



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, Quezon City
Telephone Numbers 925.11.48 • 925.88.88 • 925.03.32
<http://www.dilg.gov.ph>



OFFICE OF THE SECRETARY

OCTOBER 22, 2013

MEMORANDUM CIRCULAR

No. 2013-119

TO : ALL PROVINCIAL GOVERNORS, CITY MAYORS, MUNICIPAL MAYORS, PUNONG BARANGAYS, DILG REGIONAL DIRECTORS AND FIELD OFFICERS, THE ARMM REGIONAL SECRETARY, BJMP CHIEF, PNP CHIEF, AND OTHERS CONCERNED

SUBJECT : COMELEC RESOLUTION NO. 9371, ENTITLED "RULES AND REGULATIONS ON DETAINEE REGISTRATION AND VOTING IN CONNECTION WITH THE MAY 13, 2013 NATIONAL AND LOCAL ELECTIONS AND SUBSEQUENT ELECTIONS THEREAFTER"

WHEREAS, on 06 March 2012, the Commission on Elections (COMELEC) promulgated COMELEC Resolution No. 9371 entitled "Rules and Regulations on Detainee Registration and Voting in connection with the May 13, 2013 National and Local Elections and subsequent elections thereafter";


WHEREAS, in the 1st Inter-Agency Meeting on March 13, 2012, it was agreed upon that this Department shall become part of the implementation of the said COMELEC Resolution;

WHEREAS, the same Inter-Agency body in its meeting held on October 4, 2013, invoked the said COMELEC Resolution for the forthcoming Barangay Elections on October 28, 2013.

In view thereof, all Local Chief Executives are hereby directed to strictly observe and ensure complete implementation of the rules and regulations on detainee registration and voting as contained in COMELEC Resolution No. 9371, a copy of which is hereto attached.

All Regional Directors and the ARMM Regional Governor are likewise hereby enjoined to cause the immediate and widest dissemination of this Memorandum Circular to all LGUs within their respective regional assignments, and to ensure that this rules and regulations are strictly implemented.

For strict compliance.


MAR ROXAS
Secretary



DILG-OSEC OUTGOING 13-02724

PROVINCIAL JAILS WITH DSPP FOR OCTOBER 28, 2013 BARANGAY ELECTIONS

REGION	PROVINCE	CITY/MUNICIPALITY	NAME AND ADDRESS OF PROVINCIAL JAIL	TOTAL
NCR			NO PROVINCIAL JAIL	0
CAR			NO DSPP	0
I			NO PROVINCIAL JAIL	0
II			NO PROVINCIAL JAIL	0
III	AURORA	BALER	AURORA PROVINCIAL JAIL, BRGY. SUCLAYIN, BALER, AURORA	1
	NUEVA ECIJA	CABANATUAN CITY	NUEVA ECIJA PROVINCIAL JAIL, CAALIBANGBANGAN, CABANATUAN CITY, NUEVA ECIJA	1
IV-A	CAVITE	TRECE MARTIRES CITY	CAVITE PROVINCIAL JAIL, BRGY. LAPIDARIO, TRECE MARTIRES CITY, CAVITE	1
	RIZAL	TAYTAY	RIZAL PROVINCIAL JAIL, HILLTOP PNP COMPOUND, CABRERA ROAD, TAYTAY, RIZAL	1
	MARINDUQUE	BOAC	MARINDUQUE PROVINCIAL JAIL, BRGY. TANZA, BOAC, MARINDUQUE	1
IV-B	OCCIDENTAL MINDORO	MAMBURAO	MAMBURAO PROVINCIAL JAIL, MABURAO, OCC. MINDORO	1
		SAN JOSE	MAGBAY PROVINCIAL JAIL	1
	OR. MINDORO	CALAPAN CITY	OR. MINDORO PROV. JAIL	1
	PALAWAN	PUERTO PRINCESA CITY	PALAWAN PROV. JAIL	1
	ROMBLON	ROMBLON	ROMBLON PROV. JAIL	1
V	CAM. NORTE	DAET	CAM NORTE PROV. JAIL	1
	CAM. SUR	PILI	TINAGIS JAIL AND PEARL FARM	1
	SORSOGON	SORSOGON CITY	SORSOGON PROV. JAIL	1
VI	ILOILO	POTOTAN	ILOILO PROV. JAIL	1
	AKLAN	KALIBO	AKLAN REHAB. CENTER	1
	CAPIZ	ROXAS CITY	CAPIZ REHAB. CENTER	1
VII	BOHOL	TAGBILARAN CITY	BOHOL PROV. JAIL	1
	CEBU	2nd Dist., CEBU CITY	CEBU PROV. AND REHAB. CENTER	1
VIII	SAMAR	CATBALOGAN CITY	SAMAR PROV. JAIL	1
	LEYTE	PALOMPON	SUB-PROVINCIAL JAIL	1
		PALO	LEYTE PROV. JAIL	1
IX	ZAMBOANGA DEL NORTE	MANUKAN	ZAMBO. DEL NORTE CORRECTIONAL AND REHAB. CENTER (PROV. JAIL)	1
	ZAMBOANG DEL SUR	PAGADIAN CITY	ZAMBOANGA CITY PROVINCIAL JAIL	1
X	BUKIDNON	MALAYBALAY CITY	PROVINCIAL DETENTION AND REHAB. (PDRC)	1
	MISAMIS OCCIDENTAL	OROQUIETA CITY	LAMAC LOWER (PROV. JAIL)	1
XI	DAVAO ORIENTAL	MATI CITY	DAVAO ORIENTAL PROV. JAIL	1
	DAVAO DEL SUR	DIGOS CITY	PROV. JAIL, BRGY. MATTI, DIGOS CITY	1
XII	SULTAN KUDARAT	ISULAN	SULTAN KUDARAT PROV. JAIL	1
	SARANGGANI	ALABEL	SARANGGANI PROV. JAIL	1
CARAGA	AGUSAN DEL NORTE	BUTUAN CITY	AGUSAN DEL NORTE PROV. JAIL	1
	SURIGAO DEL NORTE	DAPA	DAPA SUB-PROVINCIAL JAIL	1
		SURIGAO CITY	SURIGAO DEL NORTE PROV. JAIL	1
	SURIGAO DEL SUR	TANDAG CITY	SURIGAO DEL SUR PROV. JAIL	1
ARMM			NO PROVINCIAL JAIL	0
GRAND TOTAL				33

