



Republic of the Philippines  
COMMISSION ON ELECTIONS  
Manila

GENERAL INSTRUCTIONS FOR THE SPECIAL BOARD OF CANVASSERS IN THE CONDUCT OF MANUAL CANVASSING OF VOTES UNDER REPUBLIC ACT NO. 9189, OTHERWISE KNOWN AS "THE OVERSEAS ABSENTEE VOTING ACT OF 2003" AS AMENDED BY REPUBLIC ACT NO. 10590 FOR PURPOSES OF THE MAY 9, 2016 NATIONAL AND LOCAL ELECTIONS.

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

Promulgation: February 1, 2016 *[Signature]*

RESOLUTION NO. 10048 *[Signature]*

The Commission on Elections, pursuant to the authority vested in it by the Constitution, Batas Pambansa Blg. 881 (Omnibus Election Code), Republic Act No. 8189, Republic Act No. 9189 (The Overseas Absentee Voting Act of 2003) as amended by Republic Act No. 10590, Republic Act No. 9369, and other election laws, **RESOLVED**, as it hereby **RESOLVES**, to promulgate the following General Instructions for the Special Board of Canvassers (SBOC), in the conduct of manual canvassing of votes for purposes of the May 9, 2016 National and Local Elections.

ARTICLE I  
CANVASSING PROCEDURES

**Section. 1. Canvassing procedures.- A. Before the start of canvass**, and upon entering the canvassing center, the counsel/watchers shall present and deliver to the Chairperson of the Board their appointments and their names shall be recorded in the Minutes with a notation under their signatures that they are not disqualified to serve. The appointments of the counsel/watchers shall bear the personal or facsimile signature of the candidate or the duly authorized representative of the political party, organization, or coalition who appointed them or of organizations authorized by the Commission.

For this purpose, registered political parties, independent candidates, organizations or coalitions, accredited citizens' arms and OFW organizations, shall provide the Commission and the Posts with the names and specimen signatures of their representatives authorized to appoint counsel/watchers in each Post not later than **April 29, 2016**.

**B. During the canvass, the SBOC shall observe the following procedures:**

1. Note the serial number of the Statement of Votes (SOV) to be used in the canvass. After the Secretary has recorded its serial number in the Minutes, the copies shall be equitably distributed between the Vice-Chairperson and the Secretary;
2. Receive from the Special Board of Election Inspectors (SBEI) the envelopes containing the Election Returns (ERs) (copy for the SBOC, Congress, and the Commission);
3. Record in the Minutes the following data:
  - a. Time and date of receipt of ERs;
  - b. The precinct number of the ERs;
  - c. Serial number of the envelope and paper seal; and
  - d. Condition of the envelope and paper seal.

The copy intended for the Congress and the Commission shall be delivered or transmitted by the Chairperson or any member of the Board after the canvassing of votes in the Posts;

4. Exhibit to the counsel/watchers present the envelope containing the ERs copy for the Board;
5. Break the seal, open the envelope, retrieve the ERs and exhibit the same to the counsel/watchers present;
6. Examine the condition of the paper seal of the ERs, and record in the Minutes its condition and serial number;
7. Break open the seal of the ER, unfold it and exhibit the same to the counsel/watchers present. Record in the Minutes the condition and serial number of the ERs;
8. Canvass the ERs by:
  - a. The Chairperson reading the votes obtained by each candidate; and
  - b. The Vice-Chairperson and Member-Secretary entering in their respective copies of the SOV the votes obtained by each candidate simultaneously as they are read by the Chairperson.

