



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

<b>IN THE MATTER OF AMENDING CERTAIN PROVISIONS OF COMELEC RESOLUTIONS NO. 7740 DATED OCTOBER 30, 2006; 7797 DATED JANUARY 5, 2007; AND 7815 DATED JANUARY 26, 2007.</b>	Abalos, Benjamin S. Borra, Ressurreccion Z. Tuason, Florentino Jr. A. Brawner, Romeo A. Sarmiento, Rene V. Ferrer, Nicodemo T.  Promulgated: 27 March 2007	Chairman Commissioner Commissioner Commissioner Commissioner Commissioner
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**RESOLUTION NO. 7843**

**WHEREAS**, before the effectivity of Republic Act 9369 entitled “An Act Amending Republic Act No. 8436, entitled ‘An Act Authorizing the Commission on Elections to Use an Automated Election System in the May 11, 1998 National or Local Elections and in Subsequent National and Local Electoral Exercises, to Encourage Transparency, Credibility, Fairness and Accuracy of Elections, Amending for the Purpose Batas Pambansa Blg. 881, as Amended, Republic Act 7166 and Other Related Election Laws, Providing Funds Therefore and For Other Purposes”, the Commission promulgated the following Resolutions:

A. On October 30, 2006 - Resolution No. 7740 entitled “General Instructions for Special Board of Election Inspectors, Special Ballot Reception and Custody Group and the Special Board of Canvassers in the Conduct of Voting, Counting and Canvassing of Votes Under Republic Act No. 9189, Otherwise Known as ‘The Overseas Absentee Voting Act of 2003’ for Purposes of the May 14, 2007 Senatorial and Party-List Elections”;

B. On January 5, 2007 - Resolution No. 7797 entitled “Rules and Regulation on Local Absentee Voting in Connection with the May 14, 2007 National and Local Elections”;

C. On January 26, 2007 - Resolution No. 7815, entitled “General Instructions for the Boards of Election Inspectors on the Casting and Counting of Votes in Connection with the May 14, 2007 Synchronized National and Local Elections”;

**WHEREAS**, R.A. 9369 has amended certain provisions, among others, of BP Blg. 881, R.A. 7166, R.A. 6646, and other related elections laws, to wit:

A. Sections 25, 26, 27 of R.A. No. 7166;

- B. Sections 206, 212 of BP Blg. 881;
- C. Section 27 of R.A. 6646.

**NOW, THEREFORE,** the Commission on Elections, pursuant to the authority vested in it under the Constitution, Republic Act No. 9369, and other elections laws, **RESOLVED** as it hereby **RESOLVES**, to amend:

- A. Sections 12, 40, 41, 44, 46 and 47 of Resolution No. 7815 promulgated on January 26, 2007, to read as follows:

*“Sec. 12. Official watchers of candidates, political parties and other groups. - Each candidate, political party or coalition of political parties duly registered with the Commission and fielding candidates in the May 14, 2007 elections, including those participating under the party list system of representation, as well as duly accredited citizens’ arms may appoint two watchers, to serve alternately, in every polling place. However, candidates for Sangguniang Panlalawigan, Sangguniang Panlungsod or Sangguniang Bayan, belonging to the same ticket or slate, and other civic, religious, professional, business, service, youth, and any other similar organizations, with prior authority of the Commission, shall collectively be entitled to two watchers, to serve alternately, in every 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 six accredited major political parties as determined by the Commission and the watchers of the citizens’ arm, with the latter being given preferential position closest to the BEI.*

*“The watchers of the dominant majority party and dominant minority party shall be paid by their respective parties, a fix per diem of P400.00.”*

*“SEC. 40. Counting of votes to be public and without interruption. - As soon as the voting is finished, the Board of Election Inspectors shall publicly count in the polling place the votes cast and ascertain the results. The Board may rearrange the physical set-up of the polling place for the counting or perform any other activity with respect to the transition from voting to counting. However, it may do so only in the presence and of the watchers and within close view of the public. At all times, the ballot boxes and all election documents and paraphernalia shall be within close view of the watchers and the public.*

“The Board of Election Inspectors shall not adjourn or postpone or delay the count until it has been fully completed, unless otherwise ordered by the Commission.

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

“Sec. 41. *Transfer of Counting* - The Commission, in the interest of free, orderly, and honest elections, may authorize the Board of Inspectors to count the votes and to accomplish the election returns and other forms in any other place within a public building in the same municipality or city on account of imminent danger of widespread violence or similar causes of comparable magnitude: Provided, That the transfer shall be by unanimous vote and endorsed in writing by the majority of watchers present: Provided, further, that the said public building shall not be located within the perimeter of or inside a military or police camp, reservation, headquarters, detachment or field office nor within the premises of a prison or detention bureau or any law enforcement or investigation agency.

