be turned over by the Chairman of the Board to the SBRCG of the Post where canvassing was held.

18) Place the canvassed election returns in its envelope and put the same inside a special envelope and seal the same for submission to the Head of the Post for safekeeping.

**FOR MULTIPLE Special Board of Election Inspectors (SBEIS)**, the following terms are used for purposes of preparing the Summary of Statement of Votes (SSOV):

a. **Sub-total** - sum of all votes obtained by each candidate at the time of adjournment/suspension of canvass when all the columns of a set of statement of votes are either filled or not filled. The sub-total shall be recorded in the last column indicated in the SOVP.

b. **Summary of Votes** – listing of all sub-totals reflected in each set of Statement of Votes after the completion of the canvass. This shall be recorded in the Summary of Statement of Votes (SSOV) by entering in each column the sub-totals per set of statement of votes.

c. **Grand total** – total of the Summary of Votes obtained by each candidate as listed in the SSOV.

### **Canvassing Procedures**

The Board shall –

1) Assign SOVP at the rate of 1 SOVP per eleven (11) precincts and enter in the Minutes the serial number of the SOVP so assigned.

2) Through the Member-Secretary, receive the election returns (copies for SBOC and COMELEC) and record in the Minutes :

- a. Time and date of receipt of election returns;
- b. The precinct number of the election returns;
- c. Serial number of the envelope and paper seal; and
- d. Condition of the envelope and paper seal.

The copy intended for the COMELEC shall be placed in a separate special pouch for personal delivery by the Chairman of the Board after the canvassing of votes in the Posts.

3) Before opening each envelope containing the election returns (copy for the SBOC), exhibit the same to the counsels/ watchers present.

4) Open each envelope, retrieve the election returns and exhibit the same to the counsels/watchers present.

5) Through its Chairman, examine the condition of the inner paper seal of the election returns, during which time, the Member-Secretary shall record in the Minutes its condition and serial number.

6) Break open the inner seal, unfold the election returns and exhibit the same before the counsels/watchers present. The Member-Secretary shall record in the Minutes the condition and serial number of the election returns.

7) Canvass the election returns by entering in the SOVP the votes obtained by each candidate as they are read by the Chairman.

For purposes of preparing the SOVP, the Vice-Chairman and the Member-Secretary shall divide each set of six (6) copies of the SOVP. Accomplish a set of the SOVP simultaneously as the votes are read.

8) Immediately after each election returns had been canvassed, the Chairman of the Board shall write on its upper right hand corner the word "CANVASSED" and affix below it his signature and the date of canvass. Thereafter, the canvassed election returns shall be returned to its envelope without sealing it.

The same procedure shall be observed for the succeeding election returns.

9) After all the columns of the SOVP are filled/unfilled and the canvass has been completed:

9.1. The Vice-Chairman and Member-Secretary of the Board shall add all the entries in the SOVP to obtain the grand total.

9.2. Compare the grand total contained in their respective copies of the SOVP. If there are discrepancies in the entries, they shall refer to the election returns and apply the corrections as may be necessary. All the members of the Board shall initial the correction/s made on the SOVP.

9.3. All the members of the Board shall affix their signatures above their printed names on the certification portion of the SOVP.

10) After all the columns of the Statement of Votes are filled and there are more election returns to be canvassed:

10.1. The Vice-Chairman and Member-Secretary of the Board shall add all the entries in the SOVP and compute the sub-total.

10.2. Compare all the sub-totals contained in their respective copies of the SOVP. If there are discrepancies in the sub-totals, they shall refer to the election returns and apply the corrections as may be necessary. All the members of the Board shall initial the correction/s made on the SOVP.

10.3. All the members of the Board shall affix their signatures above their printed names on the certification portion of the SOVP.

10.4. The Board shall continue the canvass using a new set of SOVP until all the election returns had been canvassed.

11) When all the election returns had been canvassed, the Board shall prepare the Summary Statement of Votes per Country (SSOV) by entering therein;

- a. The serial number of the SOVP containing the sub-total; and,
- b. All the sub-totals for each candidate contained in the SOVP prepared and tabulated earlier.

After all the columns have been filled or there are no more SOVP containing sub-totals, add the sub-totals to get the grand total, compare all the sub-totals contained in their respective copies of the SOVP. If there are discrepancies in the sub-totals, they shall refer to the SOVP and apply the corrections as may be necessary. All the members of the Board shall initial the correction/s made on the SSOV and thereafter affix their signatures

above their printed names and imprint their thumbmarks on the certification portion of the SSOV.