For purposes of preparing the SOV the following terms shall mean:

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- **Page partial total** - Sum of votes obtained by each candidate appearing in a set of SOV when some columns are not filled at the time of adjournment/suspension of canvass. This shall be recorded on the box immediately after the last entry of votes at the time of adjournment/suspension of canvass.
  - **Sub-total** - Sum of all votes obtained by each candidate when all the columns of a set of SOV are filled. The sub-total shall be recorded in the last column indicated in the SOV.
  - **Grand total** - Sum of all votes obtained by each candidate when all ERs have been canvassed even if not all the columns of the SOV are filled.
  - **Provisional total** - Accumulated total of all votes obtained by each candidate appearing in all accomplished sets of SOV at the time of adjournment/suspension of canvass, for the purpose of releasing results to the media and other interested parties. This shall be recorded in a document other than the SOV.
9. Immediately after an ER is canvassed, the Chairperson of the Board shall write on its upper right hand corner the word "CANVASSED" and sign and indicate the date of canvass below it. Thereafter, the canvassed ER shall be returned to its envelope without sealing it. **For this purpose, ERs prepared for a particular country/territory under the consular jurisdiction of the Posts shall be reflected as a separate item in the SOV.**
  10. After the canvass has been completed and only one set of SOV was used:
    - a. The Vice-Chairperson and Member-Secretary of the Board shall add all entries in their respective copies of the SOV to obtain the grand total.
    - b. Compare the grand total contained in their respective copies of the SOV. If there are discrepancies in the entries, they shall refer to the ERs and apply the corrections as may be necessary. All the members of the Board shall initial the correction/s made on the SOV.
  11. Affix their signatures above their printed names and imprint their thumbmarks on the certification portion of the SOV. Thereafter, proceed to procedure No. 14 onwards as provided below.
- C. For Posts canvassing 12 or more ERs, the Board or tabulators, as the case may be, shall perform the following:**
12. Each time all the columns of a set of SOV are filled, the two members of the Board shall submit to the Chairperson their copies of the SOV. The Chairperson shall then divide the copies of the accomplished SOV between the Tabulators who shall then compute, using an adding machine with tape, in their respective copies, the sub-total of the: (1) number of registered voters; (2) number of voters who actually voted; and (3) the votes obtained by each candidate. Thereafter, the Tabulators shall initially record the sub-totals in a separate sheet of paper and compare whether the sub-totals are the same.

If there is no discrepancy, the Tabulators shall record the sub-totals in the SOV and accomplish the certification portion intended for them therein and submit the same to the Board.

If there is a discrepancy, the Tabulators shall identify the particular precinct in the corresponding SOV where such discrepancy occurred. After identifying the source of the discrepancy, the Tabulators shall refer the matter to the Chairperson, who in turn shall:

- a. Announce that a correction/s will be made in the SOV concerned;
- b. Retrieve and re-open the corresponding ERs;
- c. Verify the entry;
- d. Announce the correct entry; and
- e. Direct the member who made the erroneous entry to make the proper correction by encircling the erroneous entry and writing immediately above the circle the correct entry in the SOV.

The members of the Board shall authenticate the correction by affixing their initials immediately after the correction. The Chairperson shall then return the corrected SOV to the Tabulators who shall re-compute the sub-totals where the discrepancy occurred and accomplish the certification portion intended for them in the SOV and submit it to the Board.

13. After all the ERs have been canvassed and the sub-totals of each SOV have been computed, the Tabulators shall:

- a. Prepare the Summary Statement of Vote (SSOV) by entering therein the sub-totals of votes obtained by each candidate;
- b. Add the sub-totals to get the grand total of votes obtained by each candidate and indicate the same in the last column of the SSOV;
- c. Accomplish the certification portion in the SSOV intended for the Tabulators; and
- d. Forward to the Board the SOV and SSOV.

14. The Board shall then:

- a. Accomplish the Certificate of Canvass (COC) by entering therein the Grand Total of Votes obtained by each candidate as reflected in the SOV/SSOV;
- b. Affix their signatures and the imprints of their right thumb on the certification portion;
- c. Require the watchers, if any, to affix their signatures and the imprints of their right-thumb on the COC.

