

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

**GENERAL INSTRUCTIONS  
FOR THE MUNICIPAL / CITY /  
PROVINCIAL AND DISTRICT  
BOARDS OF CANVASSERS IN  
CONNECTION WITH THE MAY  
14, 2007 NATIONAL AND  
LOCAL ELECTIONS.**

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**RESOLUTION NO. 7859**

The Commission on Elections, pursuant to the powers vested in it by the Constitution, Republic Acts No. 6646, 7166, 9369, the Omnibus Election Code and other election laws, **RESOLVED** to promulgate, as it hereby **RESOLVES** to promulgate, the following general instructions for the Municipal, City, Provincial and District Boards of Canvassers in connection with the May 14, 2007 national and local elections.

**SECTION 1. *Board of Canvassers.*** - There shall be a Board of Canvassers in each municipality, city, province and in each legislative district comprising two (2) municipalities/cities or in each municipality comprising a legislative district.

**SEC. 2. *Supervision and control.*** - The Commission on Elections shall have direct control and supervision over the Boards of canvassers and may *motu proprio* relieve, for cause, at any time, any member thereof and designate the substitute.

**I. COMPOSITION OF THE BOARD OF CANVASSERS**

**SEC. 3. *Municipal Board of Canvassers*** - The Municipal Board of Canvassers (MBOC) shall be composed of the Election Officer or a representative of the Commission, as Chairman, the Municipal Treasurer, as Vice-Chairman and the District School Supervisor, or in his absence, the most senior principal of the school district or the elementary school, as Member.

**SEC. 4. *City Board of Canvassers.*** - The City Board of Canvassers (CBOC) shall be composed of the City Election Officer or a lawyer of the Commission, as

Chairman, the City Prosecutor, as Vice-Chairman, and the City Superintendent of Schools, as Member. In cities with more than one Election Officer, the Commission shall designate the Election Officer who shall act as Chairman.

**SEC. 5. Provincial Board of Canvassers.** - The Provincial Board of Canvassers (PBOC) shall be composed of the Provincial Election Supervisor or a lawyer of the Commission, as Chairman, the Provincial Prosecutor as Vice-Chairman and the Provincial Superintendent of Schools, as Member.

**SEC. 6. District Board of Canvassers for the Legislative Districts of Metro Manila.** – The District Board of Canvassers (DBOC) for the legislative districts of Metro Manila shall be composed of a lawyer of the Commission as Chairman, a ranking prosecutor in the district to be appointed by the Commission upon consultation with the Department of Justice, as Vice-Chairman and the most senior District School Supervisor in the district to be appointed by the Commission upon consultation with the Department of Education, as Member.

**SEC. 7. Substitution of Chairman and Members of the Boards of Canvassers.** – In case of non-availability, absence, disqualification due to relationship or incapacity for any cause of the Chairman, the Commission shall appoint as substitute, a lawyer of the Commission in the case of PBOC/DBOC/CBOC or an official of the Commission in the case of MBOC. With respect to the other members of the Board, the Commission shall, through the Regional Election Director – in the case of PBOC or CBOC/MBOC in the National Capital Region, or the Provincial Election Supervisor – in the case of its CBOC/MBOC outside of the National Capital Region, appoint as substitute the following in the order named: The Provincial Auditor, the Register of Deeds, the Clerk of Court nominated by the Executive Judge of the Regional Trial Court and any other available appointed provincial official in the case of the PBOC; the officials in the city corresponding to those enumerated above, in the case of the CBOC, and the Municipal Administrator, the Municipal Assessor, the Clerk of Court or any other available appointive municipal official, in the case of the MBOC.

As substitute of the two members of the DBOC of the legislative districts of Metro Manila, the Commission shall, upon consultation with the Department concerned, appoint the next ranking prosecutor or district supervisor, as the case may be, in the district.

**SEC. 8. Secretary of the Boards.** – The district school supervisor or the principal, the city or provincial superintendent of schools, as the case may be, shall act as Secretary of their respective Board of Canvassers unless otherwise ordered by the Commission. The Secretary shall keep the minutes and record the proceedings of the Board and such other incidents or matters relevant to the canvass.

## II. COMMON PROVISIONS

**SEC. 9. Notice of meetings of the Board.** – Not later than May 9, 2007, the Chairman of the Board shall give written notice to all members thereof and to each candidate, political party fielding candidates and parties, organization/coalition participating under the party-list system, of the date, time and place of the canvassing which shall be held in the session hall of the *Sangguniang Panlalawigan, Sangguniang Panlungsod or Sangguniang Bayan*, unless another venue is authorized by the Commission.

Notices of the canvassing shall be posted in the Office of the Election Officer/Provincial Election Supervisor, as the case may be, and in conspicuous places in the building where the canvass will be held.

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

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

**SEC. 10. Convening of the Board.** – The Board shall meet at 6:00 o'clock in the evening of election day at the designated place to receive the election returns or the certificates of canvass, as the case may be, and to immediately canvass those that have already been received. It shall meet continuously from day to day until the canvass is completed and may adjourn only for the purpose of awaiting the other election returns or certificates of canvass.

The proceedings of the Board shall be open and public.

**SEC. 11. *Absence of a regular Board member.*** – In case of the absence of a regular Board member, the member present shall first verify whether notice has been served on the absent member. In case no such notice was sent, one shall be immediately served on the absent Board member. If the latter cannot be located or his whereabouts are unknown, he shall be substituted. These facts shall be recorded in the minutes of the Board. As soon as the absent member appears, the substitute member shall relinquish his seat in favor of the regular Board member.

**SEC. 12. *Prohibited degree of relationship.*** – The Chairman and Members of the Board shall not be related within the fourth civil degree of consanguinity or affinity to any of the candidates whose votes will be canvassed by said Board, or to any member of the same Board.

**SEC. 13. *Prohibition against leaving official station.*** – During the period beginning election day until the proclamation of the winning candidates, no member or substitute member of the different Boards shall be transferred, assigned or detailed outside of his official station nor shall he leave the said station without prior authority of the Commission.

**SEC. 14. *Feigned Illness.*** – Any member of the Board feigning illness in order to be substituted on election day until the proclamation of the winning candidates shall be guilty of an election offense.

**SEC. 15. *Incapacity of regular Board member.*** – In case of sickness or serious injury of a regular Board member, a medical certificate shall be required attesting to the incapacity of said member. Upon submission of the medical certificate, a substitute shall be appointed. Said medical certificate shall be recorded in and form part of the minutes of the Board.

**SEC. 16. *Quorum.*** - A majority of the members of the Board shall constitute a quorum for the transaction of business, and a majority vote of all the members thereof shall be necessary to render a decision.

**SEC. 17. *Powers of the Board.*** – The Board shall have full authority to keep order within the canvassing room or hall and its premises and enforce obedience to its lawful orders. If any person refuses to obey any lawful order of the Board or shall conduct himself in such disorderly manner as to disturb or interrupt its proceedings, the

Board may order any peace officer to take such person into custody until adjournment of the meeting.

**SEC. 18. *Right to be present and to counsel during the canvass.*** - Every registered political party or coalition of parties, accredited political party, sectoral party/organization or coalition thereof participating under the party-list, through its representative, and every candidate has the right to be present and to counsel during the canvass: Provided, that, only one counsel may argue for each political party or candidate. They shall have the right to examine the returns or certificates being canvassed without touching them, make observations thereon, and file their challenges in accordance with the rules and regulations of the Commission. No dilatory action shall be allowed by the Board.

