

SERVICE OF GOVERNMENT

“And every man, every woman who has to take up the service of government, must ask themselves two questions: ‘Do I love my people in order to serve them better? Am I humble and do I listen to everybody, to diverse opinions in order to choose the best path?’ if you don’t ask these questions, your governance will not be good. The man or woman who governs—who loves his people is a humble man or woman.”

- - Pope Francis
www.lastampa.it>pagina



ELECTION GUIDE FOR LAWYERS and PARA-LEGALS

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Table of Contents

- I. Introduction
- II. Roles of Lawyers and Para-Legals
- III. Who are Allowed to Have Watchers
- IV. Simple Tips in Safeguarding the Secrecy of the Ballot
- V. Gabay Para Sa Mga Pollwatchers
 - 1. Mga Kwalipikasyon ng Pollwatchers, atbp.
 - 2. Illiterate, PWD and Senior Citizen
 - 3. Accessible Polling Place and Express Lanes
 - 4. Voting Process
 - 5. The Ballot
 - 6. Filling-up the Ballot
 - 7. Additional Tips on Voting
 - 8. The Vote Counting Machine (VCM)
 - 9. Election Returns
- VI. Election Law Updates
- VII. Pasasalamat

PASASALAMAT

Malaking pasasalamat sa COMELEC at PPCRV sa materyales tungkol sa watchers, pagboto at VCM na aming ginamit sa paghahanda ng “Election Guide For Lawyers and Para-Legals.”

Maraming salamat din sa staff ng aming opisina, si Raquel,Chie at Noemi na nag-ayos ng “Guide” na ito.

P. Ipso Facto Resignation

- Quinto vs. COMELEC, G.R. No. 189698, February 22, 2010

Q. Condonation

- Carpio-Morales vs. CA, G.R. No. 217126-27, November 10, 2015



INTRODUCTION

Lawyers are not only courtroom advocates, office counselors, boardroom negotiators, school professors. During election time when the right of suffrage is at stake, they are also educators, advisers and protectors of the sanctity of ballot.

To play the roles above-mentioned, a lawyer must be equipped with knowledge about election matters. Electoral knowledge is power. Power for good.

May this Guide serve as election material to lawyers and non-lawyers alike in their common quest for a vibrant democracy in the Philippines.

And may this Guide contribute to the aspiration of the Sarmientos and many Filipino families to see a nation where justice and peace shall reign and where every child and every grandchild have the opportunity to grow and prosper in wisdom and grace.

COMM. RENE V. SARMIENTO (ret.)

ROLE OF LAWYERS & PARA-LEGALS

1. Check if VCMs are now in polling stations.
2. Brief pollwatchers.
3. Ensure IDs are prepared/ready.
4. Visit polling stations during election day.
5. Observe dress code.
6. Keep lines open (telephone/cp) for queries and quick reaction response.
7. During canvassing, be present and if your candidate is leading and winning, move for his/her proclamation.
8. Bring flashlights.
9. Move as one group.
10. Report regularly to the Command Center for updates.
11. Keep diary of day-to-day activities.
12. Bring a bottle of water and biscuit in your visits to polling stations.
13. Closely coordinate with other lawyers/para-legals assisting the candidate.
14. Pray before the start of work and thereafter.

- Reyes vs. COMELEC, G.R. No. 207264, June 25, 2013
- Poe-Llamanzares vs. COMELEC, G.R. No. 221697, March 8, 2016

L. Fugitive from Justice

- Diambrang vs. COMELEC, G.R. No. 201809, October 11, 2016

M. Second Highest Vote Rule

- Maquiling vs. COMELEC, G.R. No. 195649, July 2, 2013
- Aratea vs. COMELEC, G.R. No. 195229, October 9, 2012

N. Premature Campaigning

- Penera vs. COMELEC, G.R. No. 181613, November 25, 2009

O. Party-List System

- Atong Paglaum vs. COMELEC, G.R. No. 203766, April 2, 2013
- Ang Bagong Bayani vs. COMELEC, G.R. Nos. 147589 and 147613, June 26, 2001
- CJ Artemio Panganiban (ret.) on Party-List System
- PDI Editorial on Party-List System

