



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

RULES AND REGULATIONS GOVERNING THE CONDUCT OF THE DECEMBER 30, 2006 PLEBISCITES TO RATIFY THE CREATION OF THE FOLLOWING: (A) MUNICIPALITIES OF PANDAG AND MANGUDADATU OUT OF THE MUNICIPALITY OF BULUAN, PROVINCE OF MAGUINDANAO, PURSUANT TO MMAA NOS. 203 AND 204; (B) MUNICIPALITY OF DATU ANGGAL MIDTIMBANG OUT OF THE MUNICIPALITIES OF TALAYAN AND TALITAY, PROVINCE OF MAGUINDANAO, PURSUANT TO MMAA NO. 206; (C) MUNICIPALITY OF NORTH KABUNTALAN OUT OF THE MUNICIPALITY OF KABUNTALAN, PROVINCE OF SHARIFF KABUNSUAN, PURSUANT TO MMAA NO. 205; and (D) BARANGAY GADUNGANPEDPANDARAN OUT OF BARANGAY LITAYEN, MUNICIPALITY OF PARANG, PROVINCE OF SHARIFF KABUNSUAN, PURSUANT TO MMAA NO. 82.

PRESENT:

ABALOS , Benjamin S	Chairman
BORRA , Resurreccion Z	Commissioner
TUASON , Jr. Florentino A.	Commissioner
BRAWNER , Romeo	Commissioner
SARMIENTO , Rene V.	Commissioner
FERRER , Nicodemo T.	Commissioner

X ----- x Promulgated : 11 December 2006

RESOLUTION NO. 7781

The Commission on Elections, by virtue of the powers conferred upon it by the Constitution, the Omnibus Election Code, the Local Government Code (Republic Act No. 7160), Republic Act 6734, Republic Act No. 9054, Mindanao Muslim Autonomy Act No. 25, and other election laws, **RESOLVED** to promulgate, as it hereby **RESOLVES** to promulgate, the rules and regulations to govern the conduct of the December 30, 2006 plebiscites, to ratify the creation of the following political units:

- Municipalities of Pandag and Mangudadato to be taken from the Municipality of Buluan, Maguindanao, pursuant to Muslim Mindanao Autonomy (MMAA) Nos. 203 and 204;
- Municipality of Datu Anggal Midtimbang to be taken from the Municipalities of Talayan and Talitay, Maguindanao, pursuant to MMA Act No. 206;
- Municipality of North Kabuntalan to be taken from the Municipality of Kabuntalan, Shariff Kabunsuan, pursuant to MMA Act No. 205; and
- Barangay Gadunganpedpandaran to be taken from Barangay Litayen, Parang, Shariff Kabunsuan, pursuant to MMA Act No. 82.

SEC. 1. Supervision and control. - The Commission on Elections shall have direct control and supervision over the conduct of the plebiscites.

SEC. 2. Expenses and election forms and paraphernalia. - The expenses in holding the plebiscites, which shall include the printing of official ballots, plebiscite returns and other forms; the procurement of supplies and paraphernalia; the per diems of the members of the Plebiscite Committees; the overtime compensation of the Plebiscite Boards of Canvassers and their support staff and other operational and incidental expenses, including costs of publication of resolutions and information materials, shall be borne by the Municipalities of Buluan, Talayan, Talitay, Province of Maguindanao, and of Kabuntalan and Parang, Province of Shariff Kabunsuan. For this purpose, the Deputy Executive Director for Operations shall require the Municipal Election Officers of Buluan, Talayan, Talitay, Kabuntalan and Parang, to prepare the respective plebiscite budgetary requirements of their office; submit the budget for the holding of the plebiscite; and require the proponent to immediately appropriate and remit the necessary amount.

The Committees on Allocation, Printing, Reception and Verification, Packing and Shipping, the Administrative Services Department and the Information Technology Department shall prepare their itemized administrative, operational and technical budgetary needs, which shall be reviewed and consolidated by the ODED, which shall submit the same to the Commission En Banc.