**SEC. 19. *Watchers.*** – Every registered political party, or coalition of political parties fielding candidates, accredited political parties, sectoral party/organization or coalition thereof participating under the party-list system and every candidate, shall be entitled to one watcher in every canvassing center. Provided, that the candidates for the *Sangguniang Panlalawigan, Sangguniang Panlungsod or Sangguniang Bayan* belonging to the same slate or ticket shall collectively be entitled to only one watcher.

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

There shall also be recognized six principal watchers, representing the six accredited major political parties excluding the dominant majority and minority parties, who shall be designated by the Commission upon the nomination of the said parties.

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

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

A watcher must know how to read and write Filipino, English, or any of the prevailing local dialects.

Under no circumstance shall *barangay* officials including *barangay tanods* be appointed as watchers.

The watchers shall have the right to:

- a) Be present at, and take note of, all the proceedings of the Board;
- b) Stay behind the Chairman of the Board, near enough to be able to read the election returns/certificates of canvass without touching them; and
- c) File a protest against any irregularity noted in the election returns/certificate of canvass and get from the Board a resolution thereon in writing.

Watchers shall not be allowed to participate in the deliberations of the Board.

**SEC. 20. *Persons not allowed inside the canvassing room.*** – During the canvassing, it shall be unlawful for any of the following to enter the room where the canvass is being held or to stay within a radius of fifty (50) meters from such room:

- a) Any officer or member of the Armed Forces of the Philippines;
- b) Any officer or member of the Philippine National Police;
- c) Any peace officer or any armed or unarmed person belonging to an extra-legal police agency, special forces, strike forces, or civilian armed forces geographical units (CAFGU);
- d) Any *barangay tanod* or any member of the *barangay* self defense units;
- e) Any member of the security or police organizations of government agencies, commissions, councils, bureaus, offices, instrumentalities, or government-owned or controlled corporations or their subsidiaries; or
- f) Any member of a privately-owned or operated security, investigative, protective or intelligence agency performing identical or similar functions.

Whenever necessary, however, the Board, by majority vote, may direct in writing the detail of policemen or peace officers for their protection or for the protection of the election documents and paraphernalia, or for the maintenance of peace and order, in which case said policemen or peace officers, who shall be in proper uniform, shall stay outside the room but near enough to be easily called by the Board at any time.

**SEC. 21. Safekeeping of election returns or certificates of canvass received from the Board of Election Inspectors/Board of Canvassers.** – The Board shall place the election returns/certificates of canvass received from the Board of Election Inspectors/Board of Canvassers in ballot boxes which shall be locked with three padlocks and secured with a serially-numbered fixed-length seal. The serial number of every fixed-length seal shall be entered in the minutes.

The three keys to the padlock shall each be kept by the members of the Board.

The said ballot boxes shall be kept in a safe and secured room before, during and after the canvass. The door to the room shall be locked with three padlocks with the keys thereof kept by each of the members of the Board.

The watchers shall have the right to guard the room.

**SEC. 22. Canvassing Committees.** – To enable the City/Municipal Boards to complete the canvass within the period prescribed herein, the Board may constitute canvassing committees in accordance with the following ratio:

Number of Election Returns to be canvassed	Number of canvassing committees that may be constituted
1 to 200	0
201 to 400	2
401 to 600	3
601 to 800	4
801 to 1000	5 and so on

Each committee shall be composed of three members representing, as far as practicable, the respective offices from which each member of the Board belongs. All the candidates/parties shall be notified in writing of the number of committees to be constituted so that they can designate their watchers in each committee. The committees shall be under the direct supervision and control by the Board. The names

of the members of each committee, the office they represent and the election returns assigned to them for tabulation shall be properly recorded in the Minutes of Canvass of the Board. In no case shall a casual employee be appointed/designated as member of the canvassing committee, nor shall an employee/official of local government units, except those from the office of the city or municipal treasurer and those enumerated in Section 7 hereof, be appointed/designated thereto.

No changes/substitutions in the membership of the canvassing committee shall be made until all the columns of the Statement of Votes by Precinct being filled-up by the concerned committee have been completed. Any change/substitution in the membership of the canvassing committee shall be with the prior authority of the Board, and shall be recorded in the Minutes of Canvass of both the Board and the canvassing committee concerned.

**SEC. 23. Tabulators** – The Board shall have a set of two (2) tabulators to assist in the canvassing. In case canvassing committees are constituted, the Board shall appoint an additional set of tabulators for every two canvassing committees. The tabulators shall be under the direct supervision and control of the Board. The names of each tabulator and the serial number of the Statement of Votes assigned to them for use in the tabulation of votes shall be properly recorded in the Minutes of Canvass of the Board. In no case shall a casual employee be appointed/designated as tabulator, nor shall an employee/official of local government units, except those from the office of the city or municipal treasurer and those enumerated in Section 7 hereof, be appointed/designated thereto.

**SEC. 24. Reception and Custody Group** – The Board may constitute a reception and custody group composed of the following members:

Number of Election Returns/Certificate of Canvass to be canvassed	Number of members
less than 100	2
100 to 1,500	3
1,501 to 3,000	6
3,001 to 4,500	8
4,501 and above	10

The names of the members of the group and the election returns/certificate of canvass shall be properly recorded in the minutes of the proceedings of the Board. In no case shall a casual employee be appointed/designated to serve as member of the reception and custody group, nor shall an employee/official of local government units, except those from the office of the city or municipal treasurer and those enumerated in Section 7 hereof, be appointed/designated thereto.

**SEC. 25. Duties and responsibilities of the Reception and Custody Group –**

The Reception and Custody Group shall:

1) Receive the envelope containing the election returns/certificate of canvass intended for the provincial/city/municipal Board of Canvassers;

2) Log the date and time of receipt, the condition and serial numbers of each envelope and its corresponding paper seal and the precinct number/city/municipality of the election returns/certificate of canvass;

3) Mark in the project of precincts the corresponding precincts of the election returns or in the list of cities/municipalities, in case of certificate of canvass, which have been received;

4) Prepare, in two (2) copies, a list of precincts/cities/municipalities, the election returns/certificate of canvass of which have been received;

5) Place the envelopes containing election returns/certificate of canvass inside the ballot box, close and lock the same with padlocks;

6) Forward to the PBOC/CBOC/MBOC, the ballot boxes and one copy of the list of precincts mentioned in number (4) above; and

7) Submit a daily progress report to the PBOC/CBOC/MBOC, indicating the following:

a) Total number of election returns/certificate of canvass received;

b) Total number of election returns/certificate of canvass forwarded to the PBOC/CBOC/MBOC; and

c) Total number of election returns/certificate of canvass not yet received and their corresponding precinct numbers/city/municipality.

**SEC. 26. Canvassing procedures.** – The Board shall comply with the following procedures:

1) The Secretary of the PBOC/CBOC/MBOC shall, upon receipt of the ballot boxes from the Reception and Custody Group, record in the Minutes of Canvass the conditions and serial numbers thereof, and forward the ballot boxes to the Chairman;

2) The Board shall open, one at a time, the ballot boxes, retrieve the envelopes containing the election returns/certificates of canvass and the Secretary shall make an inventory by verifying whether the list of precincts/list of cities and municipalities given by the Reception and Custody Group tallies with the precinct numbers/names of cities and municipalities in the envelopes containing the election returns/certificates of canvass.