J. Dual Citizenship

- Chua vs. COMELEC, et. al., G.R. No. 216607, April 5, 2016
- Maquiling vs. COMELEC, G.R. No. 195649, April 16, 2013
- Cordora vs. COMELEC, G.R. No. 176947, February 19, 2009
- De Guzman vs. COMELEC, G.R. No. 180048, June 19, 2009
- Manzano vs. Mercado, G.R. No. 135083, May 26, 1999

Repatriation Distinguished from Citizenship Retention and Reacquisition Act

- Mere oath of allegiance and its registration with Local Civil Registry under R.A. No. 2630
- Oath of allegiance plus sworn renunciation of foreign citizenship under R.A. No. 9225

K. Jurisdiction of COMELEC, HRET, PET

- Rivera and Lokin vs. COMELEC, G.R. No. 210723, April 19, 2016
- CIBAC Foundation vs. CIBAC National Council, G.R. No. 213069, April 19, 2016
- Lico vs. COMELEC, G.R. No. 205505, September 20, 2015

WHO ARE ALLOWED TO HAVE WATCHERS

- Each candidate, duly registered political party or coalition of political parties and duly accredited citizens' arms may appoint in every polling place two watchers who shall serve alternately.
- Other civil, professional, business, service, youth and any other similar organizations be entitled collectively to appoint one watcher in every polling place.
- If the space in the polling place reserved for watchers is insufficient, preference shall be given to the watchers of the dominant majority and dominant minority parties. Watchers of the citizen's arm shall be given preferential position closest to the EB.

VOTING HOURS

The voting shall be from 6:00 a.m. up to 7:00 p.m. of Election Day.

SIMPLE TIPS IN SAFEGUARDING THE SECRECY OF THE BALLOT

Simpleng paraan sa pag-protékta sa nilalaman ng inyong balota

1. Ang Official Ballot (balota) ay walang Serial Number, ito ay meron lang “ultra-violet (UV) marks” at “quick-response (QR) code,” kaya kung magkakaroon man ng protesta sa election ay hindi malalaman kung kanino ang balotang iyon.
2. Kung may mga tao na sumisilip sa bintana ng presinto, i-report ito sa Electoral Board (Board of Election Inspectors) o sa pulisya.
3. Siguraduhin na gamitin ang Ballot Secrecy Folder na pantakip sa balota habang bumoboto.
4. Ang Vote Counting Machine (VCM) ay tatanggapin ang inyong balota maski anong orientasyon (maski mauna ang ibabang bahagi at maski ang National Positions o Local Positions sa ibabaw), kaya sa pagsubo ng balota sa VCM, dapat nasa ibabaw ang National Positions at sa ilalim ang Local Positions.
5. Siguraduhing ihulog sa tamang lalagyan ang Voting Receipt (resibo kung sino ang mga binoto) at huwag ilabas ito sa presinto.

“SA ARAW NG ELEKSYON, ISAISIP NA IKAW AY
MALAYANG FILIPINO SA MALAYANG PILIPINAS”

G. Petition to Deny Due Course or Petition to Cancel COC vs. Petition for Disqualification (Sec. 68, OEC) vs. (Sec. 78, OEC)

- Albania vs. COMELEC and Tallado, G.R. No. 226792, June 6, 2017
- Latasa vs. COMELEC, 463 Phil. 296 (2003)

H. Statement of Contributions and Expenditures (SOCE)

- Maturan vs. COMELEC and Patiño, G.R. No. 227155, March 28, 2017
- June 12, 2019 (Res. No. 10429): Last Day to File SOCE

I.

Substitution

- Engle vs. COMELEC and Menzon, G.R. No. 215995, January 19, 2016
- COMELEC Resolution No. 10430, October 1, 2018
- Talaga vs. COMELEC, G.R. No. 196804, October 9, 2012
- Federico vs. COMELEC, G.R. No. 199612, January 22, 2013

E. Overspending

Mario O. Salvador

- versus -

COMELEC, G.R. No. 230744, September 26, 2017

- Omnibus Election Code, B.P. Blg. 881, Sec. 100: “Shall”
- R.A. No. 7166, Sec. 13: “May”
- Resolution No. 10049, Feb. 1, 2016: “May”