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

“SEC. 44. *Manner of counting of votes.* - The Board of Election Inspectors shall unfold the ballots and form separate piles of one hundred (100) ballots each held together by rubber bands. The Chairman of the Board of Election Inspectors shall take the ballots of the first pile one by one and read first the names of the candidates for Senator, then the name of the party, organization or coalition voted for under the party-list system, followed by the name of the candidate for Member, House of Representatives, and then the names of the candidates for local positions, in the order in which they are written. During the counting, the Chairman, Poll Clerk and Third Member shall position themselves in such a way as to give the watchers and the public an unimpeded view of the ballot being read by the Chairman, as well as of the election documents. The table shall be cleared of all unnecessary writing paraphernalia. Any violation hereof shall constitute an election offense and shall be penalized in accordance with BP Blg. 881.

“The Poll Clerk and the Third Member shall record simultaneously in the election returns and in the tally board, respectively, each vote as it is read. Each vote shall be recorded by a vertical line, except every fifth vote which shall be recorded by a diagonal line crossing the previous four (4) vertical lines.

“The same procedure shall be followed with the succeeding piles of ballots.

“After all the ballots have been read, the Board of Election Inspectors shall record, in words and in figures, the total number of votes obtained by each candidate and by each party, organization or coalition participating under the party-list system, both in the election returns and in the tally board. The counted ballot shall be placed in an envelope provided for the purpose, which envelope shall be sealed, signed and deposited in the compartment for valid ballots. The tally board as accomplished and certified by the Board of Election Inspectors shall not be charged or destroyed but shall be kept in the compartment for valid ballots.”

“SEC. 46. Preparation of Election Returns - All data required in the election returns shall be accomplished in handwriting and in a manner such that the entries on the first copy are clearly impressed in all the other copies. The total number of votes for each candidate and for each party, sectoral organization or coalition participating under the party list system of representation shall be closed with the signatures and the clear imprints of the right thumb of all the members, affixed in full view of the public immediately after the name of the candidate receiving no vote.

“the six principal watchers representing the six accredited major political parties in a precinct shall, if available, affix their signature and imprints of their right thumbs in the election returns for the precinct.

“The board shall then accomplish the certification portion of the election returns for Senator and party-list. Thereafter, the Chairman shall publicly announce the total number of votes received by each candidate for Senator and party-list. The Poll Clerk shall then immediately announce the posting of the second copy of said election returns on a wall with sufficient lighting within the premises of the polling place or counting center and proceed to post the same in the presence of the other members of the

board, the watchers and those present in the polling place or counting center.

“The board shall next accomplish the certification portion of the election returns for Member, House of Representatives and local positions. Thereafter, the Chairman shall public announce the total number of votes received by each candidate for Member, House of Representatives and local positions. The Poll clerk shall then immediately announce the posting of the second copy of said election returns on a wall with sufficient lighting within the premises of the polling place or counting center and proceed to post the same in the presence of the other members of the board, the watchers and those present in the polling place or counting center.

“the other copies of the election returns for both national and local positions shall be sealed in the presence of the watchers and the public, and placed in the proper envelope, which shall likewise be sealed and distributed as follows:

“(a) In the election of senators and the party-list representatives:

“(1) The first copy shall be delivered to the city or municipal board of canvassers;

“(2) the second copy to be posted on a wall within the premises of the polling place;

“(3) The third copy, to the Commission;

“(4) The fourth copy, to the dominant majority party as determined by the Commission in accordance with law;

“(5) The fifth copy, to the dominant minority party as determined by the Commission in accordance with law;

“(6) The sixth copy, to a citizens’ arm authorized by the Commission to conduct an unofficial count; and

“(7) The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots; and

“(b) In the election of Member, House of Representatives and local officials:

“(1) The first copy shall be delivered to the city or municipal board of canvassers;

“(2) The second copy to be posted on a wall within the premises of the polling place;

“(3) The third copy, to the Commission;

“(4) The fourth copy, to the dominant majority party as determined by the Commission in accordance with law;

“(5) The fifth copy, to dominant minority party as determined by the Commission in accordance with law;

“(6) The sixth copy, to a citizens’ arm authorized by the Commission to conduct an unofficial count: Provided, however, That the accreditation of the citizens’ arm shall be subject to the provisions of Section 52(k) of Batas Pambansa Blg. 881; and

“(7) The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots.