3) Thereafter, the Secretary shall record in the Minutes of Canvass, the total number of envelopes contained in the ballot box, the precincts/cities/municipalities to which they pertain, the condition and serial number of each envelope and of the paper seal attached to the envelope.

**For PBOCs, CBOCs and MBOCs without canvassing committees**

4) The Board shall:

- a) Announce the condition and serial number of an envelope and its paper seal;
- b) Break its paper seal;
- c) Retrieve the election returns/certificate of canvass inside;
- d) Announce the condition and serial number of the paper seal attached to the election returns/certificate of canvass and the Secretary shall record in the Minutes of Canvass the said condition and serial number;
- e) Break the seal and unfold the election returns/certificate of canvass;
- f) Announce the precinct number/city/municipality to which the election returns/certificate of canvass pertains and the Secretary shall record the condition and serial number of the election returns/certificate of canvass; and
- g) Through the Chairman, assign a Statement of Votes by Precinct/Municipality/City to be used in the canvass and, after the Secretary has recorded its serial number, divide the copies between the Vice-Chairman and the Secretary.

5) The Board shall then proceed to examine the authenticity and due execution of the election returns/certificate of canvass for Senator and Party-List and the completeness of the statistical data therein required;

6) The Chairman shall first read the votes of each candidate for Senator and Party-List as they appear in the election returns/certificate of canvass. The two other members shall simultaneously record the votes of said candidates in their respective copies of the Statement of Votes by Precinct/Municipality/City as the Chairman reads them;

7) After the reading of votes of the candidates for Senator and Party-List, the Board shall proceed to read the votes of candidates for Member, House of Representatives, and for local positions.

For purposes of preparing the Statement of Votes the following terms shall mean:

➤ ***Page partial total***

Sum of votes obtained by each candidate appearing in a set of Statement of Votes 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 Statement of Votes are filled. The sub-total shall be recorded in the last column indicated in the Statement of Votes;

Sum of all votes obtained by each candidate when all election returns/certificate of canvass have been canvassed even if not all the columns of the Statement of Votes are filled.

➤ ***Provisional total***

Accumulated total of all votes obtained by each candidate appearing in all accomplished sets of Statement of Votes 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 Statement of Votes;

➤ **Summary of Statement of Votes**

Listing of all sub-totals reflected in each set of Statements of Votes.

➤ **Grand total**

Sum of all sub-totals of votes obtained by each candidate as listed/recorded in the Summary of Statement of Votes.

8) Immediately after an election returns/certificate of canvass for Senator and Party-List has been canvassed, the Chairman shall write/mark on the upper right hand corner of the said election returns/certificates of canvass and its corresponding envelope, the word "CANVASSED", affix his signature under it, the date and time when it was canvassed, and put it inside said envelope. The same procedure shall be observed after the canvass of the election returns/certificate of canvass for Member, House of Representatives and for local positions;

9) After all the columns of a set of Statement of Votes by Precinct/Municipality/City are filled or after all the election returns/certificates of canvass for Senator and Party-List have been canvassed, the two members shall submit to the Chairman their copies of the Statement of Votes by Precinct/Municipality/City. The Chairman shall then divide the copies of the accomplished Statement of Votes by Precinct/Municipality/City 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 Statement of Votes and accomplish the certification portion intended for them in the Statement of Votes and submit the same to the Board.

If there is a discrepancy, the Tabulators shall identify the particular precinct/municipality/city in the corresponding Statement of Votes where such discrepancy occurred. After identifying the source of the discrepancy, the Tabulators shall refer the same to the Chairman, who in turn shall:

- a) Announce that a correction/s will be made in a particular Statement of Votes by Precinct/Municipality/City;
- b) Retrieve and re-open the election returns/certificate of canvass concerned;
- 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 his copy of the Statement of Votes by Precinct/Municipality/City.

The members of the Board shall authenticate the correction by affixing their initials immediately after the correction. The Chairman shall then return the corrected Statement of Votes by Precinct/Municipality/City to the Tabulators who shall recompute the sub-totals where the discrepancy occurred and accomplish the certification portion intended for them in the Statement of Votes by Precinct/Municipality/City and submit the same to the Board.

The same procedure shall be observed in the canvass of the election returns/certificate of canvass for Member, House of Representatives and local positions;

10) For the purpose of preparing the Summary of Statement of Votes, the Chairman shall divide a set of Summary of Statement of Votes between the Vice-Chairman and Secretary. The Vice-Chairman and Secretary shall record in their respective copies, the:

- a) Serial number of the Statement of Votes by Precinct/Municipality/City;
- b) Sub-totals of the number of registered voters, the voters who actually voted and votes obtained by each candidate as reflected in the Statement of Votes by Precinct/Municipality/City;

When all the sub-totals of the Statement of Votes by Precinct/Municipality/City are recorded, the Board shall forward the same to the Tabulators who shall add the entries and verify whether the entries therein are the same. The Tabulators shall initially record the grand total in a separate sheet of paper and compare whether the grand totals are the same.

If there is no discrepancy, the Tabulators shall record the grand totals in the Summary of the Statement of Votes and accomplish the certification portion intended for them in the Summary of the Statement of Votes and submit the same to the Board.

If there is a discrepancy, the Tabulators shall identify the particular Statement of Votes where such discrepancy occurred. After identifying the source of the discrepancy, the Tabulators shall refer the same to the Chairman, who in turn shall:

- a. Announce that correction/s will be made in a particular Summary of Statement of Votes;
- b. Verify the entry;
- c. Announce the correct entry; and
- d. 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 his copy of the Summary of Statement of Votes.

The Board shall authenticate the correction by affixing their initials immediately after the correction. The Chairman shall then return the corrected Summary of Statement of Votes to the Tabulators who shall recompute the sub-totals where the discrepancy occurred and accomplish the certification portion intended for them and submit the same to the Board.

11) The Tabulators shall, using an adding machine with tape, add the sub-totals of votes obtained by each candidate as reflected in the Summary of Statement of Votes to get the grand total of votes obtained by each candidate in the province/city/municipality and indicate the grand total of votes in the last column of the Summary of Statement of Votes.

12) Accomplish the certification portion in the Summary of Statement of Votes intended for the Tabulators.

13) Forward the Statement of Votes by Precinct/Municipality/City and Summary of Statement of Votes, with their adding machine tapes attached, as well as the corresponding election returns/certificate of canvass for Senator and Party-List and their envelopes to the Board.

14) The same procedure shall be observed in the preparation of the Summary of Statement of Votes for Member, House of Representatives and local positions;

**For MBOCs/CBOCs with canvassing committees**

The canvassing committee, upon receipt of the ballot box containing the election returns/certificate of canvass shall follow the same canvassing procedures enumerated in items 4 to 8 herein. Thereafter, the canvassing committee shall forward to the Board the accomplished Statement of Votes by Precincts. The Board shall then follow procedures in items 9 to 14.

In accomplishing the certificate of canvass, the Statement of Votes and other forms, all the members of the Board/canvassing committee, including the tabulators, shall see to it that the impression on the first copy of the set is recorded on each and every page thereof. The members of the Board shall affix their signatures above their printed names and imprint their thumbmarks on the certification at the bottom of the forms. In the case of the members of the canvassing committee, they shall write their full names and affix their signatures above it on the blank space at the right bottom portion of the SOVP they have accomplished.

**SEC. 27. *Adjournment of the Board/Canvassing Committee.*** – Each time the Board/canvassing committee adjourns, the Board shall make a total of all votes canvassed, so far, for each candidate for each office, 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 hereunder.