F. Three-Term Threshold, Three-Term Limit

- Albania vs. COMELEC and Tallado, G.R. No. 226792, June 6, 2017
- Abundo vs. COMELEC, G.R. No. 201716, January 8, 2013
- Lonzanida vs. COMELEC, G.R. No. 370 Phil. 625 (1999)
- Naval vs. COMELEC, G.R. No. 207851, July 8, 2014
- Aldovino vs. COMELEC, 623 Phil. 876 (2009)
- Latasa vs. COMELEC
- Socrates vs. COMELEC, 440 Phil. 106 (2002)
- Borja, Jr. vs. COMELEC and Capco
- Morales vs. COMELEC (2019)
- Cancellation of Gov. Tallado’s COC (March 29, 2019)

GABAY PARA SA MGA POLLWATCHERS

Mga Kwalipikasyon ng Pollwatchers

- Rehistradong botante ng siyudad o munisipalidad kung saang presinto siya nakatakdang magbantay.
- May malinis na pagkilala ng publiko.
- Walang tala ng paglabag ng batas panghalalan o ano mang krimen.
- Marunong bumasa at sumulat ng Pilipino, Ingles o ng local na wika sa lugar na pagbabantayan.
- Hindi kamag-anak sa loob ng fourth civil degree of consanguinity or affinity ng Chairman o ng kahit sinong miyembro ng BEI.

Karapatan at Katungkulan ng mga Pollwatchers

- Pagpasok sa presinto, ipakita ang kanyang appointment paper sa Chairman ng Electoral Board (EB). Siguraduhin na ang kanyang pangalan ay maitala sa Minutes.
- Manatili sa lugar na nakatakda para sa watchers sa presinto. Kung maliit ang lugar, ang prioridad ay ibibigay sa mga watchers ng Dominant Majority at Dominant Minority na mga partido, at sa Parish Pastoral Council for Responsible Voting (PPCRV).
- Maging saksi, alamin at itala ang ginagawa ng EB at mga pangyayari sa botohan o ano mang makita at ma-

rinig na kakaiba.

- Kumuha ng litrato ng mga pangyayari sa FTS, sa halalan, sa pagbibilang at sa pagtransmit ng Election Returns, at kumuha ng litrato ng Election Returns at ballot box, ngunit dapat huwag kunan ng litrato ang balota ng mga botante.
- Bawal makipag-usap sa mga miyembro ng EB at sa mga botante, at bawal makipag-usap sa kapwa watchers sa pamamaraan na makaka-istorbo sa presinto.
- Maghain ng protesta laban sa mga iregularidad o paglabag sa batas ng EB o ng kahit sinong tao na nasa presinto.
- Kumuha mula sa EB ng certificate na siya ay nakapaghain ng protesta, at ng resolution ng EB ng kanyang protesta.
- Lumugar sa likod ng Chairman ng EB upang mabasa ang Election Returns habang inihahayag ng Chairman ang resulta sa presinto.
- Kunin ang pang-limang kopya (5th copy) ng Election Returns mula sa unang walong (8) kopya ng Election Returns.
- Ang mga watchers ng Dominant Majority at Dominant Minority na mga partido, at ang PPCRV, ay pipirma at maglalagay ng thumbmark sa mga Election Returns.

ELECTION LAW UPDATES

Supreme Court Decisions

A.

Nuisance Candidates

- Santos vs. COMELEC and Antiquera Roxas, G.R. No. 235058, September 4, 2018
- Santos vs. COMELEC and Antiquera Roxas, G.R. No. 235064, September 4, 2018
- Dela Cruz vs. COMELEC, 698 Phil. 548 (2012)

B.

Nuisance Party-List Organizations

- No COMELEC Ruling Up To This Day
- Time To Rule

C.

Gun Ban

Philippine Association of Detective And Protective Agency Operations (PADPAO)

- versus -

COMELEC, G.R. No. 223505, October 3, 2017

D.

Initiative

Engr. Oscar Marmeto

versus -

COMELEC, G.R. No. 213953, September 26, 2017



PAGHAIN NG PROTESTA

- Challenge against **ILLEGAL VOTERS** o ang mga paghamon sa katauhan ng botante;
- Hindi rehistradong botante.
- Gumagamit ng pangalan ng ibang tao.
- May hatol na diskwalipikasyon.
- Double o multiple registrant o paulit-ulit na pagrehistro ng pangalan.