In accomplishing the COC, the SOV/SSOV and other forms, all the members of the Board and Tabulators, shall see to it that the impression on the first copy of the set is recorded on each and every page;

15. The Chairperson shall:

- a. Announce the results of the election, and the posting of a copy of the COC on a wall with sufficient lighting within the premises of the canvassing center;
- b. Proceed to post the COC in the presence of the other members of the Board, the watchers and those present in the canvassing center;
- c. Attach a copy of the SOV/SSOVs to each of the COC, copy for the Commission, Congress and copy for the Chairperson of the Board. Fold each set together and seal with a paper seal;
- d. Place them in the envelopes provided for the purpose and close with paper seal, except the copy for the Board which will be used for transmission to the Commission as provided below;
- e. Transmit to the Commission, through the DFA-OVS, via facsimile or any other electronic mail facilities of the Philippine embassies/consulates, and other authorized canvassing centers an advance copy of the COC and SOV/SSOV, using the copy for the Board;
- f. Return the COC and SOV/SSOV, copy for the Board, inside its envelope, seal the same and submit to the SBRCG for safekeeping;
- g. Distribute the other copies of the COC, together with the corresponding SOV, as prescribed under Art. 11, Rule 16 hereof.  
  
Copies which are not claimed by the concerned parties shall be turned over by the Chairperson of the Board to the SBRCG of the Post where canvassing was held; and
- h. Return the canvassed ERs in its envelope and seal and submit to the SBRCG for safekeeping.

D. **Adjournment of the Board.** Each time the Board adjourns, it shall make a total of all votes canvassed for each candidate, applying the following procedure:

1. When all the columns of the SOV are not filled up, the Tabulators shall indicate the page partial total of votes obtained by each candidate and close the same by affixing their initials. The SOV shall be placed in the ballot box provided in No. 4 below;
2. When all the columns of the SOV are filled, the Tabulators shall indicate the sub-total;

3. The page partial total or the sub-total, whichever is available at the time of the adjournment of the Board is the provisional total which shall be made available to mass media and other interested parties. The OFOV shall also be furnished with the provisional total through the fastest means of communication;
4. The remaining unopened envelopes and SOV containing the page partial total shall be placed in the ballot box provided for the purpose which shall be sealed and kept in a secured room by the members of the Board; and
5. The serial number and the quantity of the remaining unopened envelopes shall be recorded in the Minutes.

**Upon resumption of the canvass:**

6. The Secretary of the Board shall retrieve the ballot box containing the uncanvassed ERs, verify and enter in the Minutes the condition of the ballot box; and
7. The Board shall then, in the presence of the watchers, open the ballot box, retrieve the partially-filled SOV and continue the canvass of the remaining ERs until all ERs have been canvassed.

**Sec. 2. Objections during canvass.**— All objections during the canvass, including the issue on the inclusion/exclusion of ERs, shall be noted in the Minutes. Parties interested to pursue their objections should file them before the Commission.

**Sec. 3. When the ERs are delayed, lost or destroyed.** — In case its copy of the ER is missing, the Board shall, by authorized messenger, immediately obtain the same from the SBEI concerned, or if the said ER has been lost or destroyed, the Board, upon prior authority of the Commission, may use any of the authenticated copies or a certified copy of said ER. The case shall be investigated and immediately reported to the OFOV.

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

**Sec. 4. Material defects in the ERs.**— If it should clearly appear that some requisites in form or data have been omitted in the ERs, the Board shall call for all the members of the SBEI concerned by the most expeditious means, for the same SBEI to effect the correction: *Provided*, that in case of the omission in the ERs of the name of any candidate and/or the candidate's corresponding votes, the Board shall require the SBEI concerned to complete the necessary data and affix therein their initials: *Provided further*, That if the votes omitted in the ERs cannot be ascertained by other means except by recounting the ballots, the ERs shall be set aside, recorded in the Minutes, reported to the OFOV, and await further orders from the Commission.

For this purpose, the Chairperson of the SBEI, or any member authorized by such Chairperson, shall remain and be present before the Board until the ERs of their precinct had been canvassed.

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**Sec. 5. When ERs appear to be tampered with or falsified.**— If the ERs 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 ERs. If necessary, the copy of the ERs inside the ballot box may be retrieved in accordance with Article 220 of the Omnibus Election Code upon previous authority given by the Commission. If the other copies of the ERs 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 Commissioner-in-Charge of the OFOV, who shall proceed in accordance with Article 235 of the Omnibus Election Code.