2) When all the columns of the SOV are filled, the Tabulators shall indicate the sub-total.

3) A provisional total shall be made available to mass media and other interested parties.

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 locked with

three padlocks and fixed-length seals. The keys to each padlock shall be kept by the members of the Board/canvassing committee.

5) The serial number of the fixed-length seal and the quantity of the remaining unopened envelopes shall be recorded in the minutes.

6) Furnish the Commission in Manila by the fastest means of communication a provisional total of the votes canvassed so far for each candidate for each office, and make available the data contained therein to the mass media and other interested parties.

Upon resumption of the canvass:

7) The Secretary of the Board/canvassing committee shall verify and enter in the minutes the condition of the three padlocks and the fixed-length seal; as well as its serial number.

8) The Board/canvassing committee shall then, in the presence of the watchers, open the ballot box, retrieve the partially-filled SOV and the unopened envelopes containing the election returns/certificates of canvass not yet canvassed, and proceed with the canvass until all election returns/certificates of canvass are canvassed.

**SEC. 28. *Delayed, lost or destroyed election returns/certificate of canvass.*** – In case its copy of the election returns/certificates of canvass is missing, the Board of Canvassers shall, by authorized messenger, immediately obtain the same from the Board of Election Inspectors concerned, or if said returns/certificates have been lost or destroyed, the Board of Canvassers, upon prior authority of the Commission, may use any of the authentic copies thereof or a certified copy of said election returns/certificates issued by the Commission, and forthwith direct its representative to investigate the case and immediately report the matter to the Commission.

The Board of Canvassers, notwithstanding the fact that not all the election returns/certificates of canvass have been received by it, may terminate the canvass and proclaim the candidates elected on the basis of the available election returns/certificates of canvass if the missing returns/certificates will not affect the result of the election.

**SEC. 29. *Material defects in the election returns/certificates of canvass.*** – If it should clearly appear that some requisites in form or data had been omitted in the election returns/certificates of canvass, the Board of Canvassers shall call for all the

members of the Board of Election Inspectors concerned by the most expeditious means, to effect the corrections: Provided, That in case of the omission in the election returns/certificates of canvass of the name of any candidate and/or his corresponding votes, the Board of Canvassers shall require the Board of Election Inspectors concerned to complete the necessary data in the election returns/certificates of canvass and affix therein their initials: Provided, further, That if the votes omitted in the returns/certificates cannot be ascertained by other means except by recounting the ballots, the election returns/certificates of canvass shall be set aside and such fact shall be reported to the Commission which shall proceed as provided in Sec. 234 of the Omnibus Election Code.

**SEC. 30. *Tampered with or falsified election returns/certificates of canvass.***

– If the election returns/certificates of canvass submitted to the Board of Canvassers appear to be tampered with, altered or falsified after they have left the hands of the Board of Election Inspectors/Board of Canvassers, or otherwise not authentic, or were prepared by the Board of Election Inspectors/Board of Canvassers concerned, under duress, force, intimidation, or prepared by persons other than the members of the Board of Election Inspectors/Board of Canvassers, the Board of Canvassers shall use the other copies of said election returns/certificates of canvass and, if necessary, the copy of the election return inside the ballot box which upon previous authority given by the Commission maybe retrieved in accordance with Sec. 220 of the Omnibus Election Code. If the other copies of the election returns/certificates of canvass are likewise tampered with, altered, falsified, not authentic, prepared under duress, force, intimidation, or prepared by persons other than the members of the Board of Election Inspectors/Board of Canvassers, the Board of Canvassers or any candidate affected shall bring the matter to the attention of the Commission which shall proceed as provided in Sec. 235 of the Omnibus Election Code.

**SEC. 31. *Discrepancies in election returns/certificate of canvass.*** - In case it appears to the Board that there exist discrepancies in the other authentic copies of the election returns/certificates of canvass from a polling place or discrepancies in the votes of any candidate in words and figures in the same returns/certificates and in either case the difference affects the results of the election, the Board shall not canvass the election returns/certificates of canvass and shall submit the matter to the commission which shall proceed as provided in Sec. 236 of the Omnibus Election Code.

**SEC. 32. *Canvass to be completed at earliest possible time.*** - Subject to reasonable exceptions, the Board must complete its canvass within thirty-six (36) hours in municipalities, forty-eight (48) hours in cities, and seventy two (72) hours in provinces/districts in Metro Manila/cities comprising one or more legislative districts.

**SEC. 33. *Submission of the minutes of the proceedings of the Board.*** – Within forty-eight hours from the termination of canvass, the Secretary of the Board shall submit to the Law Department of the Commission on Elections in Manila by registered mail a certified copy of the minutes of the proceedings of the Board and shall notify by telegram the same department of the date and manner of transmittal of the minutes, indicating therein the registry receipt number.

### III. PRE-PROCLAMATION CASES

**SEC. 34. *Pre-proclamation cases not allowed in the election for Senator, Member of the House of Representatives and Party-List.*** – For purposes of the election for Senator, Member of the House of Representatives and Party-List, no pre-proclamation cases shall be allowed on matters relating to the preparation, transmission, receipt, custody and appreciation of the election returns or the certificates of canvass, as the case may be. However, this does not preclude the authority of the appropriate canvassing body *motu proprio* or upon written complaint of an interested person to correct manifest errors in the election returns or certificates of canvass.

Any objection to the election returns/certificates of canvass shall be specifically noted in the minutes of the Board.

**SEC. 35. *Manifest error.*** – There is manifest error in the tabulation or tallying of the results during the canvassing where:

1) A copy of the election returns or certificates of canvass was tabulated more than once;

2) Two or more copies of the election returns of one precinct, or two or more copies certificates of canvass were tabulated separately;

3) There was a mistake in the copying of the figures from the election returns to the SOV by precinct or from the municipal/city Certificates of canvass to the SOV by Municipality; or from the Provincial/City Certificate of Canvass to the SOV by province/city.

- 4) Returns from non-existent precinct were included in the canvass; or
- 5) There was a mistake in the addition of the votes of any candidate.

**SEC. 36. *Pre-proclamation cases involving provincial, city and municipal offices.*** - Pre-proclamation cases involving provincial, city and municipal offices are allowed.

**SEC. 37. *Issues that may be raised in pre-proclamation controversy.*** - The following shall be proper issues that may be raised in a pre-proclamation controversy:

- 1) Illegal composition or proceedings of the Board of canvassers;
- 2) The canvassed election returns/ certificates of canvass are incomplete, contain material defects, appear to be tampered with or falsified, or contain discrepancies in the same returns/certificates or in the other authentic copies thereof as mentioned in Sections 233, 234, 235 and 236 of the Omnibus Election Code;
- 3) The election returns/certificates of canvass were prepared under duress, threats, coercion, or intimidation, or they are obviously manufactured or not authentic; and
- 4) When substitute or fraudulent election return/certificates of canvass were canvassed, the results of which materially affected the standing of the aggrieved candidate or candidates.

**SEC. 38. *Pre-proclamation controversies; How commenced.*** – Questions affecting the composition or proceedings of the Board may be initiated in the Board or directly with the Commission. However, matters raised under Sections 233, 234, 235 and 236 of the Omnibus Election code in relation to the preparation, transmission, receipt, custody and appreciation of the election returns and the certificates of canvass shall be brought in the first instance before the Board of Canvassers only.