Challenge based on certain **ILLEGAL ACTS** o ang paghamon sa mga illegal na gawain ng isang botante;

- Kapag ang botante ay napatunayang tumanggap, napangakuan, nagbigay o magbibigay ng pera o anumang bagay kapalit ang kanyang boto o ang boto ng iba.
- Kapag siya ay nangako o napangakuan na iimpluwensyahan ang kanyang pagboto o hindi pagboto.
- Kapag siya ay nakipagpustahan sa resulta ng botohan.
- Siguraduhing kumuha mula sa EB ng:
 - Certificate na siya ay nakapaghain ng protesta; at
 - Resolution ng EB ng kanyang protesta.
- Mailagay sa Minutes ang Protesta at ang naging Resolution ng EB.
- I-report agad sa coordinator.

MGA TAONG PWEDE AT BAWAL MANATILI O TUMAMBAY SA LOOB NG PRESINTO

Mga Taong Pinahihintutang Manatili Sa Presinto

- Mga miyembro ng EB at, kung mayroon man, ang kanilang mga Support Staff.
- Ang mga Pollwatchers, sa lugar na nakatakda para sa kanila.
- Mga kinatawan ng COMELEC.
- Mga technical support personnel na nakadestino sa voting center.
- Mga botante na nakatakdang bumoto.
- Mga botante na nakapila para bumoto.
- Mga guwardiya ng mga preso na nakatakdang bumoto.
- Mga taong may particular na pahintulot mula sa COMELEC.

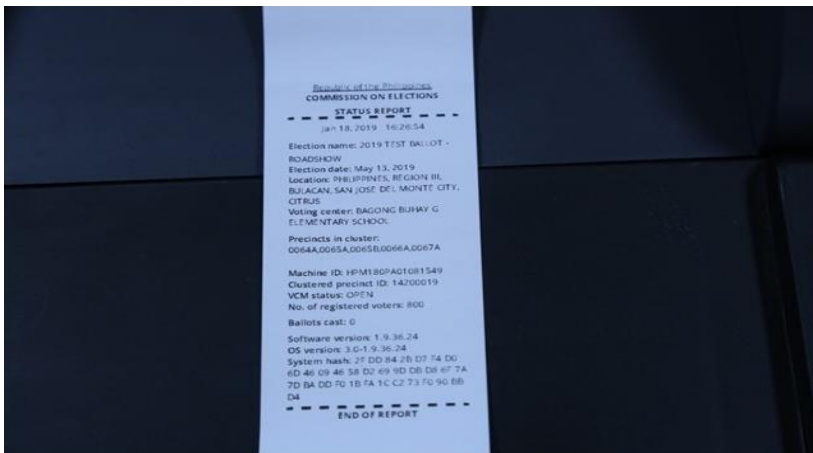
Mga Taong Pinagbabawalan Sa Loob Ng Presinto (Maliban kung may pahintulot ng COMELEC)

- Mga miyembro ng AFP at PNP.
- Mga peace officer o kahit sinong taong may armas, kabilang ang mga miyembro ng mga extra-legal police agency, special forces, reaction forces, strike forces, Civilian Armed Force Geographic Units, mga barangay



Mga Ipi-Print ng VCM

1. Zero Report (Initialization Report).
2. Voter's Receipt.
3. Election Return.



tanod, o iba pang mga uri ng sandatahang grupo, kabilang ang mga special forces, security guards at special policemen.

- Lahat ng armado at hindi armado na extra-legal police forces; at
- Lahat ng mga barangay officials, kabilang ang mga hinalal at mga na-appoint.

Maliban:

- Kapag nagpasya ang EB ayon sa majority vote, sa isang nakasulat na utos, na atasan ang mga pulis o peace officers na bigyan ng proteksyon ang mga dokumento at kagamitan na gagamitin sa halalan.
- Ang mga nakatakdang pulis o peace officers ay dapat manatili sa labas ng presinto, ngunit sila ay dapat manatili sa isang malapit na lugar kung saan sila ay agarang makaka-respond kung ipatawag sila ng EB.
- Bawal sila makipag-usap sa mga botante at bawal nilang guluhin ang pagboto at pahintulutan ang pagpasok ng mga botante sa presinto.
- Ang utos ay dapat nakasulat sa Minutes.