12) Place, in the presence of the watchers, if any, the SSOV together with the SOVPs containing sub-totals inside a special envelope without sealing the same.

13) Prepare the COC, and thereafter affix their signatures and the imprints of their right thumb on the certification portion thereof.

In accomplishing the COC, the SOVP and other forms, all the members of the Board shall see to it that the impression on the first copy of the set is recorded on each and every page thereof.

14) Require the watchers, if any, to affix their signatures and the imprints of their right thumb on the COC.

15) Retrieve the SSOV and SOVP from the unsealed special envelope.

16) Attach the SSOV and SOVP to the COC, fold them together and seal with a paper seal, place them in an envelope for the purpose and seal the same with a paper seal except the copy of the Board.

17) Place sealed envelope containing the COC with the SSOV and the SOVP inside the same special envelope.

18) Transmit an advance copy of the COC to the COMELEC, using the COC (copy for the SBOC), through the DFA-OAVS, via the facsimile or any other electronic mail facilities of the Philippine embassies/consulates, and of other authorized canvassing facilities.

19) Return the COC, SSOV and SOVP copy for the Board inside its envelope, seal the same, and place it in the special envelope.

20) Distribute the other copies of the COC, together with the corresponding SOVP and SSOV, if any, in the manner herein prescribed.

Copies which are not claimed by the concerned parties shall be delivered by the Chairman of the Board to the SBRCG of the Post where canvassing was held.

21) Distribute the COC, together with the corresponding SOVP, in the manner herein prescribed.

22) Place the canvassed election returns in its envelope and put the same inside a special envelope and seal the same for submission to the Head of the Post for safekeeping.

**Sec. 74. Objections during canvass.** – All objections during the canvass, including the issue on the inclusion of election returns, shall be noted in the Minutes of the proceedings. Parties interested to pursue their objections should file the same before the COMELEC.

**Sec. 75. Adjournment/suspension of canvass.** – In case of adjournment or suspension of canvass, the Board shall indicate the sub-total of votes obtained by each candidate and close the same by affixing their

initials immediately after the number of votes. The SOVP shall be placed in the special envelope provided in item (1) hereunder.

- 1) The remaining unopened envelopes containing copies of election returns intended for the Board and the SOVP containing the sub-totals shall be placed in the special envelope provided for the purpose which shall be sealed with serially numbered security tapes.
- 2) The serial number of the seal and the quantity of the remaining unopened envelopes shall be recorded in the Minutes.

Upon resumption of the canvass:

- 1) The Member-Secretary of the Board shall verify and enter in the Minutes the condition of the seal affixed on the special envelope, as well as its serial number.
- 2) The Board shall then, in the presence of the watchers, open the special envelope, retrieve the unopened envelopes containing the election returns and resume canvassing using a new set of SOVP.

**Sec. 76. Distribution of certificate of canvass.** – The COC for Senator and Party-List representatives shall be distributed as follows:

- a) First copy to the Commission on Elections in Manila as National Board of Canvassers for Senator and Party-list;
- b) Second copy intended for the Chairman of the Board shall be retained at the Posts for reference purposes;
- c) Third copy to the citizens' arm designated by the COMELEC to conduct an unofficial count. It shall be the duty of the citizens' arm to furnish independent candidates copies of the COC at the expense of the requesting party.
- d) Fourth copy to the Dominant Majority Party;
- e) Fifth copy to the Dominant Minority Party; and
- f) Sixth copy to the Chairman of the Committee. The Committee will furnish other registered political parties, and party-list groups certified true copy of the COC upon written request and at the expense of the requesting party.

All copies of the COC above-enumerated shall be supported by the SOVP and the SSOV, if applicable.

The members of the Board and the watchers of the six accredited major political parties, if available shall affix their signatures and the imprints of their thumb on the certification portion of the COC. Thereafter, each copy of the COC shall be sealed and placed inside its corresponding envelope, which shall likewise be sealed.

**Sec. 77. Personal delivery of the certificates of canvass/Minutes of the Proceedings.** - The Chairman of the Board shall personally bring to the COMELEC the copy of the COC together with the SOVP and election returns.

Copies of the Minutes of the proceedings shall likewise be hand-delivered to the Committee and the Law Department of the COMELEC.

**Sec. 78. When the election returns are delayed, lost or destroyed.**

– In case its copy of the election returns is missing, the Board shall, by authorized messenger, immediately obtain the same from the Special Board of Election Inspectors (SBEI) concerned, or if the said election return has been lost or destroyed, the Board, upon prior authority of the COMELEC, may use any of the authenticated copies thereof or a certified copy of said election returns and forthwith investigate the case and immediately report the matter to the COMELEC.