SEC. 3. Posting of Muslim Mindanao Autonomy Acts (MMAs). At least ten (10) days prior to the day of the plebiscite, the Election Officers (EOs) of Kabuntalan, Buluan, Talayan, Talitay and Parang, shall cause the posting of copies of Muslim Mindanao Autonomy Act pertaining to their respective municipalities in all the polling places of their respective municipalities, namely:

MMA No. 203, entitled: "An Act Creating the Municipality of Pandag in the Province of Maguindanao, Providing Funds Therefor, and for Other Purposes";

MMA No. 204, entitled: "An Act Creating the Municipality of Mangudatu in the Province of Maguindanao, Providing Funds Therefor, and for Other Purposes";

MMA No. 205, entitled: "An Act Creating the Municipality of Northern Kabuntalan in the Province of Shariff Kabunsuan, Providing Funds Therefor, and for Other purposes";

MMA No. 206, entitled: "An Act Creating the Municipality of Datu Anggal Midtimbang in the Province of Maguindanao, Providing Funds Therefor, and for Other Purposes";

MMA No. 82, entitled: "An Act Creating Barangay Gadunganpedpandan in the Municipality of Parang, Province of Maguindanao, and for Other Purposes";

SEC. 4. Information campaign. – An objective information campaign shall be conducted in the Municipalities of Buluan, Talayan, and Talitay, Maguindanao, and the Municipality of Kabuntalan and of Barangay Litayen, Municipality of Parang, Province of Shariff Kabunsuan, to commence on December 14, 2006 up to December 28, 2006. During this period, civic, professional, religious, business, youth and any other similar organizations may hold symposia, public rallies or meetings to enlighten the voters of the Municipalities of Buluan, Talayan, and Talitay, Maguindanao, and of the Municipality of Kabuntalan and of Barangay Litayen, Municipality of Parang, Shariff Kabunsuan, on the plebiscite issues, and to campaign for or against the ratification of MMAAs No. 203, 204, 205, 206, and 82 as the case maybe Constructive discussions and debates shall be encouraged and the voters assured of the freedom to voice their opinion regarding the issues, advantages or disadvantages thereof.

The Election Officers of Buluan, Talayan, Talitay, Kabuntalan and Parang, in coordination with the local government officials, mass media, NGOs and religious groups shall convene barangay assemblies or “pulong-pulong” for such constructive discussions and debates.

SEC. 5. Date of plebiscite and voting hours. – The plebiscite shall be held on December 30, 2006 (Saturday). The voting shall start at seven o'clock in the morning and end at three o'clock in the afternoon.

SEC. 6. Area of coverage. – The plebiscite shall be held in the Municipalities of Buluan, Talayan, and Talitay, Maguindanao, and of the Municipality of Kabuntalan and of Barangay Litayen, Municipality of Parang, Shariff Kabunsuan.

SEC. 7. Who may vote. – All qualified voters of the Municipalities of Buluan, Talayan, and Talitay, Maguindanao, and of the Municipality of Kabuntalan and of Barangay Litayen, Municipality of Parang, Shariff Kabunsuan, of duly registered as such as of the August 8, 2005 ARMM Elections, including those whose applications for registration were approved by the Election Registration Board during the October 16, 2004 ERB hearing and who will be at least 18 years old on December 30, 2006, are entitled to vote in the plebiscite for the ratification of the creation of the municipalities of Pandag, Mangudadatu, Datu Anggal Midtimbang, Northern Kabuntalan and Barangay Gadunganpedpandaran.

The Election Officers (EOs) of Buluan, Talayan, Talitay, Kabuntalan and Parang, shall prepare the Precinct Level List of Voters (PCVL) for use in the plebiscite in accordance with Section 12 hereof.

SEC. 8. Plebiscite Committee; Composition; Compensation; Duties and Functions – The voting and counting of votes shall be conducted in each polling place by a

Plebiscite Committee (Committee) composed of a Chairman, a Poll Clerk and a Third Member who shall all be public school teachers, to be appointed by the Commission through the EOs of Buluan, Talayan and Talitay, Maguindanao; and Kabuntalan and Parang, Shariff Kabunsuan .

Each member of the Committee shall be entitled to a per diem of One Thousand Pesos (PhP 1,000,00) for services rendered on the day of the plebiscite.

The Committee shall have the following powers and duties:

- (a) Supervise and conduct the voting in the polling place on December 30, 2006;
- (b) Count the votes and thereafter prepare the plebiscite returns and other required documents/reports, and distribute the same as herein provided;
- (c) Furnish watchers Certificate of Votes upon request;
- (d) Return the book/s of voters to the EO, through the principal of the polling centers, and deliver the other plebiscite paraphernalia to their respective custodians for safekeeping not later than January 3, 2006;
- (e) Act as deputies of the Commission in the supervision and control of the plebiscite in the polling places wherein they are assigned to ensure the holding of free, orderly, honest, peaceful and credible plebiscite;
- (f) 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 shall refuse to obey lawful orders of the Committee or shall conduct himself in a disorderly manner in its presence or within its hearing thereby interrupting or disturbing its proceedings, the Committee may issue an order in writing directing any 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 so taken into custody from exercising his right to vote. Such order shall be executed by any peace officer to whom it may be delivered, but if none is present, by any other person deputized by the Committee in writing; and

- (g) Perform such other functions/duties as may be prescribed by the Commission.