COMMISSION ON ELECTIONS
2013 NATIONAL and LOCAL ELECTIONS
RESOLUTION NO. 9371

RULES AND REGULATIONS ON DETAINEE REGISTRATION AND VOTING IN CONNECTION WITH THE MAY 13, 2013 NATIONAL AND LOCAL ELECTIONS AND SUBSEQUENT ELECTIONS THEREAFTER.

Promulgation: 06 March 2012

WHEREAS, on March 23, 2010 the Commission on Elections promulgated Comelec Resolution No. 8811 as amended by Comelec Resolution No. 8859 on May 5, 2010 (Rules and Regulations on Detainee Voting in Connection with the May 10, 2010 National and Local Elections) creating a Committee on Detainee Voting and establishing special polling places in detention centers/jails;

WHEREAS, there is a need to review or modify the rules on detainee registration and voting in the light of the May 10, 2010 National and Local Elections experience;

NOW THEREFORE, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code and other election laws, the Commission on Elections **HEREBY RESOLVES** to promulgate the following rules and regulations on detainee registration and voting:

RULE 1

INTRODUCTORY PROVISIONS and COMPOSITION and POWERS OF THE COMMITTEE

SECTION 1. Who are Entitled to Avail of Detainee Voting - Detainee voting (either through the special polling place inside jails or escorted voting) may be availed of by any registered detainee whose registration record is not transferred / deactivated / cancelled / deleted.

SECTION 2. Definition of Terms - As used in this Resolution, the following terms shall mean:

1. Detainee – Refers to any person: (1) confined in jail, formally charged for any crime/s and awaiting/undergoing trial; or (2) serving a sentence of imprisonment for less than one (1) year; or (3) whose conviction of a crime involving disloyalty to the duly constituted government such as rebellion, sedition, violation of the firearms laws or any crime against national security or for any other crime is on appeal;

2. Election Day Computerized Voters List for Detainees (EDCVL-DV) – Final list of registered detainee voters who are voting through the special polling places established inside jails (containing the voters' photographs, signatures, and thumb prints) used on the day of the elections wherein the voters must imprint their thumbmarks and affix their signatures after casting their votes duly certified by the SBEI;

3. Escorted Voting – Voting mechanism for detainee voters who are residents/ registered voters of municipalities/cities other than the town/city of incarceration; and/or for detainee voters in jail facilities where no special polling places are established;

4. Posted Computerized Voters List for Detainees (PCVL-DV) – Final list of detainee voters (containing the voters' names, addresses and precinct numbers) posted in each special polling place duly certified by the SBEI;

5. Regular Polling Places - Refers to the place where the Board of Election Inspectors conducts its proceeding and where the voters cast their votes;

6. Special Polling Place Inside Jail – Refers to the polling places established in jails where said detainee voters cast their votes.

SECTION 3. Committee on Detainee Voting - A Committee on Detainee Voting ("Committee") shall be composed of the following:

- | | | |
|---------------|---|--|
| Chairman | - | Commissioner Rene V. Sarmiento |
| Vice-Chairman | - | Atty. Bartolome Sinocruz, Jr
Deputy Executive Director for Operations (DEDO) |
| Members | - | Atty. Esmeralda Amora-Ladra
Director IV, Law Department |
| | - | Ms. Jeannie Flororita
Acting Director, Information and Technology
Department (ITD) |
| | - | Atty. Teopisto S. Elnas, Jr.
Director IV, Election and Barangay Affairs Department (EBAD) |
| | - | Atty. Dindo Maglasang
Atty. VI, EBAD |
| | - | Ms. Ester Villaflor-Roxas
Director IV, Election Records and Statistics Department (ERSD) |
| | - | Atty. Martin B. Niedo
Budget Officer V, Finance Services Department |
| | - | Atty. Abigail Claire F. Carbero
Office of the Committee Chairman |