The Board, notwithstanding the fact that not all the election returns have been received by it, may terminate the canvass upon prior authority of the COMELEC.

**Sec. 79. Material defects in the election returns.** – If it should clearly appear that some requisites in form or data have been omitted in the election returns, the Board shall invite the attention of the Chairman of the concerned SBEI to effect the corrections: *Provided*, the Chairman of the SBEI concerned was given prior authority in writing by the other members of his Board to effect such corrections as directed by the SBOC; *Provided further*, That in case of the omission in the election returns of the name of any candidate and/or his corresponding votes, the Board shall require the Chairman of the SBEI concerned to complete the necessary data and affix therein his initials: *Provided finally*, That if the votes omitted in the election returns cannot be ascertained by other means except by recounting the ballots, the election returns shall be set aside and such fact shall be recorded in the Minutes and reported to the COMELEC.

For this purpose, the Chairman of the SBEI shall remain and be present before the Board until the election returns of his precinct had been canvassed.

**Sec. 80. When election returns appear to be tampered with or falsified.** – If the election returns submitted to the Board appear to be tampered with, altered or falsified after they have left the hands of the SBEI or otherwise not authentic, or were prepared under duress, force, intimidation, or prepared by persons other than the members of the SBEI concerned, the Board shall use the other copies of said election returns. If necessary, the copy of the election returns inside the ballot box may be retrieved in accordance with Sec. 220 of the Omnibus Election Code upon previous authority given by the COMELEC. If the other copies of the election returns are likewise tampered with, altered, falsified, not authentic, prepared under duress, force or intimidation, or prepared by persons other than the members of the SBEI, the matter shall be brought to the attention of the COMELEC which shall proceed as provided in Sec. 235 of the Omnibus Election Code.

**Sec. 81. Discrepancies in election returns.** – In case there exist discrepancies between the votes in words and the votes in figures of any candidate, the votes in words shall prevail. If the discrepancy is in the tally (*tara*) as against the votes obtained in words or in figures in the same election returns, the votes in the tally (*tara*) shall prevail.

**Sec. 82. Canvass to be completed at earliest possible time.** – Subject to reasonable exceptions, the Board shall complete its canvass within thirty-six (36) hours.

**Sec. 83. Pre-proclamation cases not allowed.** – For purposes of the elections for Senator and Party-list Representatives, no pre-proclamation

case shall be allowed on matters relating to the preparation, transmission, receipt, custody and appreciation of the election returns. However, this does not preclude the authority of the Board to *motu proprio* or upon written complaint of an interested person to correct manifest errors in the election returns before it.

**Sec. 84. *Illegal Composition or Proceedings of the Board.*** - Questions affecting the composition or proceedings of the Board may be initiated directly with the COMELEC, through the Committee. Such questions shall be merely noted in the Minutes attaching therewith all documents/proof of illegal composition and proceedings.

**Sec. 85. *Manifest Error.*** – (a) Where it is clearly shown that manifest errors were committed in the tabulation or tallying of election returns, during the canvassing, the Board may *motu proprio*, or upon verified petition by any candidate, political party, organization or coalition of political parties, after due notice and summary hearing, correct the errors committed.

There is manifest error in the tabulation or tallying of the results during the canvassing where:

1. A copy of the election returns was tabulated more than once;
2. Two or more copies of the election returns of one precinct, were tabulated;
3. There was mistake in the copying of the figures from the election returns into the SOVP;
4. Election returns from non-existent precincts were included in the canvass;
5. Election returns from precincts of one country/post were included in the canvass in another country/Post; or
6. There was a mistake in the addition of the votes of any candidate.

In order to correct manifest errors, the following procedures shall be complied with:

1. The order for correction must be in writing and promulgated.
2. Any candidate, political party, or organization or coalition of political parties aggrieved by said order may appeal the same to the COMELEC within twenty-four (24) hours from its promulgation.
3. The appeal must implead as respondents the Board concerned and all parties that may be adversely affected.
4. Upon receipt of the appeal, the COMELEC Clerk of the Commission shall forthwith issue summons together with the copy of the appeal to the respondents.
5. The Clerk of the Commission shall immediately set the appeal for hearing.
6. The appeal shall be heard and immediately decided by the Commission En Banc.

**Sec. 86. *Contested proceedings; period to appeal.*** – Parties adversely affected by a ruling of the Board on questions affecting the proceedings of the Board may appeal the matter to the COMELEC within three (3) days from the date of the ruling.