**SEC. 39. *Procedure in disposition of contested election returns/certificate of canvass.*** - The following procedure is mandatory and shall be strictly observed by the Boards of Canvassers:

- 1) Any candidate, political party or coalition of political parties contesting the inclusion or exclusion in the canvass of any election returns/certificate of canvass on any of the grounds authorized under Article XX (Pre-Proclamation Controversies) or

Sections 234, 235 and 236 of Article XIX of the Omnibus Election Code shall submit their oral objections to the Chairman at the time the questioned returns/certificates is presented for inclusion in the canvass. Such objection shall be recorded in the minutes of the canvass.

2) Simultaneously with the oral objections, the objecting party shall submit his objections in writing in the form prescribed by the Commission.

3) Upon receipt of any such objection, the Board of Canvassers shall automatically defer the canvass of the contested returns/certificate and proceed to canvass those which are not contested. However, before setting aside the contested returns/certificate, the Board shall canvass the votes for Senator, Party-List and Member, House of Representatives.

4) With respect to the provincial/city/municipal offices, the votes shall be tallied temporarily in a separate tally sheet, which shall be signed by the Board and watchers present.

5) Within twenty-four (24) hours from and after the presentation of such an objection, the objecting party shall submit the evidence in support thereof, which shall be attached to the written objections. Within the same period of twenty-four (24) hours, after presentation of the objection(s), any party may file a written and verified opposition to the objection in the form prescribed by the Commission attaching thereto supporting evidence, if any. The Board of canvassers shall not entertain any objection or opposition unless reduced in writing in the prescribed form.

6) The evidence attached to the objection or opposition shall be immediately and formally admitted to the records of the Board by the Chairman by affixing his signature at the back of each and every page thereof.

7) Upon receipt of the evidence, the Board shall take up the contested returns/certificates, consider the written objections thereto and opposition, if any, and summarily and immediately rule thereon. The Board shall enter its ruling in the prescribed form and authenticate the same by the signatures of all the members thereof.

8) Any party adversely affected by the ruling, shall immediately inform the Board if he intends to appeal said ruling. The Board shall enter said information in the

minutes of the canvass, set aside the returns/certificates and proceed to consider the other returns/certificates.

9) After all the uncontested returns/certificates have been canvassed and the contested return/certificate ruled upon by it, the Board shall suspend the canvass. Within forty-eight (48) hours therefrom, any party adversely affected by the ruling may file with the Board a written and verified notice of appeal; and within an inextendible period of five (5) days thereafter, an appeal may be taken to the Commission.

10) Immediately upon receipt of the notice of the appeal, the Board shall make an appropriate report to the Commission, elevating therewith the complete records and evidence submitted in the canvass, and furnishing the parties with copies of the report.

11) On the basis of the records and evidence elevated to it by the Board, the Commission shall decide summarily the appeal within seven (7) days from the receipt of said records and evidence. Any appeal brought before the Commission on the ruling of the Board, without the accomplished forms and the evidence thereto, shall be summarily dismissed.

12) The decision of the Commission shall be executory after the lapse of seven (7) days from receipt thereof by the losing party.

13) The Board of Canvassers shall not proclaim any candidate as winner unless authorized by the Commission after the latter has ruled on the objections brought to it on appeal by the losing party. Any proclamation made in violation hereof shall be void ab initio, unless the contested returns/certificates will not adversely affect the results of the election.

**SEC. 40. *Partial proclamation.*** – Notwithstanding the pendency of any pre-proclamation controversy, the Commission may summarily order the proclamation of other winning candidates whose election will not be affected by the outcome of the controversy.

**SEC. 41. *Contested proceedings; period to appeal.*** – Parties adversely affected by a ruling of the Board on questions affecting the composition or proceedings of the Board, may appeal the matter to the Commission within three (3) days from the date of the ruling.

#### IV. THE CITY/MUNICIPAL BOARD OF CANVASSERS

**SEC. 42. Duties and functions of the City/Municipal Board of Canvassers. –**

The city or municipal Board of Canvassers shall:

1) Canvass the election returns for Senators, Members of the House of Representatives, Party-List and for elective provincial and city or municipal officials;

2) Upon completion of the canvass:

a) Prepare in seven (7) copies, the Certificate of Canvass of Votes for Senators, Member of the House of Representatives, Party-List and Elective Provincial Officials (CEF No.20);

b) The Chairman shall announce the results of the election for Senator and Party-List in the city or municipality and the posting of the second copy of the certificate of canvass for said positions and its supporting statement of votes on a wall with sufficient lighting within the premises of the canvassing center.

c) The Chairman shall then proceed to post the same in the presence of the other members of the Board, the watchers and those present in the canvassing center.

d) Prepare the Certificate of Canvass and Proclamation of Winning Candidates for City or Municipal Offices (CEF No.24 & 25); and

e) Proclaim said winning candidates.

**SEC. 43. Distribution of City/Municipal Certificate of Canvass. –** The Board of Canvassers shall distribute the Certificate of Canvass of Votes for Senators, Member of the House of Representatives, Party-List and Elective Provincial Officials (CEF No. 20) as follows:

1) The first copy to the Provincial Board of Canvassers for use in the canvass for Senators, Member of the House of Representatives, Party-List and other elective provincial officials;

2) The second copy to be posted on a wall within the premises of the canvassing center;

3) The third copy to the Commission;

4) The fourth copy to be kept by the Chairman of the Board;

5) The fifth copy to the citizen's arm designated by the Commission to conduct a media-based 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 Certificate of Canvass 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.

The copy of the certificate of canvass 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 certificate of canvass. After the prescribed period for posting, the Chairman of the Board of Canvassers shall collect the posted certificate of canvass 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.

Except for those copies that are required to be delivered, copies of certificate of canvass may be claimed at the canvassing center. Any unclaimed copy shall be deemed placed in the custody of the Chairman of the Board of Canvassers, who shall produce them when requested by the recipient or when ordered by a competent authority.

The first four (4) copies of the Certificates of Canvass of Votes prepared by the City or Municipal Board of Canvassers shall each be supported by a Statement of Votes by Precinct, signed and thumbmarked by the Chairman and members of the Board, and the watchers of the accredited major political parties, if available. Thereafter, they shall each be sealed and placed inside their corresponding security envelopes which shall likewise be sealed.

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. *Certificates of Canvass and Proclamation.*** – 1) The Certificate of Canvass of Votes and Proclamation of Winning Candidates for City Offices (CEF No. 24) shall be prepared in sufficient copies and distributed as follows:

- a) Secretary of the *Sangguniang Panlungsod*;
- b) Chairman, City Board of Canvassers;
- c) Election Records and Statistics Department, Commission on Elections, Manila;
- d) City Treasurer;
- e) Regional Election Director;
- f) Provincial Election Supervisor;
- g) Each of the winning candidates proclaimed; and
- h) One copy for posting on the bulletin board of the city hall.

The first six copies shall be individually folded, sealed with a serially numbered paper seal in such a way that the Certificate of Canvass and Proclamation cannot be opened without breaking the seal, and placed in the proper envelopes which shall thereafter be sealed.

A copy of the SOV by precinct shall be attached to the copies for the Secretary of the *Sangguniang Panlungsod*; the Chairman, City Board of Canvassers; and the Commission on Elections.