- Atty. Albert Leonard C. Rodriguez
Office of the Committee Chairman
- Mr. Raymund D. Batario
Office of the Committee Chairman
- Atty. Arnulfo Sorreda
- One (1) Support Staff from the Office of Comm. Lucenito N. Tagle
- Mr. Jamalodin L. Hadjiusman
- One (1) Support Staff from the Office of Comm. Elias R. Yusoph
- Atty. Rene P. Cruz
- One (1) Support Staff from the Office of Comm. Christian Robert S. Lim
- Atty. Jeffrey Hernandez
- One (1) Support Staff from the Office of Comm. Augusto C. Lagman
- One (1) Representative from the Election Records and Statistics Department (ERSD)
- One (1) Representative from the ITD
- One (1) Disbursing Officer
- One (1) Processor
- Two (2) Support Staffs

SECTION 4. Powers and Functions of the Committee - The Committee shall oversee and ensure the implementation of all Comelec resolutions pertaining to detainee registration and voting and shall have the following powers and functions:

1. Receive the lists of detainee voters per jail facility with at least fifty (50) registered voters submitted by the jail warden and duly verified by the proper Election Officer ("EO") of the municipality /city where the jail/ detention center is located;
2. Check, determine and prepare the list of the jail facilities where special polling places shall be established in accordance with E.M. No 09-005 promulgated on February 23, 2010 and based on the list of the Bureau of Jail Management and Penology (BJMP) / detention facility;
3. Prepare, in coordination with the Information Technology Department (ITD), the Election Day Certified Voter's List for Detainee Voters (EDCVL-DV) (per polling place) who are voting through the special polling places;
4. Determine the election paraphernalia, the number of SBEI, support staff and escorts required in the special polling places inside jails;
5. Cause the distribution of the EDCVL-DV and the needed election paraphernalia in the special polling places inside jails;

6. Inspect the area inside the detention centers/jails (selected by the BJMP personnel) where the special polling places are to be set up to ensure compliance with pertinent laws and COMELEC rules.

7. Coordinate with the BJMP, Bureau of Corrections (BuCor), Commission on Human Rights, watch groups and other non-government organizations which are helping the Commission in ensuring the exercise of detainees' right to vote; and

8. Perform and exercise such other powers and functions as may be necessary for the proper implementation of COMELEC resolutions and rules on detainee registration and voting.

RULE 2

REGISTRATION

SECTION 1. Detainees' Satellite Registration - There shall be a satellite registration of detainees in detention centers/jails in accordance with the following guidelines:

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

Pursuant thereto, there shall be satellite registration in detention centers/jails with even less than ten (10) qualified applicants. Further, in cities comprised of two or more districts, satellite registration shall be conducted by all COMELEC districts within the city to accept applications of respective detainees-residents regardless of the fact that the detention center/jail is located in one (1) district only. Furthermore, in capital towns where there are provincial, city or municipal jails and sub-jails, separate satellite registration shall be held.

SECTION 2. Applicability of Existing COMELEC Resolutions - The pertinent provisions of Comelec Resolution No. 9149, promulgated on February 22, 2011 and other Resolutions as far as the registration period; qualifications and disqualifications of applicants for registration; the procedures for filing, processing and hearing of applications; and notices and publication requirements are hereby adopted.

For monitoring purposes, the REDs/PES shall submit to the Chairman, Committee on Detainee Registration and Voting a monthly report on the approved satellite registration for detainees indicating the city/municipality, date of registration and the number of applicants.

RULE 3

SPECIAL POLLING PLACES INSIDE JAILS

SECTION 1. Special Polling Places Inside Jails. - Special polling places shall be established in detention center/jail facility with registered detainee voters in the following manner:

<u>Number of Qualified Detainee Voters</u>	<u>Number of Special Polling Places</u>
50 to 100	1
101 to 200	2
201 to 300	3
301 to 400	4
401 to 500	5

In case there are more than 500 qualified detainee voters, one (1) special polling place shall be established for every additional 100 qualified detainee voters.

In case of cities with several districts, detainee voters of districts other than the district where the detention center/jail is located are entitled to vote in the special polling places inside the detention centers/jails.

To maintain order, the division of detainee voters shall be done by listing together detainee voters belonging to the same district.

In the preparation of the list of registered detainee voters where the detention center/ jail is located, the following rules shall be observed:

1. Only those who are in the custody of detention centers/jail facilities as of the first Monday of March of the election year shall be included;
2. Detainee voters who are registered but are released from the detention center/ jail as of the last working day of February of the election year shall be excluded from the BJMP list.

For this purpose, the BJMP shall submit to the Committee a list of released detainees on or before second Monday of March of the election year;

SECTION 3. Reckoning Period of Age and Residence - Detainees who shall be eighteen years of age on the day of election and/or are committed inside the detention centers for at least six (6) months immediately preceding the election day may be registered as a voter.

Detainees who are already registered voters may apply for transfer of registration records as warranted by the circumstances.