SEC. 9. Disqualifications. – (a) No person shall serve as chairman or member of the Committee if he is related within the fourth civil degree of consanguinity or by affinity to any member of the same Committee.

(b) No member of the Committee shall engage, directly or indirectly, in any partisan political activity or take part in the plebiscite, except to discharge his duties as such, and to vote, provided he is a registered voter of the municipality.

Sec. 10. Precincts and polling places. - For purposes of the December 30, 2006 Plebiscite, the precincts established as of the August 8, 2005 ARMM Elections shall be adopted, subject to the provisions of Section 11 hereof.

The location of polling places designated in the August 8, 2005 ARMM Elections shall be maintained, with such changes as the Commission may authorize, after notice and hearing to the interested parties in the political unit/s affected: **Provided**, that no location of polling place shall be changed within fifteen (15) days immediately preceding the day of the plebiscite except when it is destroyed or it cannot be used.

SEC. 11. Clustering of Precincts. – To obviate problems on insufficiency of Plebiscite Committees and polling places, the EOs shall group (cluster) precincts in accordance with the following guidelines:

- (a) The number of precincts in a group (cluster) shall not be more than two (2);
- (b) The aggregate number of voters in a group shall not exceed four hundred (400);
- (c) The precincts in a group shall belong to the same territory, same polling center and same barangay;
- (d) The individual precinct numbers and list of voters of the precincts in a group shall be maintained separately, and in no case shall they be combined;
- (e) The ballots for the precincts in a group shall be deposited in one ballot box; and
- (f) One plebiscite Committee shall be assigned for each group of precinct or precinct cluster.

SEC. 12. Precinct Level Computerized Voters List (PCVL) and Election Day Computerized Voters List (EDCVL) - The EOs shall print four (4) copies of the PCVL which shall be certified by the Election Registration Board (ERB), for distribution as follows:

- (a) One copy for posting at the Office of the EO;
- (b) One copy for posting at the municipal bulletin board;
- (c) One copy for posting on plebiscite day at the door at the polling place; and
- (d) One copy for the Provincial File, Offices of the Provincial Election Supervisor of Maguindanao and Shariff Kabunsuan, as the case may be.

The Information Technology Department shall print two (2) copies of the EDCVL for distribution as follows:

- (a) One copy for use by the Plebiscite Committee on plebiscite day; and

- (b) One copy for the National Central File, Election Records and Statistics Department.

SEC. 13. Distribution of Plebiscite Forms and Supplies. – The Municipal Treasurers shall, in coordination with the EOs concerned, distribute the plebiscite forms and supplies to the Committees. The EO or his/her authorized representatives shall release the Books of Voters and the PCVL to the School Principals concerned who shall in turn release them to the Committees.

SEC. 14. Official ballots. - The official ballots shall be distributed at the ratio of one ballot per voter. The official ballots to be used in the plebiscites shall bear the following heading:

For the Municipality of Buluan, Maguindanao:

“OFFICIAL BALLOT”; “PLEBISCITE”; “DECEMBER 30, 2006”; “MUNICIPALITY OF BULUAN, MAGUINDANAO”; and underneath the following instructions: **“Fill out this ballot secretly inside the booth. Do not put any distinctive mark on any part of this ballot.”**

The following question shall be provided in the official ballots:

“DO YOU APPROVE OF THE CREATION OF THE MUNICIPALITY OF PANDAG IN MAGUINDANAO, INTO A DISTINCT AND INDEPENDENT MUNICIPALITY TO INCLUDE THE BARANGAYS OF MALANGIT, PANDAG, LOWER DILAG, UPPER DILAG, KAYAGA, KAYUPO, KABULING AND LEPAK IN THE MUNICIPALITY OF BULUAN, MAGUINDANAO, PURSUANT TO MMA ACT NO. 203?”

“DO YOU APPROVE OF THE CREATION OF THE MUNICIPALITY OF MANGUDADATU IN MAGUINDANAO, INTO A DISTINCT AND INDEPENDENT MUNICIPALITY TO INCLUDE THE BARANGAYS OF TALITAY, TUMBAO, PANAPAN, PAITAN, TINAMBULAN, LUAYAN, TENOK, KAKAL AND SAIDAN IN THE MUNICIPALITY OF BULUAN, MAGUINDANAO, PURSUANT TO MMA ACT NO. 204?”