“The copy of the election returns posted on the wall shall be open for public viewing at any time of the day for forty-eight (48) hours following its posting. Any person may view or capture an image of the election returns by means of any data capturing device such as, but not limited to, cameras, at any time of the day for forty-eight (48) hours following its posting. After the prescribed period for posting, the Chairman of the Board of Election Inspectors shall collect the posted election returns and keep the same in his 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.

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

“SEC. 47. Announcement of the result of the election in the polling place. – The announcement of the result of the elections in the precinct shall be made in accordance with the provisions of the immediately preceding section.

B. Sections 16, 46, 48 and 51 of Resolution No. 7740 promulgated on October 30, 2006 to read as follows:

“SEC. 16. Watchers. – x x x

“The watchers of the dominant majority party and dominant minority party shall be paid by their respective parties, a fix per diem of P400.00.”

“SEC. 46. Manner of counting.

“A. The SBEI shall:

“1. x x x

“ x x x

“12. the Chairman shall publicly announce the total number of votes received by each candidate for Senator and party-list. The Poll clerk shall then immediately announce the posting of the second copy of said election returns on a wall sufficient lighting within the premises of the polling place or counting center and proceed to post the same in the presence of the other members of the board, the watchers and those present in the polling place or counting center.

“The copy of the election returns posted on the wall shall be open for public viewing at any time of the day for forty-eight (48) hours following its posting. Any person may view or capture an image of the election returns by means of any data capturing device such as, but not limited to, cameras, at any time of the day for forty-eight (48) hours following its posting. After the prescribed period for posting, the Chairman of the Special Board of Election Inspectors shall collect the posted election returns and keep the same in his 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.

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

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

“1. The SBEIs shall prepare in their own handwriting the election returns and the tally board simultaneously with the counting of votes in their

respective counting areas. The election returns shall be prepared in seven (7) copies.

“x x x”

“(1) The first copy shall be delivered to the Special Board of Canvassers;

“(2) The second copy to be posted on a wall within the premises of the polling place;

“(3) The third copy, to the Commission;

“(4) The fourth copy, to the dominant majority party as determined by the Commission in accordance with law;

“(5) The fifth copy, to the dominant minority party as determined by the Commission in accordance with law;

“(6) The sixth copy, to a citizens’ arm authorized by the Commission to conduct an unofficial count; and

“(7) The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots.

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

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

C. Sections 18 and 19 of Resolution No. 7797, to read as follows:

“SEC. 18. Manner of counting local absentee ballots. – x x x

“a) x x x

“ x x x

“p) x x x;

“The Chairman shall orally and publicly announce the total number of votes received by each candidate for Senator and party-list. The poll clerk shall then immediately announce the posting of the second copy of said election returns on a wall with sufficient lighting within the premises of the polling place or counting center and proceed to post the same in the presence of the other members of the board, the watchers and those present in the polling place or counting center.

“The copy of the election returns posted on the wall shall be open for public viewing at any time of the day for forty-eight (48) hours following its posting. Any person may view or capture an image of the election returns by means of any data capturing device such as, but not limited to, cameras, at any time of the day for forty-eight (48) hours following its posting. After the prescribed period for posting, the Chairman of the Special Board of Election Inspectors shall collect the posted election returns and keep the same in his 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.

“Any violation of this procedure shall constitute an election offense and shall be penalized in accordance with BP Blg. 881.”

“SECTION 19. *Election Returns.* - The elections returns shall be prepared in seven (7) copies and distributed as follows:

“(1) The first copy to the Special Board of Canvassers for local absentee voting;

“(2) The second copy to be posted on a wall of the designated office of the Commission, Intramuros, Manila, where the counting of votes was conducted;

“(3) The third copy, to the Commission to be submitted to the Election Records and Statistics Department;

“(4) The fourth copy, to the dominant majority party as determined by the Commission in accordance with law;

“(5) The fifth copy, to the dominant minority party as determined by the Commission in accordance with law;

“(6) The sixth copy, to citizens’ arm authorized by the Commission to conduct an unofficial count; and

“(7) The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots.

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

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 immediately furnish copies thereof to all Election Officers, Provincial Election Supervisors, Regional Election Directors, the Department of Education and the Department of Foreign Affairs.

**SO ORDERED.**

**(Sgd.) BENJAMIN S. ABALOS, SR.**  
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