ILLITERATE, PWD and SENIOR CITIZEN

1. No voter shall be allowed to vote as an illiterate, PWD or SC unless such fact is indicated in the EDCVL.
2. He/she may be assisted in the preparation of the ballot, in the following order:
 - a. Relative within the 4th civil degree of consanguinity or affinity;
 - b. Person of his confidence who belongs to the same household as that of the voter. For this purpose, the person who usually assists the PWD or SC, such as personal assistant, caregiver, or a nurse shall be considered as a member of a voter's household; or
 - c. Any member of the EB.

The persons assisting the illiterates, PWDs or SCs, who should be of voting age, shall:

- a. Prepare in their presence, the ballot using a ballot secrecy folder;
- b. Bind themselves in writing and under oath to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal its contents, by indicating the appropriate data and affixing their signatures in the corresponding space in the Minutes.

Mga Proseso sa Eleksyon

1. Pumasok sa presinto, ipakita sa BEI ang Appointment at ilagda sa Minutes (kung hindi dumating EB, pwede si PNP).
2. Panoorin ang pagbukas ng BOX at tingnan kung kumpleto ang laman dapat maayos ang GREEN na selyo.
3. Ilalabas ang mga **Gamit** (tingnan ang checklist sa kanan kung kumpleto).
4. Suriin kung maayos ang pagset-up ng VCM sa Ballot Box.
5. Ayusin ang polling place at ipaskil ang **PCVL**.
6. **Zero-Report** (Initialization).
7. **OPEN VOTING: START VOTING! (Paalala: Official Ballot** [total voters + 3]).
8. Bantayan ang mga proseso: Maghain ng Protesta kung may anomaly o illegal na Gawain o botante.
9. Pumwesto sa area na nakikita ang side ng VCM na may SD Card Slot.
10. **CLOSE VOTING: Bibilangin** ng VCM ang laman ng balota, **magpi-print** ng Election Returns at **magta-transmit sa MBOC**.
11. **Pirmahan ng EB at Watchers** ang Election Returns atbp.
12. **SHUT DOWN:** Patayin ang VCM at Seselyohan lahat.
13. Ihatid ang mga **GAMIT**.