**Sec. 6. Discrepancies in ERs.**— 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 ERs, the votes in the tally (*tara*) shall prevail.

**Sec. 7. Canvass to be completed at earliest possible time.** — Subject to reasonable exceptions, the Board shall complete its canvass within thirty-six (36) hours.

**Sec. 8. Pre-proclamation cases not allowed.** — For purposes of the elections for President, Vice-President, Senator and Party-list Representatives, no pre-proclamation case shall be allowed on matters relating to the preparation, transmission, receipt, and custody of the ERs. 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 ERs before it.

**Sec. 9. Illegal composition or proceedings of the Board.**— Questions affecting the composition or proceedings of the Board may be initiated directly with the Commission, through the Board. Such questions shall be merely noted in the Minutes attaching therewith all documents/proof of illegal composition and proceedings.

**Sec. 10. Manifest error.** — (a) Where it is clearly shown that manifest errors were committed in the tabulation or tallying of ERs, 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 ER was tabulated more than once;
2. Two or more copies of the ER of one precinct were tabulated;
3. There was mistake in the copying of the figures from the ER into the SOV;
4. ERs from non-existent precincts were included in the canvass;
5. 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 by the Board;
2. Any candidate, political party, organization or coalition of political parties aggrieved by said order may appeal to the Commission 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 Clerk of the Commission shall immediately 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; and
6. The appeal shall be heard and immediately decided by the Commission *En Banc*.

**Sec. 11. Distribution of Certificates of Canvass.-** The SBOC shall distribute the COC (OVF No. 21) as follows:

1. The first copy, with attached copy of the SOV/SSOV, to the Congress sitting as the National Board of Canvassers for use in the canvass of election results for President and Vice- President;
2. The second copy, with attached copy of the SOV/SSOV, to the Commission sitting as the National Board of Canvassers for use in the canvass of election results for Senators and Party-List Representatives;
3. The third copy, with attached copy of the SOV/SSOV, shall be kept by the Chairperson of the Board;
4. The fourth copy, with attached copy of the SOV/SSOV, to be posted on a wall within the premises of the canvassing center.

The copy of the COC posted on the wall shall be open for public viewing during regular office hours for forty-eight (48) hours following its posting. Any person may view or capture an image of the COC. After the prescribed period for posting, the SBRCCG shall collect the posted COC and keep the same in its custody to be produced for image or data capturing as may be requested by any voter or for any lawful purpose as may be ordered by competent authority;

5. The fifth copy to the citizen's arm designated by the Commission to conduct an unofficial count; and
6. The sixth and seventh copies, to the representatives of two (2) of the six (6) major political parties in accordance with the voluntary agreement of the parties. If no such agreement is reached, the Commission shall decide which parties shall receive the copies of the COC on the basis of the criteria provided in Sec 26 of RA 7166. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.

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7. The eighth copy, to the OFOV.

Except for those copies that are required to be delivered, copies of COC may be claimed at the canvassing center. Any unclaimed copy shall remain with the SBRCG, which shall produce them when requested by the claimant or when ordered by a competent authority.

Any violation of this Section, or its pertinent portion, shall constitute an election offense and shall be penalized in accordance with Batas Pambansa Blg. 881.

**Sec. 12. Transmittal of the COC and Minutes of canvassing.**— For Posts where the total number of voters who actually voted does not exceed one thousand (1,000), the Chairperson of the Board shall transmit via facsimile or electronic mail, immediately upon the completion of the canvass, the COC and the SOV/SSOV to the Commission, through the Reception Group (RG) and Congress. It shall likewise transmit a Certification (OVF No. 46) duly signed by the Members of the Board and watchers, if present, confirming and affirming the figures appearing in the transmitted COC and the SOV/SSOV as the true and correct result of their canvass.

The Board, through the SBRCG, shall preserve the COC, SOV/SSOV immediately after the conclusion and transmittal of the canvass to the RG, and make it available upon instructions of the Commission. The Board shall also furnish the accredited major political parties and accredited citizens' arms with copies thereof via facsimile or electronic mail.