## **ARTICLE XIII - PRINTING AND TRANSMITTAL OF BALLOTS AND OTHER ELECTION FORMS**

**Sec. 87. Printing of ballots and other election forms.** - The COAV shall, through the Committee on Printing of the Commission, cause the printing of all accountable forms including the ballots for the overseas absentee voters. Non-accountable forms may be downloadable from the COAV website for reproduction purposes.

Security markings shall be used in the printing of ballots and the quantity of the ballots to be printed shall be based on the total number of approved applications to vote *in absentia*.

**Sec. 88. Transmittal of ballots and other election forms.** - The Commission through the Committee shall, not later than eighty-five (85) days before election day or on **18 February 2007**, present to the authorized representatives of the DFA and the accredited major political parties the exact number of ballots for overseas absentee voters corresponding to the number of approved applications to vote in absentia, voting instructions, election forms and other election paraphernalia for scrutiny and inspection, and, within the same period, transmit them by special pouch, through the DFA, to the Posts concerned.

The accredited major political parties, citizens' arms and accredited Overseas Filipino Workers (OFW) organizations shall be entitled to one representative/watcher at any given time in all phases of printing, transmittal and casting of ballots abroad.

#### **ARTICLE XIV - PROHIBITED ACTS**

**Sec. 89. Prohibited acts.** – In addition to the prohibited acts provided by law, it shall be unlawful:

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 to vote or not to vote, for a particular candidate.
2. For any person to deprive any person of any rights secured under the Overseas Absentee Voting Act of 2003, or to give false information as to his/her name, address, or period of residence for the purpose of establishing his/her eligibility or ineligibility to register or vote under the Overseas Absentee Voting Act of 2003; or to 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 Absentee Voting Act of 2003; or to pay, or offer to pay, or to accept payment either for applications to vote *in absentia* or for voting.
3. For any person to tamper with the ballot, the mail containing the ballots for overseas absentee voters, the Overseas Absentee Voting Election Returns, including the destruction, mutilation and manipulation thereof.
4. For any person to steal, destroy, conceal, mutilate or alter any record, document or paper as required for purposes of the Overseas Absentee Voting Act of 2003.

5. For any deputized agent to refuse without justifiable ground, to serve or continue serving, or to comply with his/her sworn duties after acceptance of his/her appointment.
6. For any public officer or employee who shall cause the preparation, printing, distribution of information materials, or post the same in websites without prior approval of the Commission.
7. 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 his/her current post or position one (1) year before and three (3) months after the day of elections, without securing prior approval of the Commission.
8. For any person who, after being deputized by the Commission to undertake activities in connection with the implementation of the Overseas Absentee Voting Act of 2003, shall campaign for or assist, in whatever manner, candidates in the election;
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 above are electoral offenses and punishable in the Philippines.

**Sec. 90. Penalties.** – Any person found guilty of committing any of the prohibited acts enumerated in the immediately preceding article, except paragraph 3, 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 absentee voters, the Overseas Absentee 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.

The penalty of imprisonment of not less than one year shall be imposed on any immigrant and permanent resident who does not resume residence in the Philippines as stipulated in his/her affidavit within three (3) years after the approval of his/her registration under the Overseas Absentee Voting Act of 2003 and yet vote in the next elections. In addition to the removal of his/her name from the National Registry of Absentee Voters, he/she shall be permanently disqualified to vote *in absentia* and his/her passport shall be stamped “not allowed to vote”.

## ARTICLE XV - ROLE OF GOVERNMENT AGENCIES

**Sec. 91. 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 extent compatible with their primary responsibilities, assist and give the Commission the fullest support in the implementation of the Overseas Absentee Voting Act of 2003.

b) The One Country Team Approach provided under Republic Act No. 8042 (Migrant Workers and Overseas Filipinos Act of 1995), as enunciated under Executive Order No. 74, series of 1993, shall apply in the implementation of the Overseas Absentee Voting Act of 2003 insofar as it does not conflict with the constitutional mandate of the Commission to have exclusive charge of the enforcement, administration and implementation of elections laws.

## ARTICLE XVI - CONCLUDING PROVISIONS

**Sec. 92. Access to official records and documents.** – Subject to the pertinent provisions of the Overseas Absentee Voting Act of 2003 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. 93. 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. 94. 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 Absentee Voting Act of 2003 and these Rules shall remain in full force, and shall have suppletory application of these Rules.

**Sec. 95. 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 Absentee Voting Act of 2003.

**Sec. 96. Effectivity.** – These General Instructions shall take effect immediately after publication in two (2) newspapers of general circulation in the Philippines.