SECTION 4. Mechanics for Registration - In addition to the rules stated in Comelec Resolution No. 9149, the EO shall:

1. Before the scheduled satellite registration:

a. Coordinate with the Jail Warden in the Provincial/City/Municipal Jail or other Correctional/Rehabilitation/Detention Centers to determine the approximate number of qualified applicant detainees pursuant to Section 1 of this Rule and ensure maximum security of Comelec personnel as well as the Voters Registration Machines (VRM) and its peripherals;

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

c. Notify and secure the approval from the Regional Election Director (RED), in case of the National Capital Region, or the Provincial Election Supervisor (PES), of the establishment of satellite registrations for the detainees; and

d. Post written notice of schedule of the satellite registration of detainees in the detention premises where said registration shall be conducted and in the Bulletin Board of the office of the EO;

2. During the satellite registration:

a. Adopt a system of processing the application to minimize queuing and speed up the registration process;

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

c. All applications shall be submitted to the Election Registration Board (ERB) for proper disposition in accordance with Comelec Resolution No. 9149; and

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

The BJMP shall, not later than three (3) days before the day of the election, give to the election officer an updated list of detainees who are released from first Monday of March up to the date of the submission of the said list;

3. Detainees who entered the detention center/jail after the registration period shall be included in the counting provided they are registered as voters in the municipality/city where the jail facility/detention center is located and are in the custody of the jail as of the first day of March of the election year;

4. In cities and municipalities where the detention center/jail is comprised of male/female dorms/ annexes located in one or in different compounds, the total population shall be the basis for counting;

Detainee voters included in the EDCVL-DV but released before the elections shall be allowed to vote in the regular polling place where he is registered. The released detainee shall show to the BEI his release order/paper. For this purpose, the SBEI shall manually cross-out the name of the released detainee in the EDCVL-DV.

Only one special polling place shall be created for jails mentioned in Section 1, (d) of this Rule. When the jail facilities are located in different compounds, detainee voters in the facility where the special polling place is established shall be joined by the voters coming from the other dorm / annex.

SECTION 2. Location of the Special Polling Place. - The special polling place should be established in an area inside the jail spacious enough to accommodate more than ten (10) voters at a given time to ensure that voting shall be completed while there is still sufficient time to deliver all the accomplished ballots to the different precincts where detainees are registered.

The guidelines on the physical set-up of regular polling places shall apply to the special polling places in jails.

SECTION 3. Preparation of the EDCVL-DV and PCVL-DV –The EDCVL-DV and PCVL-DV shall be prepared by the ITD containing the names of all registered detainee voters who are voting through the special polling places established inside detention centers/jails endorsed by the Committee on Detainee Voting based on the BJMP list duly verified by the proper EO.

SECTION 4. Who May Be Allowed to Vote in the Special Polling Places in Jails. - Only detainee voters whose names appear in the EDCVL-DV and/or PCVL-DV may vote in the special polling places in jails.

SECTION 5. Persons Allowed Inside Special Polling Places – Only the following shall be allowed to enter the special polling places inside jails:

1. Members and support staff of the SBEI;
2. Watchers who shall stay only in the space reserved for them;
3. Monitoring groups (maximum of 2 per special polling place) who shall stay in the space for watchers;
4. Representatives of the Commission on Human Rights;
5. Representatives of this Commission;
6. Detainee voters accomplishing their ballots;
7. Detainee Voters waiting for their turn to accomplish their ballots;
8. At least three BJMP personnel (the number shall be increased as the need arises) who shall stay also in the space for watchers; and
9. Other persons who maybe specifically authorized by the Commission.

SECTION 6. Persons Not Allowed Inside Special Polling Places - The following shall not be allowed to enter the special polling places in jails:

1. Any officer or member of the Armed Forces of the Philippines or the Philippine National Police;
2. Any peace officer or any armed person belonging to any extra-legal police agency, special forces, reaction forces, strike forces, Civilian Armed Force Geographical Units, barangay tanods or other similar forces or paramilitary forces, including special forces, security guards, special policemen except the BJMP personnel mentioned in the immediately preceding section;
3. All other kinds of armed or unarmed extra-legal police forces; and
4. Any candidate or barangay official, whether elected or appointed.

RULE 4

SPECIAL BOARD OF ELECTION INSPECTORS, SUPPORT STAFF, WATCHERS, ESCORTS AND MONITORING GROUPS

SECTION 1. Special Board of Election Inspectors (SBEI) and Support Staff Per Voting Center - The Commission, through its EO in districts/cities/municipalities where a special polling place is established, shall constitute the SBEI in accordance with the period provided in the calendar of activities for the elections.

In addition, the election officer shall designate SBEI support staff for every voting center with detainee voters.

The SBEI and its support staff shall have the same qualifications and shall be appointed in the same manner as the regular BEI.

SECTION 2. Powers and Functions of the SBEI - The SBEI shall have the following powers and functions:

1. Receive and bring the needed election paraphernalia to the special polling places in detention centers/jails on election day;
2. Receive from the SBEI support staff (assigned per voting center) the precinct-specific ballots (per precinct) contained in a properly sealed and signed envelope;
3. Conduct only the voting in the special polling places (the scanning and counting shall be done in the detainee voters' respective precincts);
4. Seal and sign the envelopes containing the filled-up ballots (per precinct) and hand it to the SBEI support staff for counting in the detainee voters' respective precincts;
5. Act as deputies of the Commission in the conduct of the elections;
6. Maintain order within the special polling place and its premises; keep access thereto open and unobstructed; enforce obedience to its lawful orders and prohibit the use of cellular phones and camera by the detainee voters. If any person refuses to obey the lawful orders of the SBEI or conducts himself in a disorderly manner in its presence or within its hearing and thereby interrupts or disturbs its proceedings, the SBEI may issue an order in writing directing any BJMP personnel to take said person into custody until the adjournment of the proceedings, but such order shall not be executed as to prevent the person from voting. A copy of such order shall be attached to the Minutes; and
7. Perform such other functions prescribed by law or by the rules and regulations promulgated by the Commission.