After seven (7) days from the conclusion and transmittal of the canvass to the RG, the Chairperson of the Board shall transmit, via diplomatic pouch, the original copies of the COC, SOV/SSOV, ERs intended for the Congress, Commission and OFOV, OVF No. 46, and the Minutes of Canvass addressed to the OFOV, 7th Floor, Palacio del Gobernador Bldg., Intramuros, Manila, unless otherwise ordered by the Commission.

The OFOV, in turn, shall forward the COC, SOV/SSOV, the ERs intended for the Commission to the Election Records and Statistics Department (ERSD) and the copy of the Minutes of the Canvass to the Law Department of the Commission.

**Sec. 13. Reception Group; constitution.**— The Reception Group (RG) shall be responsible for the reception, verification of transmittal and delivery of the COC and SOV/SSOV to the Congress and Commission sitting as the National Board of Canvassers.

The RG shall be composed of a representative from the Commission and a representative from the DFA-OVS.

**Sec. 14. Verification and authentication of the transmitted COC and SOV/SSOV.**— The RG, in the presence of the watcher, if any, shall verify the transmission of the COC and SOV/SSOV by immediately calling, through telephone or other means of communications, the Chairperson of the Board. After confirmation of the results, the RG shall accomplish a Certification (OVF No. 47) that they verified the

transmitted results through the Chairperson of the Board who confirmed the accuracy and truthfulness of the figures in the transmitted COC and SOV/SSOV.

**Sec. 15. Canvassing of the transmitted results.**— The COC and the accompanying SOV/SSOV as transmitted via facsimile or electronic mail shall be the primary basis for the national canvass unless the Commission issues an order to make available the original copies of documents during the canvass.

**Sec. 16. Personal delivery of the COC/Minutes of the proceedings and ERs.**— For Posts where the total number of voters who actually voted exceeds one thousand (1,000), the Chairperson of the Board shall personally submit the following:

1. First copy of the COC, together with the SOV/SSOV, and ERs (Copy for Congress), to the Congress sitting as the National Board of Canvassers for use in the canvass of election results for President and Vice- President;
2. Second copy of the COC, together with the SOV/SSOV, and ERs (Copy for the Commission), to the Commission sitting as the National Board of Canvassers for use in the canvass of election results for Senators and Party-List Representatives;
3. To the OFOV, copies of the COC (Copy for the Commission and OFOV) together with the SOV/SSOV; ERs (Copy for the Commission), and Minutes (Copies for the Commission and the Law Department).

The OFOV, in turn, shall forward the ERs to the Election Records and Statistics Department (ERSD) and the copy of the Minutes to the Law Department of the Commission.

## ARTICLE II FORMS AND SUPPLIES

**Sec. 17. Canvassing forms and supplies.** —The Board shall receive from the OFOV, through the SBRCG, the following canvassing forms and documents for its use:

CANVASSING FORMS				
OVF No.	Title	Purpose	Rate of Distribution	
11-B	Minutes of Canvassing	To record the proceedings, other incidents and other matters relevant to the canvass	1	Set of 3 copies
11-D	Objections	Form for written objections on the proceedings/composition of the SBOC and on the issue of exclusion/inclusion of ERs	23	Pieces
12	Paper Seals	To seal envelopes, SOVs, COCs and other documents used in the canvass	30	Pieces
13-A	Certificate of Votes	Form containing the number of votes obtained by each candidate/party and issued to requesting parties	10	Pieces
14-E	Certificate of Receipt of Canvassing Forms by SBOC	To show proof of receipt of the canvassing forms from the SBRCG to the SBOC	1	Set of 2 copies