For the Municipality of Talayan, Maguindanao:

“OFFICIAL BALLOT”; “PLEBISCITE”; “DECEMBER 30, 2006”; “MUNICIPALITY OF TALAYAN, MAGUINDANAO”; and underneath the following instructions: **“Fill out this ballot secretly inside the booth. Do not put any distinctive mark on any part of this ballot.”**

The following question shall be provided in the official ballots:

“DO YOU APPROVE OF THE CREATION OF THE MUNICIPALITY OF DATU ANGGAL MIDTIMBANG IN MAGUINDANAO, INTO A DISTINCT AND INDEPENDENT MUNICIPALITY TO INCLUDE THE BARANGAYS OF MIDTIMBANG, BRAR AND TULUNAN IN THE MUNICIPALITY OF TALAYAN, MAGUINDANAO, PURSUANT TO MMA ACT NO. 206?”

For the Municipality of Talitay, Maguindanao:

“OFFICIAL BALLOT”; “PLEBISCITE”; “DECEMBER 30, 2006”; “MUNICIPALITY OF TALITAY, MAGUINDANAO”; and underneath the following instructions: “Fill out this ballot secretly inside the booth. Do not put any distinctive mark on any part of this ballot.”

The following question shall be provided in the official ballots:

“DO YOU APPROVE OF THE CREATION OF THE MUNICIPALITY OF DATU ANGGAL MIDTIMBANG IN MAGUINDANAO, INTO A DISTINCT AND INDEPENDENT MUNICIPALITY TO INCLUDE THE BARANGAYS OF NUNANGAN, TUGAL, ADAON AND MAPAYAG IN THE MUNICIPALITY OF TALITAY, MAGUINDANAO, PURSUANT TO MMA ACT NO. 206?”

For the Municipality of Kabuntalan, Shariff Kabunsuan:

“OFFICIAL BALLOT”; “PLEBISCITE”; “DECEMBER 30, 2006”; “MUNICIPALITY OF KABUNTALAN, SHARIFF KABUNSUAN”; and underneath the following instructions: “Fill out this ballot secretly inside the booth. Do not put any distinctive mark on any part of this ballot.”

The following question shall be provided in the official ballots:

“DO YOU APPROVE OF THE CREATION OF THE MUNICIPALITY OF NORTH KABUNTALAN IN SHARIFF KABUNSUAN, INTO A DISTINCT AND INDEPENDENT MUNICIPALITY TO INCLUDE THE BARANGAYS OF BALONG, DAMATOG, GAYONGA, GUIAWA, INDATUAN, KAPIMPILAN, PAULINO LABIO, LIBUNGAN, MONTAY, SABAKEN AND TUMAGUING IN THE MUNICIPALITY OF KABUNTALAN, SHARIFF KABUNSUAN, PURSUANT TO MMA ACT NO. 205?”

For Barangay Litayen, Municipality of Parang, Shariff Kabunsuan:

“OFFICIAL BALLOT”; “PLEBISCITE”; “DECEMBER 30, 2006”; “BARANGAY LITAYEN, MUNICIPALITY OF PARANG, SHARIFF

KABUNSUAN”; and underneath the following instructions: “Fill out this ballot secretly inside the booth. Do not put any distinctive mark on any part of this ballot.”

The following question shall be provided in the official ballots:

“DO YOU APPROVE OF THE CREATION OF BARANGAY GADUNGANPEDPANDARAN, INTO A DISTINCT AND INDEPENDENT BARANGAY TO BE TAKEN FROM BARANGAY LITAYEN IN THE MUNICIPALITY OF PARANG, PROVINCE OF SHARIFF KABUNSUAN, PURSUANT TO MMA ACT NO. 82?”



SEC. 15. Preliminaries to the Counting of Votes. - (a) The Committee shall clear the table of all unnecessary writing paraphernalia.

(b) The Committee shall open the ballot box, take out the ballots from the compartment for valid ballots and, without unfolding or exposing their contents, examine them using the following guidelines:

1. Ballots folded together - The Committee shall ascertain that each fold consists of a single ballot.

If in the course of the examination, ballots are found folded together before they were deposited in the ballot box, they shall be placed in an envelope for excess ballots.

2. Excess ballots - The Committee shall then count the ballots and compare the number of ballots with the number of voters who actually voted.