SECTION 3. Duties of the SBEI Support Staff and PNP Escort. – There shall be one (1) SBEI support staff with uniformed PNP escort for every voting center of the city or municipality where the detention center/jail is located.

The SBEI support staff shall:

1. Collect the ballots of the detainee voters from the different clustered precincts of the voting center of assignment;
2. Bring the collected ballots to the special polling place inside the detention center/jail; and
3. Return for counting before the close of voting hours on election day, the accomplished ballots to the BEI of the regular polling place where the same ballots were taken.

The PNP escort shall accompany the SBEI support staff from the special polling place in detention center/jail to the voting center, then from the voting center back to the special polling place in detention center/jail and, finally, from the detention center/jail to the voting center. The

PNP escort shall not enter any polling place from which the ballots are taken and to which same ballots are returned or any other polling places except to vote if he is registered therein.

In case there are no sufficient PNP escorts, BJMP personnel shall be assigned by the jail warden to augment the PNP force in escorting the SBEI support staff.

SECTION 4. Proceedings of the SBEI – The proceedings of the SBEI shall be public and shall be held in the special polling place designated by the Commission and the BJMP.

SECTION 5. Voting Privilege of the SBEI - Members of the SBEI who are not availing of the Local Absentee Voting may, on election day, vote in the polling places where they are registered, provided that their absence in the special polling place shall not be more than thirty (30) minutes and that they schedule their voting so that only one member of the SBEI shall leave at any one time.

SECTION 6. Prohibition Against Political Activity - No member of the SBEI or its support staff shall engage in any partisan political activity or take part in the election except to discharge his duties as such.

SECTION 7. Honoraria of the SBEI and their Support Staff (Per Voting Center) - The SBEI and support staff shall receive honorarium/allowance and other emoluments as may be authorized by the Commission.

SECTION 8. Official Watchers of Candidates, Political Parties and Other Groups. - Each candidate and registered political party or coalition of political parties duly registered with the Commission and fielding candidates in the election, as well as duly accredited citizen's arms may appoint two watchers, to serve alternately, in every special polling place. However, candidates for Senator, candidates for Member, Sangguniang Panlalawigan or Sangguniang Panlungsod, or Sangguniang Bayan, belonging to the same ticket or slate, shall collectively be entitled to one watcher.

Duly accredited citizens' arms of the Commission shall be entitled to appoint a watcher in every special polling place. Other civil, professional, business, service, youth, and other similar organizations, with prior authority of the Commission, shall be entitled collectively to appoint one watcher in every special polling place.

If, because of limited space, all watchers cannot be accommodated in the polling place, preference shall be given to the watchers of the dominant majority and dominant minority parties as determined by the Commission and the watcher of the citizens' arm, with the latter being given preferential position closest to the SBEI. In case there are two or more citizen's arm, the one authorized by the Commission to conduct an unofficial count shall be given preference.

Watchers shall be subjected to all the security measures enforced in jails.

SECTION 9. Qualifications of Watchers - No person shall be appointed watcher unless he:

1. Is a registered voter of the city or municipality comprising the precinct where he is assigned;
2. Is of good reputation;
3. Has not been convicted by final judgment of any election offense or of any other crime;
4. Knows how to read and write Filipino, English or the prevailing local dialect;
5. Is not related within the fourth civil degree of consanguinity or affinity to the chairman or to any member of the SBEI in the special polling place where he/she seeks appointment as watcher; and
6. Is not a detainee of the jail.

SECTION 10. Rights and Duties of Watchers - Upon entering the special polling place, the watchers shall deliver to the chairman of the SBEI their appointment as watchers, and their names shall forthwith recorded in the Minutes of Voting with a notation under their signatures that they are not disqualified to serve as such under the immediately preceding Section. The appointments of the watchers shall bear the signature of the candidate or duly authorized representative of the party, organization or coalition that appointed them. For this purpose, at least fifteen (15) days before election day, independent candidates, registered parties, organizations, or coalitions authorized by the Commission to appoint watchers shall provide the EOs concerned with the names and signatures of their representatives authorized to appoint watchers in the city or municipality and special polling places in jail in said city / municipality.

The watchers shall have the right to:

1. Witness and inform themselves of the proceedings of the SBEI;
2. Take note of what they may see or hear;
3. Take photographs of the proceedings and incidents, if any, during the voting in the special polling places in jails;
4. 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, and
5. Obtain from the SBEI a certificate as to the filing of such protest and the resolution thereof.

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

SECTION 11. Monitoring Groups, Observers and Media Representatives - Monitoring groups duly accredited by the Commission shall be allowed access to the special polling places inside detention centers/jails to observe the proceedings; Provided, said groups present the necessary identification to the SBEI;

Accredited media representatives and foreign observers shall also be allowed access to the special polling places upon presentation of the necessary identification to the SBEI.

In all instances, the above-mentioned groups must follow all the security measures enforced within the detention centers/jails and the guidelines established by this Commission.

SECTION 12. Documentation and Communication Devices Allowed in Special Polling Places - Watchers, members of the SBEI, SBEI support staff, CHR representatives, accredited monitoring groups, accredited citizen's arms, and COMELEC representatives shall be allowed to bring cameras, cellular phones and laptops in the special polling places. Provided: These devices are to be used exclusively for official documentation and communication purposes only Provided further: That the secrecy of the ballots shall be respected at all times.