2) The Certificate of Canvass of Votes and Proclamation of Winning Candidates for Municipal Offices (CEF No. 25) shall be prepared in sufficient copies and distributed as follows:

- a) Secretary of the *Sangguniang Bayan*;
- b) Chairman of the Municipal Board of Canvassers;
- c) Election Records & Statistics Department, Commission on Elections, Manila
- d) Secretary of the *Sangguniang Panlalawigan*;
- e) Regional Election Director;
- f) Provincial Election Supervisor;

- g) Municipal Treasurer;
- h) Each of the winning candidate proclaimed; and
- i) One copy for posting on the bulletin board of the municipal hall.

The first seven copies shall be individually folded, sealed with a serially numbered paper seal in such a way that the Certificate of Canvass of Votes and Proclamation of Winning Candidates for Municipal Offices (CEF No. 25) cannot be opened without breaking the seal, and placed in the proper envelope, which shall thereafter be sealed.

A copy of the SOV by precinct shall be attached to the first three (3) copies of the Certificate of Canvass of Votes and Proclamation of Winning Candidates for Municipal Offices (CEF No. 25).

## **V. PROVINCIAL BOARD OF CANVASSERS**

**SEC. 45. *Duties and functions of the Provincial Board of Canvassers.*** – The Provincial Board of Canvassers shall:

1) Canvass the Certificates of Canvass of Votes for Senators, Members of the House of Representatives, Party-List and Elective Provincial Officials (CEF No. 20) submitted by the Board of Canvassers of municipalities and component cities.

2) Upon completion of the canvass:

- a) Prepare in six (6) copies, a Certificate of Canvass of Votes for Senators and Party-List (CEF No. 21);
- b) The Chairman shall announce the results of the election for national positions in the province, and the posting of the second copy of the certificate of canvass for national positions and its supporting statement of votes on a wall with sufficient lighting within the premises of the canvassing center.
- c) The Chairman shall then proceed to post the same in the presence of the other members of the Board, the watchers and those present in the canvassing center.

- d) Prepare the Certificate of Canvass and Proclamation of Winning Candidates for Member, House of Representatives and Provincial Offices (CEF No.22 & 23); and
- e) Proclaim said winning candidates.

**SEC. 46. *Distribution of Certificates of Canvass.*** – The Provincial Board of Canvassers shall distribute the Certificate of Canvass of Votes for Senators and Party-List (CEF No.21) as follows:

1) The first copy to the Commission sitting as the National Board of Canvassers for use in the canvass of results for Senators and Party-List Representatives;

2) The second copy to be posted on a wall within the premises of the canvassing center;

3) The third copy to the Chairman of the Board;

4) The fourth copy to the citizen's arm designated by the Commission to conduct a media-based unofficial count; and

5) The fifth and sixth 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 Certificate of Canvass 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.

The copy of the certificate of canvass 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 certificate of canvass. After the prescribed period for posting, the Chairman of the Board of Canvassers shall collect the posted certificate of canvass 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.

Except for those copies that are required to be delivered, copies of certificate of canvass may be claimed at the canvassing center. Any unclaimed copy shall be

deemed placed in the custody of the Chairman of the Board of Canvassers, who shall produce them when requested by the recipient or when ordered by a competent authority.

The first three copies of the Certificates of Canvass of Votes prepared by the Provincial Board of Canvassers shall be supported by a copy of the SOV by City/Municipality. The copy for the Commission shall, in addition, be supported by a SOV by Precinct as submitted to the Provincial Board of Canvassers by the City and Municipal Boards of Canvassers. The certificates shall be signed and thumbmarked by the Board and the watchers of the accredited major political parties, if available. Thereafter, they shall be placed inside their corresponding security envelopes.

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. Certificate of Canvass of Votes and Proclamation of Winning Candidates for Members of the House of Representatives and for Provincial Offices.** – 1) The Certificate of Canvass of Votes and Proclamation of Winning Candidates for Members of the House of Representatives (CEF No. 22) shall be prepared for each legislative district in four (4) copies and distributed as follows:

- a) The first copy to the Election Records and Statistics Department, Commission on Elections in Manila;
- b) The second copy to be kept by the Chairman of the Provincial Board of Canvassers;
- c) The third copy to the candidate proclaimed; and
- d) The fourth copy for posting on the bulletin board of the provincial capitol.

The first and the second copies shall be individually folded and placed in the proper security envelope together with a copy of the SOV by City/Municipality.

2. The Certificates of Canvass of Votes and Proclamation of the Winning Candidates for Provincial Offices (CEF No. 23) shall be prepared in sufficient copies to be distributed as follows:

- a) Secretary of the Sangguniang Panlalawigan;
- b) Chairman of the Provincial Board of Canvassers;

- c) Election Records & Statistics Department, Commission on Elections, Manila;
- d) Provincial Treasurers;
- e) Regional Election Director;
- f) Each of the winning candidates proclaimed; and
- g) One copy for posting on the bulletin board of the provincial capital.

The first five copies shall be individually folded and shall be placed in the proper security envelope.

A copy of the SOV by city/municipality shall be attached to the copies for the Chairman, Provincial Board of Canvassers and the Commission on Elections.

## **VI. BOARD OF CANVASSERS OF CITIES COMPRISING ONE OR MORE LEGISLATIVE DISTRICT**

**SEC. 48. *Duties and functions of the City Board of Canvassers for cities comprising one or more legislative districts.*** – The Board of Canvassers of cities comprising one or more legislative districts shall:

- 1) Canvass the election returns for Senators, Party-List, Members of the House of Representatives, and elective city officials;
- 2) Upon completion of the canvass:
  - a) Prepare in six (6) copies the Certificates of Votes for Senators and Party-List (CEF NO.21);
  - b) The Chairman shall announce the results of the election for Senator and Party-List in the city or municipality and the posting of the second copy of the certificate of canvass for said positions and its supporting statement of votes on a wall with sufficient lighting within the premises of the canvassing center;
  - c) The Chairman shall then proceed to post the same in the presence of the other members of the Board, the watchers and those present in the canvassing center.

- d) Prepare the Certificate of Canvass and Proclamation of Winning Candidates for Member of the House of the Representatives (CEF No. 22) and City offices (CEF No. 24) and;
- e) Proclaim said winning candidates.

In the case of cities with two or more legislative districts, the Board shall first canvass the election returns from the legislative district wherein all or a substantial number of precincts have already been submitted before canvassing those from the next legislative districts.

**SEC. 49. *Distribution of the Certificate of Canvass of Votes.*** – The Board of Canvassers shall distribute the Certificate of Canvass of Votes for Senators and Party-List (CEF No. 21) as follows:

1) The first copy to the Commission on Elections sitting as the National Board of Canvassers for use in the canvass of the election results for Senators and Party-List Representatives;

2) The second copy to be posted on a wall within the premises of the canvassing center;

3) The third copy to be kept by the Chairman of the Board;

4) The fourth copy to the citizens' arm designated by the Commission to conduct a media-based unofficial count; and

5) The fifth and sixth 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 Certificate of Canvass 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.

The copy of the certificate of canvass 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 certificate of canvass. After the prescribed period for posting, the Chairman of the Board of Canvassers shall collect the posted certificate

of canvass 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.

Except for those copies that are required to be delivered, copies of certificate of canvass may be claimed at the canvassing center. Any unclaimed copy shall be deemed placed in the custody of the Chairman of the Board of Canvassers, who shall produce them when requested by the recipient or when ordered by a competent authority.

The Certificates of Canvass of Votes prepared by the City Board of Canvassers shall each be supported by a copy of the SOV by Precinct; signed and thumbmarked by the Chairman and members of the Board, and the watchers of the accredited major political parties, if available. They shall each be placed inside their corresponding security envelopes.