If there are excess ballots, follow the procedures provided for in Section 16 (b) hereof.

3. Ballots with detachable coupons – In case ballots with undetached coupons are found in the ballot box, the coupon shall be detached and deposited in the compartment for spoiled ballots, and the ballots shall be included in the pile of valid ballots.

4. Ballots with the word “spoiled” - If ballots with the word “spoiled” should be found, they shall be placed in the compartment for spoiled ballots.

The ballots deposited in the compartment for spoiled ballots shall be presumed to be spoiled ballots, whether or not they contain such notation; but if the Committee should find that during the voting any valid ballot was erroneously deposited in this compartment, or if any ballot separated as excess or marked had been erroneously deposited therein, the Committee

shall open said compartment after the voting and before the counting of votes for the sole purpose of drawing out the ballots erroneously deposited therein. It shall then prepare and sign a statement of such fact and lock the ballot box with its three keys immediately thereafter. The valid ballots so withdrawn shall be mixed with the other valid ballots, and the excess or marked ballots shall be placed in their proper envelopes which shall for such purposes be opened and again labeled, sealed, signed and kept as hereinafter provided.

(c) Excess and spoiled ballots shall not be read in the counting of votes.

(d) The Poll Clerk shall take hold of the plebiscite returns and the Third Member shall tack the tally board on the blackboard or any available space within the plain view of the Committee, watchers and the public.

SEC. 16. Manner of Counting of Votes. - The counting of votes shall be public without interruption or delay until completed and shall proceed as follows:

- a. The Committee shall open the ballot box, take out the ballots and without unfolding them or exposing their contents except so far as to ascertain that each ballot is single, compare the number of ballots in the ballot box with the number of voters who actually voted as recorded in the Minutes of Voting and Counting.
- b. If there are more ballots found than there are voters who actually voted, all the ballots shall be returned inside the ballot box and thoroughly mixed therein. The Poll Clerk, without seeing the ballots and with his back to the ballot box, shall publicly draw out as many ballots as may be equal to the excess, and without unfolding them, place them in an envelope which shall be marked "excess ballots" and shall be sealed and signed by the Committee. If there are no excess or the excess has been taken out, the Committee shall form separate piles of 100 ballots each which shall be held together by rubber band.
- c. The Chairman shall take the ballots of the first pile and read the ballots one by one, while the Poll Clerk and Third Member shall simultaneously record on the plebiscite returns and tally board, respectively, each vote as it is read by the Chairman.

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. After finishing the first pile, the Committee shall count the tallies for the Affirmative and Negative votes and record the sub-totals in the column

immediately after the last tara recorded in the plebiscite returns and tally board, respectively.

The Poll Clerk and the Third Member shall compare the tallies reflected in the election returns and tally board.

In case of discrepancy, a recount shall be made. The ballots shall again be grouped together as before the reading.

- d. Thereafter, the same procedures shall be followed for the second and subsequent piles of ballots.
- e. After all the ballots for the precinct have been counted, the Committee shall:
 1. Sum up the sub-totals of recorded Affirmative and Negative Votes and enter the grand total in words and in figures in the plebiscite returns and tally board;
 2. See to it that the entries in the first copy of the plebiscite returns are clearly impressed and reflected properly in the other two (2) copies;
 3. Sign and affix their thumb marks on the certification portion printed at the bottom of the plebiscite returns and tally board; and
 4. Place the counted ballots in an envelope provided for the purpose, close the envelope with a serially numbered paper seal, sign and deposit the same in the compartment for valid ballots. The accomplished tally board, certified by the Committee, shall also be deposited in the compartment for valid ballots.

SEC. 17. Appreciation of Ballots. - The provisions of SEC. 211 of the Omnibus Election Code whenever applicable, shall govern the appreciation of ballots. Any question on the appreciation of ballots shall be decided by a majority vote of the Committee.

No watcher or any other person inside the polling place shall be allowed to participate in the appreciation of ballots. However, any watcher may file a protest, which shall be recorded in the Minutes.

SEC. 18. Plebiscite Returns and Distribution of Copies Thereof. – Plebiscite returns shall be prepared in three (3) copies. All the members of the Committee shall sign the certification printed at the bottom of the plebiscite returns and affix their respective thumb marks on the space provided.

Upon completion of the plebiscite returns, each copy shall be placed in a separate envelope provided for the purpose, and be immediately distributed under proper receipt, as follows:

- (1) The first copy to the Municipal Plebiscite Board of Canvassers;
- (2) The second copy to the Election Records and Statistics Department of the Commission in Manila; and
- (3) The third copy shall be deposited inside the ballot box.