RULE 5

ELECTION FORMS AND SUPPLIES

SECTION 1. Election Forms, Documents and Supplies. - Except when authorized to do earlier by the Commission, the SBEI shall get the forms, documents and supplies early in the morning of election day. The City/Municipal Treasurer shall distribute the following forms, documents and supplies to the SBEI of the special polling place of the city/municipality.

FROM THE CITY / MUNICIPAL TREASURER

<u>CEF NO.</u>	<u>DESCRIPTION</u>	<u>RATE OF DISTRIBUTION</u>
ELECTION FORMS		
A12	Paper Seal	(No. of Clustered Precincts with Detainee Voters) x (2)

EXPANDABLE ENVELOPES

	For the ballots from the precincts with detainee voters	(No. of Clustered Precincts with Detainee Voters) x (2)	Pieces
--	---	---	--------

OTHER FORMS

A30 / A31	Temporary appointment of Chairman/Poll Clerk/ Third Member/Support Staff	10	Pieces
A35	Certificate of Challenge or Protest and Decision of the BEI	10	Pieces
A39	Oath of Voter Challenge for Illegal Acts	10	Pieces
A40	Oath of Identification of Challenge for Illegal Acts	10	Pieces

SUPPLIES

Bond Paper (Long)	30	Pieces
Ballot Secrecy Folder	22	Pieces
Thumbprint Taker	1	Piece
Indelible Stain Ink	2	Bottles
Instruction to Voters	1	Piece
Marking Pens	2	Boxes
Ball pen	6	Pieces

FROM THE ELECTION OFFICER

1. One set of EDCVL-DV per special polling place;
2. Copies of Appointment and Oath of Office of the SBEI and Support Staff (A5 & A5-A); and
3. Two sets of PCVL-DV.

The SBEI shall carefully check the different election forms, documents and supplies and the quantity actually received. The SBEI shall sign a Certificate of Receipt (A14) in three copies, the original of which shall be delivered to the City/Municipal Treasurer, who shall transmit the same to the ERSD, Comelec, Manila, immediately after election day.

SECTION 2. Forms to be Reproduced When Needed. –The following forms may be reproduced when needed:

1. Temporary Appointment of Chairman/Poll Clerk/Member (Annex "A")
2. Certificate of Challenge or Protest and Decision of the BEI (Annex "B");
3. Oath of Voter Challenged for Illegal Acts (Annex "C"); and
4. Oath to identify a challenged Voter (Annex "D")

RULE 6

PROCEDURES OF VOTING

SECTION 1. Date and Time of Detainee Voting - Voting for all qualified detainee voters shall take place on the same date as the national and local elections is conducted.

For jails provided with special polling places, the casting of the ballots must be finished at 3:00 P.M. to have sufficient time to bring the accomplished ballots to detainees' respective precincts before the close of voting hours on election day. In case all the expected detainee voters have voted before 3:00 P.M., the Special Board of Election Inspector (SBEI) shall close the voting in the special polling places and dispose all election paraphernalia in accordance with Section 10 of Rule 6.

SECTION 2. Preliminaries to the Voting.

1. Regular Polling Places with Detainee Voters: Before the voting in the regular polling places, the Chairman of the BEI using the Detainee Voters List as reference shall annotate the detainee voters' names in the EDCVL with "Detainee Voter" and shall affix his initial beside the annotation. The number of detainee voters and the fact that their names were annotated with "Detainee Voter" shall be entered into the Minutes of Voting.

Upon the arrival of the SBEI Support Staff, the Chairman of the BEI shall count and segregate the ballots allocated for detainee voters in the presence of the former and thereafter insert the same in a folder. The BEI shall place the folder inside an envelope carried by the Support Staff and close the envelope. The BEI shall then seal the envelope using the paper seal (also brought by the Support Staff of the SBEI). The BEI shall affix their initials on the paper seal and turn it over to the SBEI support staff.

The BEI shall then enter into the Minutes of Voting the name of the SBEI Support Staff, the number of ballots received, the serial number of the paper seal of the envelope and the time the latter picked up the ballots. The BEI shall require the SBEI Support Staff to sign the entry.

Thereafter, the support staff escorted by uniformed PNP/BJMP personnel shall immediately deliver the ballots to the special polling place.

2. Special Polling Places in Jail: The SBEI and all the support staff of the SBEI who shall meet at the special polling place in jail at seven o'clock in the morning of election day shall submit themselves to all the security measures enforced in jails.

The SBEI shall give to the support staff the envelopes (with one (1) paper seal) for each clustered precinct with detainee voter/s in the voting center where the latter is assigned. Upon receipt of the envelopes, the Support Staff shall leave the jail escorted by armed PNP and/or BJMP personnel for the voting center.

The SBEI shall ensure that the special polling place in jail is ready for the voting.

a. The SBEI shall ensure that a table shall be provided on which the envelopes (per precinct) are placed and in which detainee voters insert their filled-up ballots; and

b. The SBEI shall post the PCVL-DV near or at the door of the polling place.

Upon the arrival of the support staffs, the chairman of the SBEI (in the special polling places in jail), in the presence of the other members, shall open the same and count the number of ballots. The time of arrival, name of voting center/s, the number of ballots and serial number of the paper seal of the envelope received shall be entered into the Minutes of Voting.