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. 50. Certificate of Canvass of Votes and Proclamation.** – 1) The Certificate of Canvass of Votes and Proclamation of Winning Candidates for Members of the House of Representatives (CEF No. 22) shall be prepared for each legislative district in four (4) copies and distributed as follows:

- a) The first copy to the Election Records & Statistics Department, Commission on Elections in Manila;
- b) The second copy to be kept by the Chairman of the Board of Canvassers;
- c) The third copy to the candidates proclaimed; and
- d) The fourth copy for posting on the bulletin board of the city hall.

The first and second copies shall be individually folded and placed in the proper security envelope, together with a copy of the SOV by Precinct.

2) The Certificate of Canvass of Votes and Proclamation of the Winning Candidates for the City Offices (CEF No. 24) shall be prepared in sufficient copies to be distributed as follows:

- a) Secretary of the Sangguniang Panlungsod;
- b) Chairman, City of Canvassers;
- c) Election Records & Statistics Department, Commission on Elections, Manila;
- d) City Treasurer;
- e) Regional Election Director;
- f) Each of the winning candidates proclaimed; and
- g) One copy for posting on the bulletin board of the city hall.

The first five copies shall be separately folded and placed in their corresponding security envelopes.

A copy of the SOV by Precinct shall be attached to the copies for the Chairman; City Board of Canvassers and the Commission on Elections.

## **VII. THE DISTRICT BOARD OF CANVASSER FOR SAN JUAN, METRO MANILA**

**SEC. 51. *Duties and functions of the District Board of Canvassers for San Juan, Metro Manila.*** – The District Board of Canvassers of San Juan, Metro Manila shall:

- 1) Canvass the election returns for Senators, Party-List, Member of the House of Representatives, and elective municipal officials;
- 2) Upon completion of the canvass:
  - a) Prepare in six (6) copies the Certificate of Canvass of Votes for Senators and Party-List (CEF No. 21);
  - b) The Chairman shall announce the results of the election for Senator and Party-List in the city or municipality and the posting of the second copy of the certificate of canvass for said positions and its supporting statement of votes on a wall with sufficient lighting within the premises of the canvassing center;
  - c) The Chairman shall then proceed to post the same in the presence of the other members of the Board, the watchers and those present in the canvassing center;

- d) Prepare the Certificate of Canvass of Votes and Proclamation of Winning Candidates for Member of the House of Representatives and municipal offices (CEF No. 22); and
- e) Proclaim the winning candidates for Member of the House of Representatives and municipal offices.

**SEC. 52. *Distribution of the Certificate of Canvass and Proclamation.*** – The Municipal/District Board of Canvassers shall distribute the Certificate of Canvass of Votes for Senators and Party-List (CEF No. 21) as follows:

- 1) The first copy to the Commission on Elections sitting as the National Board of Canvassers for use in the canvass of the election results for Senators and Party-List Representatives;

- 2) The second copy to be posted on a wall within the premises of the canvassing center;

- 3) The third copy to be kept by the Chairman of the Board;

- 4) The fourth copy to the citizens' arm designated by the Commission to conduct a media-based unofficial count; and

- 5) The fifth and sixth 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 Certificate of Canvass 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.

The copy of the certificate of canvass 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 certificate of canvass. After the prescribed period for posting, the Chairman of the Board of Canvassers shall collect the posted certificate of canvass 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.

Except for those copies that are required to be delivered, copies of certificate of canvass may be claimed at the canvassing center. Any unclaimed copy shall be deemed placed in the custody of the Chairman of the Board of Canvassers, who shall produce them when requested by the recipient or when ordered by a competent authority.

The Certificates of Canvass of Votes prepared by the District Board of Canvassers shall be supported by a SOV by Precinct, signed and thumbmarked by the Chairman and members of the Board, and the watchers of the accredited major political parties, if available. They shall each be placed inside their corresponding security envelopes.

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. 53. Certificate of Canvass of Votes and Proclamation.** – 1) the Certificate of Canvass of Votes and Proclamation of the Winning Candidates for Member of the House of Representatives (CEF No. 22) shall be prepared in four (4) copies and distributed as follows:

- a) The first copy to the Election Records & Statistics Department,
- b) Commission on Elections in Manila;
- c) The second copy to be kept by the Chairman of the Board;
- d) The third copy to the proclaimed candidates; and
- e) The fourth copy for posting in the bulletin board of the municipal hall.

The first and the second copies shall be individually folded and placed in a security envelope, together with a copy of the SOV by Precinct.

2) The Certificate of Canvass of Votes and Proclamation of the Winning Candidates for Municipal Offices (CEF No. 25) shall be prepared in sufficient copies to be distributed as follows:

- a) Secretary of the Sangguniang Bayan;
- b) Chairman, District Board of Canvassers;
- c) Election Records & Statistics Department, Commission on Elections, Manila;

- d) Regional Election Director;
- e) Municipal Treasurer;
- f) Each of the winning candidates proclaimed; and
- g) One copy for posting on the bulletin board of the municipal hall.

The first five (5) copies shall be individually folded and placed in their corresponding security envelopes.

A copy of the SOV by Precinct shall be attached to the copies for the Chairman, District of Board of Canvassers and the Commission on Elections.

**VIII. THE CITY/MUNICIPAL BOARD OF CANVASSERS OF EACH  
COMPONENT CITY/MUNICIPALITY IN A LEGISLATIVE DISTRICT IN  
METRO MANILA**

**(Taguig, Pateros, Navotas and Malabon, Metro Manila)**

**SEC. 54. *Duties and functions of the City/Municipal Board of Canvassers of each component city/municipality in a legislative district in Metro Manila.*** – The City/Municipal Board of Canvassers of each component city/municipality in a legislative district in Metro Manila shall:

- 1) Canvass the election returns for Senators, Party-List, Member of the House of Representatives, and elective city/municipal officials;
- 2) Upon completion of the canvass:
  - a) For the CBOC of Taguig
    - to prepare, in six (6) copies, the Certificate of Canvass of Votes for Senators and Party-List (CEF No. 21);
    - for the Chairman of the Board to announce the results of the election for Senator and Party-List in the city and the posting of the second copy of the certificate of canvass for said positions and its supporting statement of votes on a wall with sufficient lighting within the premises of the canvassing center;

- for the Chairman of the Board to post the same in the presence of the other members of the Board, the watchers and those present in the canvassing center.
- to prepare the Certificate of Canvass of Votes for Member, House of Representatives for the First Legislative District for submission to the District Board of Canvassers;
- to prepare the Certificate of Canvass of Votes and Proclamation of Winning Candidate for Member, House of Representatives for the Second Legislative District, and Certificate of Canvass of Votes and Proclamation of Winning Candidates for City Officials; and
- to proclaim the winning candidates for Member, House of Representatives for the Second Legislative District and city offices.

b) For the CBOC of Malabon

- to prepare, in six (6) copies, the Certificate of Canvass of Votes for Senators and Party-List and Member, House of Representatives, for submission to the District Board of Canvassers ;
- for the Chairman to announce the results of the election for Senator and Party-List in the city and the posting of the second copy of the certificate of canvass for said positions and its supporting statement of votes on a wall with sufficient lighting within the premises of the canvassing center;
- for the Chairman to post the same in the presence of the other members of the Board, the watchers and those present in the canvassing center.
- to prepare the Certificate of Canvass of Votes and Proclamation of Winning Candidates for City Officials; and
- to proclaim the winning candidates for city offices.

c) For the MBOC of Navotas and Pateros

- to prepare, in six (6) copies, the Certificate of Canvass of Votes for Senators and Party-List and Member, House of Representatives, for submission to the District Board of Canvassers ;
- for the Chairman to announce the results of the election for Senator and Party-List in the municipality and the posting of the second copy of the certificate of canvass for said positions and its supporting statement of votes on a wall with sufficient lighting within the premises of the canvassing center;
- for the Chairman to post the same in the presence of the other members of the Board, the watchers and those present in the canvassing center.
- to prepare the Certificate of Canvass of Votes and Proclamation of Winning Candidates for Municipal Officials; and
- to proclaim the winning candidates for municipal offices.