SEC. 19. Announcement of Results. - Upon completion of the plebiscite returns, the Chairman of the Committee shall orally and publicly announce the total number of Affirmative and Negative Votes cast and counted in the precinct.

SEC. 20. Alterations and Corrections of Plebiscite Returns. - Any correction or alteration made in the plebiscite returns by the Committee before the announcement of the results of the plebiscite in the polling place shall be duly initialed by all the members thereof.

After the announcement of the results of the plebiscite, the Committee shall not make any alteration or amendment in any of the copies of the returns, unless authorized by the Commission.

SEC. 21. Certificates of Votes. - Before leaving the precinct, the Committee shall issue a Certificate of Votes to the watchers upon the latter's request.

SEC. 22. Delivery of the Ballot Boxes, and Other Supplies and Documents, Preservation of Voting Records, Ballot Boxes and their Keys, and their Disposition. - The provisions of Section 217, 218 and 219 of the Omnibus Election Code on delivery of ballot boxes, keys and election supplies and documents, preservation of the voting records and ballot boxes and their keys, and disposition of their contents shall apply to the plebiscite governed by this Resolution.

SEC. 23. Municipal Plebiscite Board of Canvassers. - There shall each be one (1) Municipal Plebiscite Board of Canvassers (MPBC) for Buluan, Talayan and Talitay, Maguindanao; and Kabuntalan and Parang, Shriff Kabusuan, which shall canvass the plebiscite returns submitted by their respective Plebiscite Committees. These MPBCs shall be composed of the incumbent Municipal Election Officer or a lawyer of the Commission, as Chairman, and as members, the Municipal Treasurer and DepEd District Supervisor thereat, subject to Section 26 hereof.

At least five (5) days before the day of the plebiscite, the Chairman shall issue a written notice to the other members of the Board that it shall convene at four o'clock in the afternoon of plebiscite day to canvass the plebiscite returns. Notice of said meeting shall be posted in conspicuous places in the municipal building and other public places of Buluan, Talayan, Talitay, Maguindanao; and Kabuntalan and Parang, Shariff Kabunsuan. The MPBCs shall meet at the Session Hall of their respective municipal buidings not later than four o'clock in the afternoon of plebiscite day, immediately canvass the plebiscite returns and shall not adjourn until the canvass is completed.

SEC. 24. Supervision and Control over the Municipal Plebiscite Board of Canvassers. - The Commission shall have direct control of and supervision over the Municipal Plebiscite Boards of Canvassers (MBC) and may *motu proprio* relieve at any time any member thereof for cause and may substitute him in accordance with Section 28 hereof.

SEC. 25. Absence of a Regular Member. - In case of absence of a regular member of the MPBC, the members present shall first verify whether or not the notice stating the date, time and place of canvassing has been duly served on the absent regular member.

In the absence of such notice, one shall be immediately sent to the absent member. If the latter cannot be located, or his whereabouts are unknown, he shall then be substituted. These facts shall be recorded in the minutes of the MPBC. As soon as the absent member appears, the substitute member shall relinquish his seat to the regular member.

SEC. 26. Incapacitated Regular Member. - In case of sickness or serious injury of the regular member of the PBC, a sworn medical certificate shall be required attesting to the incapacity of said member. Upon submission of the medical certificate, a substitute shall be appointed. Said certificate shall be recorded in the Minutes of the MPBC.

SEC. 27. Substitution of Chairman and Members. - In case of non-availability, absence, disqualification due to relationship, or incapacity for any cause of the chairman of the PBC, the Commission shall appoint a lawyer of the Commission as substitute. With respect to the other members of the MPBC, the Commission shall appoint as substitute the following in the order named: Municipal Administrator, the Municipal Assessor, the Clerk of Court nominated by the Executive Judge of the Municipal Trial Court, and other available appointive Municipal official.

SEC. 28. Prohibition Against Leaving Official Station. - During the period beginning December 20, 2006 until the completion of the canvass, no member or substitute member of the PBC shall be transferred, assigned or detailed outside of his official station nor shall he leave his station without prior authority of the Commission.

SEC. 29. Quorum. - A majority of the members of the MPBC shall constitute a quorum for the transaction of business. A majority vote of all the members thereof shall be necessary to render a decision.