SECTION 3. Manner of Obtaining Ballots. The detainee voters shall vote in the order of arrival of the ballots from the voting centers. The voter shall:

1. Look for his name in the PCVL-DV posted near the door of the voting center and determine his/her precinct number;

2. Approach the SBEI, give his name and address, together with the other data concerning his/her person;

3. The SBEI shall verify if the name of the voter is in the Detainee Voters List. If the name of the EDCVL-DV is in the list, his identity shall then be established through the following:

a. The photograph in the EDCVL-DV or through identification/confirmation by the BJMP personnel using the official records of the detention center/jails or any authentic document which may establish his identity except barangay certificate or community tax certificate;

- b. In the absence of any of the above-mentioned proof of identity, any member of the SBEI may identify under oath a voter, and such act shall be reflected in the Minutes of Voting..
- c. If the SBEI is satisfied with identity of the detainee voter, the name of the voter shall be distinctly announced in a tone loud enough to be heard throughout the polling place. Otherwise, the voter shall be directed to leave the polling place after informing the detainee voter the reason thereof. If the voter is not challenged, or having been challenged and the question has been decided in his favor, the voter shall be allowed to vote.

Such fact shall be duly recorded in the Minutes of Voting.

4. Before giving the ballot to the voter, the chairman of the SBEI shall:

- a. Check if any of the fingernails of the voter has already been stained with indelible ink. If stained, it shall be a conclusive presumption that the voter has already cast his vote. As such, the voter shall be directed to leave the polling place after informing him the reason thereof. This fact, including the name and the precinct of the voter, shall be recorded by the Poll Clerk in the Minutes of Voting;
- b. After verifying that no fingernail has been stained, affix his signature in the EDCVL-DV;
- c. Authenticate the ballot by affixing his signature at the designated space at the front thereof.

The failure to authenticate the ballot shall not invalidate the ballot but shall constitute an election offense.

- d. Instruct the voter on how to accomplish the ballot properly; and
- e. Insert the ballot in the secrecy folder in such a manner that its face is covered, except for the portion where the signature in the ballot appears, and give the ballot to the detainee voter.

Only the chairman of the SBEI shall issue the official ballots, and not more than one ballot shall be issued at one time.

SECTION 4. Manner of Voting. - Voting shall be conducted in the following manner:

1. The detainee voter shall accomplish the ballot, using the ballot secrecy folder, in accordance with the General Instructions for Voting;
2. After accomplishing his ballot, the voter shall then approach the table where the envelope for his precinct is placed and insert the same into the said envelope;

3. The SBEI shall apply indelible ink at the base and extending to the cuticle of the right forefinger nail of the detainee voter, or any other nail if there be no forefinger nail;
4. The voter shall affix his thumb mark on the corresponding space in the EDCVL-DV; and
5. The voter shall then leave the special polling place.

SECTION 5. Challenge Against Illegal Voters - Any voter or watcher may challenge any person offering to vote for:

1. Not being registered;
2. Using the name of another; or
3. Suffering from any 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. The SBEI shall identify the detainee voter through his photograph, fingerprint or specimen signatures in the EDCVL-DV. In the absence of any of the above-mentioned proof of identity, any member of the SBEI may identify under oath a voter, and such act shall be reflected in the Minutes of Voting.

SECTION 6. Challenge Based on Certain Illegal Acts. - Any watcher may challenge any detainee voter offering to vote on the ground that the detainee voter:

1. Received or expects to receive, paid, offered or promised to pay, contributed, or promised to contribute money or anything of value as consideration for his vote or for the vote of another; or
2. Made or received a promise to influence the giving or withholding of any such vote; or
3. Made a bet or is interested directly or indirectly in a bet that depends upon the results of the election.

In such case, the challenged detainee voter shall 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 detainee voter shall be allowed to vote. In case the detainee voter refuses to take such oath, the challenge shall be sustained and the detainee voter shall not be allowed to vote.

SECTION 7. Rules to be Observed During the Voting - During the voting, the SBEI shall see to it that:

1. Detainee voters shall vote in the order of the arrival of the detainee ballots per voting center;

2. No watcher shall enter the place reserved for the detainee voters and the SBEI, nor mingle and talk with the detainee voters;

3. No person carrying any firearm or any other deadly weapon, except those expressly authorized by this Resolution or by the Commission, shall enter the special polling place; and

4. There shall be no crowding of detainee voters and disorderly behavior inside the special polling place.

SECTION 8. Prohibition on Voting. – It shall be unlawful for a detainee voter to:

1. Bring the ballot, ballot secrecy folder or marking pen outside the polling place;

2. Speak with anyone other than as herein provided while inside the special polling place;

3. Prepare his ballot without using the ballot secrecy folder or exhibit its contents;

4. Accomplish his ballot accompanied by another, except in the case of an illiterate or detainee voter with disability/disabilities

5. Erase any printing from the ballot, or put any distinguishing mark on the ballot;

6. Use carbon paper, paraffin paper or other means of making a copy of the contents of the ballot, or otherwise make use of any scheme to identify his vote, including the use of digital cameras, cellular phones with camera or similar gadgets; and

7. Intentionally tear or deface the ballot.

SECTION 9. Preparation of Ballots for Detainee Voters who are Illiterate or with Disabilities - Only detainee voters indicated in the EDCVL-DV as illiterate or with disability/disabilities shall be allowed to vote as such. Said person may be assisted in the preparation of his ballot by any person who is a:

1. Relative within fourth civil degree of consanguinity and affinity, if said relative is present in the jail premises; or

2. Any member of the SBEI.

All assistors must be of voting age.