The MBOC/CBOC shall distribute the Certificate of Canvass of Votes for Senators and Party-List (CEF No. 21) as follows:

1) The first copy to the Commission on Elections sitting as the National Board of Canvassers for use in the canvass of the election results for Senators and Party-List Representatives;

2) The second copy to be posted on a wall within the premises of the canvassing center;

3) The third copy to be kept by the Chairman of the Board;

4) The fourth copy to the citizens' arm designated by the Commission to conduct a media-based unofficial count; and

5) The fifth and sixth 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 Certificate of Canvass 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.

The copy of the certificate of canvass 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 certificate of canvass. After the prescribed period for posting, the Chairman of the Board of Canvassers shall collect the posted certificate of canvass 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.

Except for those copies that are required to be delivered, copies of certificate of canvass may be claimed at the canvassing center. Any unclaimed copy shall be deemed placed in the custody of the Chairman of the Board of Canvassers, who shall produce them when requested by the recipient or when ordered by a competent authority.

The Certificates of Canvass of Votes prepared by the MBOC/CBOC shall be supported by a SOV by Precinct, signed and thumbmarked by the Chairman and members of the Board, and the watchers of the accredited major political parties, if available. They shall each be placed inside their corresponding security envelopes.

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

**IX. DISTRICT BOARD OF CANVASSERS OF LEGISLATIVE  
DISTRICTS COMPRISING A CITY AND A MUNICIPALITY OF METRO MANILA  
(Taguig (First District)-Pateros and Navotas-Malabon, Metro Manila)**

**SEC. 55. *Duties and functions of the District Board of Canvassers of legislative districts comprising two (2) municipalities/cities in the Metro Manila area.*** - The District Board of Canvassers of each legislative district comprising a city and a municipality in the Metro Manila Area shall:

1) Canvass the Certificate of Canvass for Senators, Party-List and Members of the House of Representatives (CEF No. 21) submitted by the Municipal Board of Canvassers of the component municipality/city;

2) Upon completion of the canvass:

- a) Prepare in six (6) copies a Certificate of Canvass of Votes for Senators and Party-List (CEF No. 21);
- b) Prepare the Certificate of Canvass of Votes and Proclamation of the Winning Candidate for the Member of the House of Representatives (CEF No. 22) in the legislative district; and
- c) Proclaim the winning candidates for Member of the House of Representatives in the legislative district.

**SEC. 56. *Distribution of the Certificate of Canvass of Votes.*** – The District Board of Canvassers shall distribute the Certificate of Canvass of Votes for Senators and Party-List (CEF No. 21) as follows:

1) The first copy to the Commission on Elections sitting as the National Board of Canvassers for use in the canvass of the election results for Senators and Party-List Representatives;

2) The second copy to be posted on a wall within the premises of the canvassing center;

3) The third copy to be kept by the Chairman of the Board;

4) The fourth copy to the citizens' arm designated by the Commission to conduct a media-based unofficial count; and

5) The fifth and sixth 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 Certificate of Canvass 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.

The copy of the certificate of canvass 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 certificate of canvass. After the prescribed period for posting, the Chairman of the Board of Canvassers shall collect the posted certificate of canvass 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.

Except for those copies that are required to be delivered, copies of certificate of canvass may be claimed at the canvassing center. Any unclaimed copy shall be deemed placed in the custody of the Chairman of the Board of Canvassers, who shall produce them when requested by the recipient or when ordered by a competent authority.

The first three copies of the Certificates of Canvass of Votes prepared by the District Board of Canvassers shall be supported by a copy of the SOV by City/Municipality. The copy for the Commission shall, in addition, be supported by a SOV by Precinct as submitted to the District Board of Canvassers by the City and Municipal Boards of Canvassers. The certificates shall be signed and thumbmarked by the Board and the watchers of the accredited major political parties, if available. Thereafter, they shall be placed inside their corresponding security envelopes.

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. 57. *Certificate of Canvass of Votes and Proclamation.*** – The Certificate of Canvass of Votes and Proclamation of the Winning Candidate for Member of the House of Representatives (CEF No. 22) shall be prepared in four (4) copies and distributed as follows:

- 1) The first copy to the Election Records & Statistic Department, Commission on Election in Manila;
- 2) The second copy to be kept by the Chairman of the District Board of Canvassers;
- 3) The third copy to the proclaimed candidate; and
- 4) The fourth copy for posting on the bulletin board of the city/municipal hall where canvassing was conducted.

The first and second copies shall be individually folded and placed in their corresponding security envelopes together with a copy of the SOV by Municipality.

## **X. ELECTION OFFENSES; ELECTORAL SABOTAGE**

**SEC. 58.** *Election Offenses; Electoral Sabotage.* – In addition to the prohibited acts and election offenses mentioned herein and those enumerated in Sections 261 and 262 of Batas Pambansa Blg. 881, as amended, the following shall be guilty of an election offense or a special election offense to be known as electoral sabotage:

1) Any person who removes the certificate of canvass 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 certificate of canvass or statement of votes, or a print or digital copy thereof;

3) Any person who simulates the certification of a certificate of canvass or statement of votes;

4) The Chairman or any member of the Board of canvassers who, during the prescribed period of posting, removes the certificate of canvass or its supporting statement of votes 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 of the Board of canvassers who signs or authenticates a print of the certificate of canvass or its supporting statement of votes outside of the polling place;

6) The Chairman or any member of the Board of canvassers who signs or authenticates a print which bears an image different from the certificate of canvass or statement of votes produced after counting 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.

The act or offense committed shall fall under the category of electoral sabotage in any of the following instances;

a) 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 election 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 that losing candidate/s is/are made to appear the winner/s;

b) 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 results of the election; and

c) Any and all other 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 individuals determined to be in conspiracy or in connivance with the members of the BEIs or BOCs involved, shall be meted the same penalty of life imprisonment.

## **XI. EFFECTIVITY AND DISSEMINATION**

**SEC. 59. *Effectivity.*** – This Resolution shall take effect after seven (7) days following its publication in two (2) daily newspapers of general circulation in the Philippines.

**SEC. 60. *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 Justice, Department of Education, the Department of Finance, all Regional Election Directors, Provincial Election Supervisors and Election Officers, and City/Provincial/Division and City Superintendent of Schools and the City/Municipal Treasurers with copies of the Resolution and cause the publication thereof in two (2) daily newspapers of general circulation.

**(Sgd.)BENJAMIN S. ABALOS**  
*Chairman*

**(Sgd.)RESURRECCION Z. BORRA**  
*Commissioner*

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

**(Sgd.)ROMEO A. BRAWNER**  
*Commissioner*

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

**(Sgd.)NICODEMO T. FERRER**  
*Commissioner*