SEC. 30. Watchers: Rights and Duties. - The proponents and oppositors; the citizens' arm of the Commission, if any, and other accredited groups or organizations may appoint watchers during the voting, counting and canvassing. A person who is not a registered voter of the municipality, or of questionable reputation, or who has been convicted of an election offense or any other crime shall not be appointed as watcher. Barangay officials, including barangay tanods, are disqualified to serve as watchers.

The watchers shall have the right to:

- (a) be present at, and take note of all the proceedings;
- (b) read the plebiscite returns without touching them; and
- (c) file a protest against any irregularity noted in the plebiscite returns or in the proceedings of the PBC and obtain the resolution thereon in writing.

The watcher shall not be allowed to participate in the deliberation of the MPBC.

SEC. 31. Right to be Present and to Counsel. - Proponents or oppositors have the right to be present and to counsel during the canvass of the Plebiscite returns and Municipal Certificates of Canvass and Proclamation. Only one counsel shall argue for the proponent or oppositor. In case there are several counsel for the proponents or oppositors, the counsel shall agree among themselves who will argue for them.

SEC. 32. Internal Canvassing Procedures of the MPBC. - The MPBC shall meet promptly at 4:00 o'clock in the afternoon of plebiscite day and canvass the votes in the following manner:

- a. The Chairman of the MPBC shall list sequentially all precincts in the Statement of Votes (SOVs) by precinct and ensure that every precinct in the project of precincts is listed therein. The MPBC Chairman shall produce before the members, the ballot boxes containing plebiscite returns;
- b. Before opening a ballot box, the MPBC shall record the conditions and serial numbers of the ballot boxes and the self-locking serially numbered fixed length seals;
- c. The Chairman of the MPBC shall then open the ballot box, retrieve the envelopes containing plebiscite returns and record in its Minutes of Canvass, the condition and serial number of the envelopes and their paper seals;
- d. The Chairman of the MPBC shall open the envelope one at a time, record the condition and serial number of the plebiscite returns and its paper seal, and forthwith open the same for canvassing;

Only such number of envelopes containing plebiscite returns that can be canvassed during the meeting of the board shall be opened, which number shall be recorded in the Minutes of Canvass;

Entries in the SOV by Precinct shall be made every time a plebiscite returns is canvassed. Once the SOV is completed, the members of the MPBC shall sum up the number of precincts canvassed, the number of registered voters, the number of voters who actually voted, and the total Affirmative

and Negative votes therein, and thereafter affix their signatures above their names appearing at the certification portion of the form;

- e. In case its copy of a plebiscite returns is missing, the MPBC shall obtain such missing returns from the Plebiscite Committee concerned. If said returns have been lost or destroyed, the MPBC, upon prior authority of the Commission, may use any of the authentic copies of said returns or a certified copy thereof issued by the Commission. Forthwith, the MPBC shall refer the case for investigation to the Regional Election Director (RED) concerned who shall report his findings to the Commission; and
- f. Each time the MPBC suspends its meetings or adjourns for the purpose of awaiting for the other plebiscite returns, it shall:
 1. Determine the totals of all Affirmative and Negative votes canvassed;
 2. Accomplish the SOV by precinct in four (4) copies and close the same with the initials of the members following the last entry of Affirmative and Negative votes;
 3. Place the SOV in an envelope, which shall be sealed with a serially numbered paper seal and signed by the members in the presence of all the members of the board and the watchers; and
 4. Place the plebiscite returns already canvassed, the remaining unopened envelopes, and envelope containing a copy of the SOV inside a ballot box which shall be locked with three padlocks and the self-locking serially numbered fixed length seal, the serial number of which shall be duly recorded in the Minutes of Canvass;

Each member of the MPBC shall keep a key to the three padlocks of a ballot box, so that it cannot be opened without all of them being present. The ballot box shall be deposited in a secured room for safekeeping until the resumption of its meeting;
5. At the resumption of the canvass, the secretary of the MPBC shall:
 - a. Get the ballot box from the secured room and verify the condition of the ballot box, the three padlocks and the self-locking serially numbered fixed length seal;
 - b. Enter in the Minutes a description of the condition thereof, as well as the serial numbers of the self-locking serially numbered fixed length seals;

- c. Destroy the self-locking serially numbered fixed length seals in the presence of the other members of the board and watchers; and
 - d. Present to the MPBC the remaining unopened envelopes containing plebiscite returns and the official SOV contained in a duly sealed and signed envelope.
6. After all the plebiscite returns have been canvassed, the MPBC shall:
- a. Prepare a tally of the total Affirmative and Negative votes including the data on the number of registered voters, number of voters who actually voted, and the total number of precincts it has canvassed. Such tally should be publicly accessible to ensure transparency; and
 - b. Place the plebiscite returns copy for the MPBC in their their respective envelopes and deposit the same inside the ballot box which shall be locked with three padlocks and sealed with a self-locking serially numbered fixed length seals.
7. Each member of the MPBC shall keep a key corresponding to the three padlocks of the ballot box.