18-B	Envelopes for Minutes of Canvassing	To place the Minutes of Canvassing	3	Pieces
20	SOV by Precinct	To record the number of votes obtained by each candidate/party per precinct	1	Set of 3 copies for every 11 Precincts
20-A	Summary of SOV Per Country	To record the number of votes obtained by each candidate/party per SOV	1	Set of 3 copies
21	COC of Votes for President, Vice-President, Senatorial Positions & Party-List	To record the total votes obtained by each candidate/party per country	1	Set of 8 copies
21-A to 21-G	Envelopes for COC	To place the COC	1	Set of 8 copies
21-A-1 to 21 F-1	Official Receipt of COC	To show proof of submission of the COC by the SBOC to the SBRCG	1	Set of 7 copies
33-B	Objection/Protest and Decision of the Board	To record the objection of party/ies on the decision of the Board	1	Set of 2 copies
33-C	Certificate of Filing of Objection/Protest and Decision of the Board	To certify the filing of Objection/Protest on the decision of the board	1	Set of 2 copies
42	Security Seal	To seal the ballot box slit	2	Pieces
43	Security Tape	To seal the sides of the ballot box	8	Pieces
46	Certification of SBOC on the transmitted COC/SOV/SSOV	To show proof of submission of COC/SOV/SSOV	1	Set of 2 copies
47	Certification of RG on the receipt and confirmation of transmitted COC/SOV/SSOV	To acknowledge the receipt of the COC/SOV/SSOV	1	Set of 2 copies
Supplies				
Ballot Box		Container for the canvassed and uncanvassed returns	1	Piece

### ARTICLE III ELECTION OFFENSES/PROHIBITED ACTS

#### Sec. 18. Election offenses/prohibited acts. -

##### I. Under Sec. 261 of Batas Pambansa Blg. 881

##### a) On Canvassing:

- 1) Any Chairman of the board of canvassers who fails to give due notice of the date, time, and place of the meeting of said board to the candidates, political parties and/or members of the board.
- 2) Any member of the board of canvassers who proceeds with the canvass of the votes and/or proclamation of any candidate which was suspended or annulled by the Commission.
- 3) Any member of the board of canvassers who proceeds with the canvass of votes and/or proclamation of any candidate in the absence of quorum, or without giving due notice of the date, time, and place of the meeting of the board to the candidates, political parties, and/or other members of the board.

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- 4) Any member of the board of canvassers who, without authority of the Commission, uses in the canvass of votes and/or proclamation of any candidate any document other than the official copy of the ERs.
- b) Common to all boards of election inspectors and boards of canvassers:
- 1) Any member of any board of election inspectors or board of canvassers who deliberately absents himself from the meetings of said body for the purpose of obstructing or delaying the performance of its duties or functions.
  - 2) Any member of any board of election inspectors or board of canvassers who, without justifiable reason, refuses to sign and certify any election form required by this Code or prescribed by the Commission although he was present during the meeting of the said body.
  - 3) Any person who, being ineligible for appointment as member of any board of election inspectors or board of canvassers, accepts an appointment to said body, assumes office, and actually serves as a member thereof, or any of public officer or any person acting in his behalf who appoints such ineligible person knowing him to be ineligible.
  - 4) Any person who, in the presence or within the hearing of any board of election inspectors or board of canvassers during any of its meetings, conducts himself in such a disorderly manner as to interrupt or disrupt the work or proceedings to the end of preventing said body from performing its functions, either partly or totally.
  - 5) Any public official or person acting in his behalf who relieves any member of any board of election inspectors or board of canvassers or who changes or causes the change of the assignments of any member of said board of election inspectors or board of canvassers without authority of the Commission.

**II. Under Republic Act No. 9189 "Overseas Absentee Voting Act of 2003" as amended.**

- 1) For any officer or employee of the Philippine government to influence or attempt to influence any person covered by the Overseas Absentee Voting Act of 2003 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 ERs, 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 to engage in partisan political activity abroad during the thirty (30)-day overseas voting period;
- 10) 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.