DAGDAG GABAY

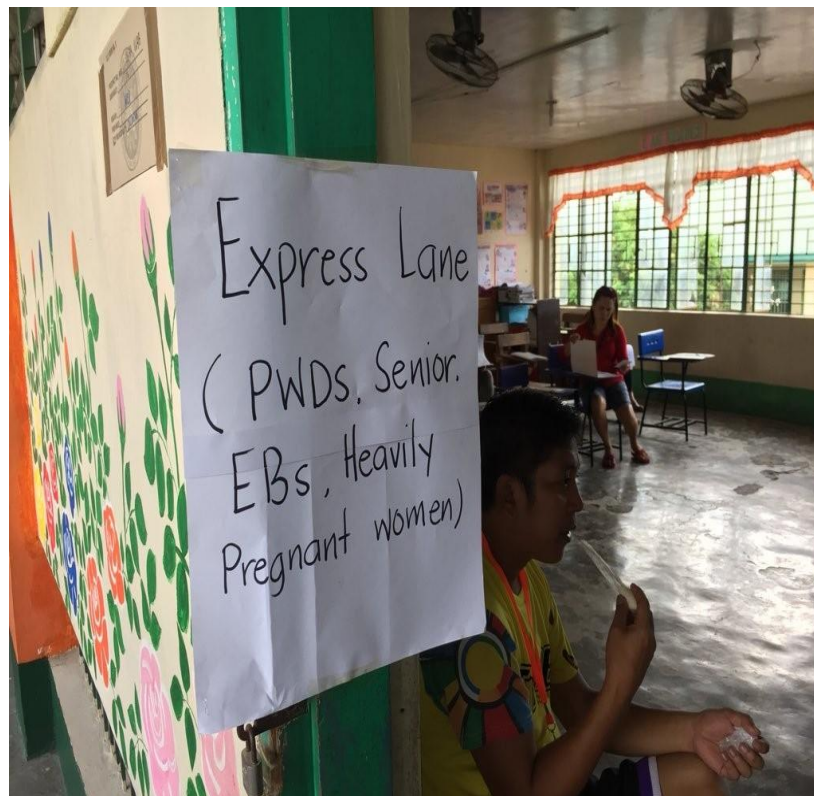
Mga Bawal Gawin ng Pollwatcher

1. Bawal magkampanya o magsuot ng pang-kampanya.
2. Bawal kausapin ang mga botante o EB (maliban sa opisyal na bagay).
3. Bawal manggulo sa mga proseso ng eleksiyon.
4. Bawal hawakan ang anumang gamit sa Eleksiyon.

Illegal na Gawain sa Presinto at Illegal na Botante

1. Pagboto na hindi registrado.
2. Pagboto gamit ang pangalan ng ibang tao.
3. Pagboto na disqualified ayon sa batas.
4. Pagtanggap or pag-expect ng pagtanggap na kahit anong bagay o pera para sa kanyang boto o sa boto ng ibang tao.
5. Mangako o tumanggap ng pangako na pag-impluwensya sa pagbigay ng boto o pag-withhold ng boto.
6. Pagpupusta sa resulta ng eleksiyon.
7. Pangangampanya sa araw ng eleksiyon.
8. Pagboto ng dalawang beses.

Note: *Humingi ng Certificate para sa Pagprotest sa anumang illegal na gawain at botante sa EB.*



ACCESSIBLE POLLING PLACE and EXPRESS LANES

1. All clustered precincts with accessible precincts shall be located at the ground floor of the voting centers, preferably near the entrance of the building.
2. PWDs, senior citizens, heavily pregnant women, escorted detainee and IP voters shall be afforded an express lane and be allowed to vote as soon as they arrive.

VOTING PROCESS

- Look for your name in the Posted Computerized Voters List (PCVL) posted near the door of the polling place, and determine your precinct number and sequence number.
- Approach any member of the Electoral Board (EB). The EB will verify your identity and check if any of your fingernails have already been stained with indelible ink.
- In some areas (Manila, Quezon City, Caloocan City, Pangasinan, Nueva Ecija, Cavite, Iloilo, Cebu, Negros Occidental, Zamboanga del Sur, Misamis Oriental, Davao del Sur, Bangsamoro Autonomous Region in Muslim Mindanao), the Voter Registration Verification Machine (VRVM) will be used to verify the identity of the voter.
- The voter will put his finger into the scanner until the red light disappears. If verified, the printer will generate a verification receipt which will be given to the EB Chairperson.
- After the voter's identity has been established by the EB, the voter will affix her/his signature in the EDCVL or Election Day Computerized Voters List.
- The EB will give the voter a ballot, ballot secrecy folder and marking pen and direct the voter to fill the ballot in the designated voting area.
- Voter will fully shade the circles beside the name/s of the candidate/s of his/her choice. Do not overvote.

ELECTION RETURNS



Disposition of the 22 Election Returns

10	-	Accredited major national parties
2	-	Accredited major local parties
4	-	National broadcast or print media
2	-	Local broadcast or print media
4	-	Major citizens' arm

USING THE VCM

Ballot Casting

- Ballot should be inserted gently into the ballot entry slot. Note that the ballot can be inserted in any of four orientations (except sideways, of course).