SEC. 33. Minutes of the Canvass of the MPBC. - The MPBC shall prepare three (3) copies of the Minutes of the Canvass.

The first copy shall be submitted to the Law Department of the Commission within ten (10) days from termination of canvass. The second copy shall be deposited inside the ballot box. The third copy shall be forwarded to the Office of the Deputy Executive Director for Operations.

SEC. 34. Completion of the Canvass. - The MPBC shall sign the certification and affix their thumbmarks at the bottom of each SOV, and, using a separate SOV, consolidate data including the total Affirmative and Negative votes. Thereafter, it shall prepare a Certificate of Canvass and Proclamation (COCP) which shall contain the following data:

- 1. Number of precincts canvassed;
- 2. Number of registered voters;
- 3. Number of voters who actually voted;
- 4. Number of Affirmative and Negative votes; and
- 5. Whether or nor the Affirmative or Negative votes constitute the majority of the votes cast in the municipality or barangay, as the case may be.

The members of the MPBC shall print their full names and affix their signatures and thumb marks in the proper space at the bottom of both forms and certify under oath that the entries therein are true and correct.

SEC. 35. Distribution of the COCP. - The COCP shall be prepared in four (4) copies, supported by a Statement of Votes by Precinct, and distributed as follows:

- (1) The original copy shall, within three (3) days from proclamation, be sent to the Election Records and Statistics Department of the Commission;
- (2) The second copy shall be filed in the Office of the Election Officers concerned;
- (3) The third copy shall be submitted to the Secretary of the Department of the Interior and Local Government; and
- (4) The fourth copy shall be submitted to the Municipal Mayors of the local government units concerned.

SEC. 36 Applicability of the Omnibus Election Code and Other Election Laws –
The pertinent provisions of the Omnibus Election Code, Republic Acts No. 6646, 7160, 9054, 6734 MMAA No. 25 and other election laws and resolutions of the Commission which are not inconsistent herewith shall, as far as practicable, apply to the plebiscite subject of this Resolution.

SEC. 37. Implementation. - The Deputy Executive Director for Operations, assisted by the Directors of the Election and Barangay Affairs Department, Finance Services Department, and Administrative Services Department, shall implement this Resolution to ensure the holding of a free, orderly, honest, peaceful and credible plebiscite.

The Deputy Executive Director for Operations in coordination with the Regional Election Director of ARMM and the Provincial Election Supervisors of Maguindanao and Shariff Kabunsuan, shall supervise the conduct of the plebiscite. They shall regularly submit report to Office of the Deputy Executive Director for Operations on the status/development of the on-going plebiscite activities.

SEC. 38. Dissemination. - The Education and Information Department shall cause the immediate publication of this Resolution in one (1) daily newspaper of general circulation in the Philippines and one (1) newspaper with local circulation in the Municipalities of Buluan, Talayan, Talitay, Province of Maguindanao; and of the Municipalities of Kabuntalan and Parang, Province of Shariff Kabunsuan, and give it the widest publication and dissemination possible.

The Deputy Executive Director for Operations shall furnish the Regional Election Director of the ARMM; the Provincial Election Supervisors of Maguindanao and Shariff

Kabunsuan; the Secretary of the Department of the Interior and Local Government; the Secretary of the Department of Education; and the Municipal Mayors, Municipal Treasurers and the DepEd Supervisors of Buluan, Talayan and Talitay, Maguindanao; and Kabuntalan and Parang, Shariff Kabusuan, with a copy of this Resolution.

The Election Officers of Buluan, Talayan and Talitay, Province of Maguindanao, and Kabuntalan and Parang, Province of Shariff Kabunsuan, shall give this resolution the widest dissemination in his/her municipality.

SEC. 39. Effectivity. - This Resolution shall take effect upon its publication.

SO ORDERED.

(Sgd.) BENJAMIN S. ABALOS
Chairman

(Sgd.) RESURRECCION Z. BORRA
Commissioner

(Sgd.) FLORENTINO A. TUASON, JR.
Commissioner

(Sgd.) ROMEO A. BRAWNER
Commissioner

(SGD.) RENE V. SARMIENTO
Commissioner

(Sgd.) NICODEMO T. FERRER
Commissioner