No person may assist an illiterate or person with disability/disabilities more than three (3) times, except the members of the SBEI.

In all cases, the poll clerk shall first verify from the illiterate or detainee voter with disability/disabilities whether he had authorized the assistor to accomplish his ballot.

The assistor shall, in the presence of the illiterate or detainee voter with disability/disabilities, prepare the ballot using a ballot secrecy folder.

The assistor shall bind himself in writing and under oath to fill the ballot strictly in accordance with the instructions of the voter and not reveal the contents thereof, by affixing his signature in the appropriate space in the Minutes of Voting.

SECTION 10. Sealing of the Envelopes Per Precinct - After all the detainee voters in a particular precinct have already voted, the chairman in the presence of the other members of the SBEI shall:

1. Count the unused ballots, if there are any, and record in the Minutes of Voting the quantity of unused ballots indicating therein the Precinct Number of the ballots;
2. Tear the unused ballots in half lengthwise and insert them in the proper envelope/s containing the accomplished ballots;
3. Close the envelope/s containing the accomplished ballots and seal with paper seal bearing the initials of the SBEI;
4. Hand over the sealed envelope/s to the support staff for counting to the voting center/s; and
5. Record in the Minutes of Voting the time, serial number of the paper seal and such other necessary information as to the receipt of the support staff of sealed envelope/s containing the ballots and have it signed by the support staff concerned.

SECTION 11. Disposition of Election Documents - The SBEI shall deliver to the EO the EDCVL-DV, the PCVL-DV and other election paraphernalia.

SECTION 12. Counting of the Detainee Voters' Ballots - The SBEI support staff shall ensure that all ballots of detainee voters reach the regular polling places in the voting centers where detainees are registered before the close of voting hours on election day.

When the SBEI support staff reaches the regular polling place, the BEI shall enter into the Minutes of Voting the receipt of the sealed envelope/s. The BEI will open the envelope only when all the voters in the clustered precincts have finished voting, and, thereafter, the chairman of the BEI, in the presence of the other members and watchers shall feed the detainee voters' ballots to the machine for counting. Half of the torn unused ballots shall be inserted in the envelop (A15) that will be submitted to the EO for safekeeping, half to the other envelop (A15) that will be deposited inside the ballot box. Said fact shall be entered into the Minutes of Voting.

RULE 7

ESCORTED DETAINEE VOTING

SECTION 1. Escorted Detainee Voters - The following shall avail of the escorted voting:

1. Detainee voters who are residents/ registered voters of municipalities/cities other than the town/city of detention; and

2. Detainee voters in detention centers/ jails where no special polling places are established.

Provided: that said detainee voters obtained court orders allowing them to vote in the polling place where they are registered.

Provided further: that it is logistically feasible on the part of the jail/prison administration to escort the detainee voter to the polling place where he is registered.

Provided, finally: that reasonable measures shall be undertaken by the jail/prison administration to secure the safety of detainee voters, prevent their escape and ensure public safety.

SECTION 2. Express Lane for Escorted Detainee Voters - Detainee voters voting in their respective polling places shall be given priority to vote. When they reach their polling places, the escort together with the voter shall inform the Support Staff/ the BEI that the detainee is voting as such and the BEI shall place the detainee voters in the priority/express lane.

SECTION 3. Jail/Prison Escorts May Bear Arms - To secure the detainee voter, the jail/prison escorts may bring firearms inside the polling place. Said escorts and detainees shall immediately leave the polling place once the latter have finished voting.

RULE 8

MISCELLANEOUS PROVISIONS

SECTION 1. Campaign – Candidates shall be allowed to campaign inside detention centers during the campaign period provided that they shall be subjected to the existing rules and regulations of the BJMP and the COMELEC.

SECTION 2. Repealing Clause - Procedures laid out in COMELEC Resolution E.M. No. 09-005 implementing the establishment of special polling places in jails and Comelec Resolution No. 8811 (as amended by Comelec Resolution No. 8859) inconsistent with the rules and regulations embodied in this Resolution are hereby repealed.

SECTION 3. Effectivity. - This Resolution shall take effect seven (7) days after its publication in two (2) daily newspapers of general circulation in the Philippines.

SECTION 4. Publication and Dissemination - Let the Education and Information Department, this Commission, cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines and furnish copies thereof to all Regional Election Directors, Provincial Election Supervisors, Election Officers, BJMP, PNP, DILG, CHR, Board of Election Inspectors and the Special Board of Election Inspectors.

SO ORDERED.

(Sgd.) **SIXTO S. BRILLANTES, JR.**
Chairman

(Sgd.) **RENE V. SARMIENTO**
Commissioner

(Sgd.) **LUCENITO N. TAGLE**
Commissioner

(Sgd.) **ARMANDO C. VELASCO**
Commissioner

(Sgd.) **ELIAS R. YUSOPH**
Commissioner

(Sgd.) **CHRISTIAN ROBERT S. LIM**
Commissioner

(Sgd.) **AUGUSTO C. LAGMAN**
Commissioner