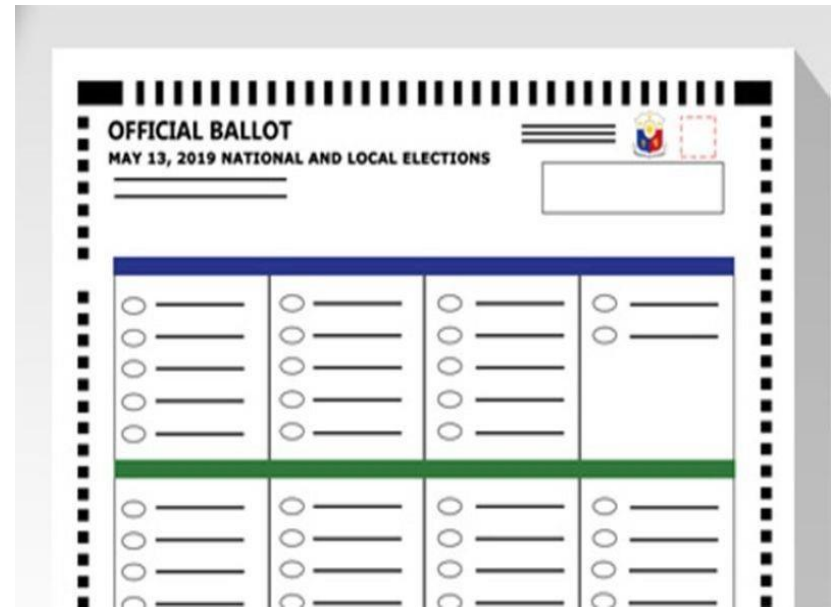
Open Voting

- After the voter inserted the filled ballot in the ballot entry, “YOUR BALLOT IS BEING PROCESSED” will be displayed on the screen.
- After processing, “YOUR VOTE IS BEING PRINTED” will be displayed on the screen while simultaneously printing the VVPAT.
- The messages “DEPOSITING THE BALLOT IN THE BOX” and “YOUR VOTE HAS BEEN CAST” will be displayed on the screen respectively.

Closing of Polls

- The VCM will print 22 copies of National Election Returns and 22 copies of the Local ERs.

THE BALLOT



- Timing Marks
- QR Code
- NPO Security
- Clustered Precinct
- Instructions to voters
- UV Security
- Signature of EB Chairperson

FILLING-UP THE BALLOT



- Votes will be read as valid votes as long as it covers 25% of the ovals. Full shading the ovals is the best way. Use the Marking Pens provided.
- **UNDERVOTE:** If the voter has voted for less than the number allowed for a given contest.
- **OVERVOTE:** When the voter has voted for more than the maximum number of votes allowed for a given contest. Votes cast for overvoted positions will not be counted.

ADDITIONAL TIPS ON VOTING

- The voter shall approach the VCM and insert his ballot in the entry slot. Marking pen and folder must be returned.
- The VCM will display messages and the ballot will automatically drop inside the ballot box.

- Ethernet Port
 - A port on the right-hand side of the machine. It is used for connecting the external device for results transmission.
- Main Data SD Card Slot
 - This is where the removable main data SD card is inserted.
- Backup Data SD Card Slot
 - This is where the removable backup data SD card is inserted.
- Backup Battery Port
 - This is where the backup battery is plugged in.
- USB Slots
 - Where the USB transmission device must be inserted.
- Power Button
 - Turn the VCM On/Off.
- DC Port
 - Power supply.

Parts of the VCM



- Liquid Crystal Display (LCD) Screen
 - An 7" diagonal viewing area and touch screen capability for data and system navigation input purposes.
- Ballot Entry Slot
 - Ballots are inserted and/or returned here.
- iButton Receptacle
 - Contact point for the Security Key.
- Thermal Paper Compartment
 - Designed to allow easy loading and reloading of the thermal paper.



- Receipt will be printed, folded in such a way that its contents cannot be seen then cut using scissors.
- Indelible ink will be applied to the voter's right fore-finger nail. Receipt will be handed over to the voter.
- Voter will approach the voting receipt receptacle near the VCM to verify his/her votes and drop the receipt in the receptacle then leave the polling place.

THE VOTE COUNTING MACHINE (VCM)



About the VCM

- Allows voter verification of votes thru a printed receipt.
 - 1GHz processor; 256-bit security.
 - Uses SD cards that are more robust.
 - Simultaneous saving; data corruption less likely.
 - Larger spare battery with a 14-hour capacity.
 - Self-diagnostic lens prevents digital lines.
 - Used in all precincts in 2016 and in 2019.
- ✓ Precinct information programmed into machine: location, no. of voters, etc.

A word about security:

- Uses passwords and PINS;
 - 3 digital signatures; and
 - 256-bit Encryption.
- ✓ Both sides of the ballots are scanned simultaneously.
- ✓ Ballots are identified by the machine (precinct specific) and are rejected if:

- Fake/Photocopied/Duplicate;
- Previously inserted or scanned;
- For another different precinct.

A word about the ballots:

- Uses UV and barcode security;
- Every ballot is unique.