**III. Under R.A. 9369, An Act Amending R.A. 8463, Authorizing the Commission to use Automated Election System:**

- 1) Any person who removes the COC posted on the wall, whether within or after the prescribed forty-eight (48) hours of posting, or defaces the same in any manner;
- 2) Any person who simulates an actual COC or SOV, or a print or digital copy thereof;
- 3) Any person who simulates the certification of a COC or SOV;

- 4) The chairman or any member or the board of canvassers who, during the prescribed period of posting, removes the COC or its supporting SOV from the wall on which they have been posted other than for the purpose of immediately transferring them to a more suitable place;
- 5) The chairman or any member or the board of canvassers who signs or authenticates a print of the COC or its supporting SOV outside of the canvassing area;
- 6) The chairman or any member of the board of canvassers who signs or authenticates a print which bears an image different from the COC or SOV produced after canvassing and posted on the wall; and
- 7) Any person or member of the board of election inspectors or board of canvassers who tampers, increases or decreases the votes received by a candidate in any election or any member of the board who refuses, after proper verification and hearing, to credit the correct votes or deduct such tampered votes: provided, however, that when the tampering, increase or decrease of votes or the refusal to credit the correct votes and/or to deduct tampered votes are perpetrated on a large scale or in substantial numbers, the same shall be considered, not as an ordinary election offense under Section 261 and/or 262 of the Omnibus Election Code, but a special election offense to be known as electoral sabotage and the penalty to be imposed shall be life imprisonment.

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

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

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

**Sec. 19. Penalties.**— Any person found guilty of committing any of the prohibited acts 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, guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage.

The penalty of *prision mayor* in its minimum period shall be imposed upon any person found guilty of tampering with the ballot, the mail containing the ballots for overseas voters, the overseas voting ERs, 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.

#### ARTICLE IV ROLE OF GOVERNMENT AGENCIES

**Sec. 20. Assistance from government agencies.**— a) All government offices, particularly the Department of Foreign Affairs, Department of Labor and Employment, Department of Transportation and Communication, Philippine Postal Corporation, Philippine Overseas Employment Administration, Overseas Worker's Welfare Administration, Commission on Overseas Filipinos, The Foreign Service Institute, The Social Security System and other government agencies concerned with the welfare of Filipino overseas shall, to the extent compatible with their primary responsibilities, assist and give the Commission the fullest support in the implementation of the Overseas Voting Act of 2003.

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 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 election laws.

**Sec. 21. Access to official records and documents.**— Subject to the pertinent provisions of the Overseas Absentee Voting Act of 2003 as amended and these Rules, any person shall have the right to access and/or copy at his/her expense all registration records, voters lists and other official records and documents, subject to payment of prescribed charges.

**Sec. 22. 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 representatives 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 to ensure free, honest, orderly, peaceful and credible election.

**Sec. 23. Applicability of other election laws.** — The pertinent provisions of the Omnibus Election Code, as amended and other election laws, which are not in conflict

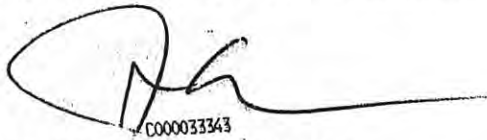
with the provisions of the Overseas Absentee Voting Act of 2003 as amended shall remain in full force, and shall have suppletory application of these Rules.

**Sec. 24. 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 as amended.

**Sec. 25. Dissemination.** —The Education and Information Department shall cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines and to furnish the Department of Foreign Affairs, Department of Labor and Employment, Department of Transportation and Communication, Philippine Postal Corporation, Philippine Overseas Employment Administration, Overseas Worker’s Welfare Administration, Commission on Overseas Filipinos, the Foreign Service Institute, the Social Security System, and other government agencies concerned with the welfare of Filipinos overseas.

**Sec. 26. Effectivity.**— These General Instructions shall take effect immediately after publication in two (2) newspapers of general circulation in the Philippines.

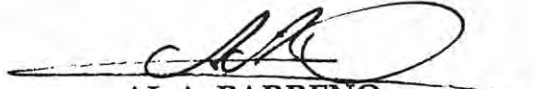
SO ORDERED.



J. ANDRES D. BAUTISTA  
Chairman



CHRISTIAN ROBERT S. LIM  
Commissioner



AL A. PARRENO  
Commissioner



LUE TITO F. GUIA  
Commissioner



ARTHUR D. LIM  
Commissioner



MA. ROWENA AMELIA V. GUANZON  
Commissioner



SHERIFF M. ABAS  
Commissioner