Supreme Court of the Philippines
Manila

OFFICE OF THE COURT ADMINISTRATOR

CIRCULAR NO. 56-95

TO : ALL JUDGES

SUBJECT : RESOLUTION NO. 2812 - IN THE MATTER OF IMPOUNDING, TRANSFER AND CONTROL OF BALLOT BOXES, ELECTION DOCUMENTS AND PARAPHERNALIA WHICH ARE SUBJECT OF SIMULTANEOUS PROTESTS BEFORE THE ELECTORAL TRIBUNALS, THE COMMISSION AND REGIONAL TRIAL COURTS

Quoted hereunder is Resolution No. 2812 of the Commission on Elections, Intramuros, Manila, promulgated on October 17, 1995:

"Acting on the letter-request of Chief Justice Andres R. Narvasa, Chairman, Presidential Electoral Tribunal, Associate Justice Florentino P. Feliciano, Chairman, Senate Electoral Tribunal and Associate Justice Teodoro R. Padilla, Chairman, House of Representatives Electoral Tribunal, dated 27 July 1995, the Commission **RESOLVED** to SET ASIDE Resolution No. 2801, promulgated July 13, 1995 and to ISSUE guidelines as follows:

Section 1. On request of the Tribunals, the Commission or the Courts, the City/Municipal Treasurers and Election Officers, who have official custody of the ballot boxes, election documents and paraphernalias, are hereby authorized to release under proper receipt and with notice to parties, to the PET, SET, HRET and the Courts, as the case may be, such ballot boxes, election documents and paraphernalias which are subject of protests before said Tribunals or Courts, and to adopt adequate safeguards to protect the integrity and identity of the ballot boxes and its contents, election documents and paraphernalias.

Sec. 2. The following order of preference in the custody and revision of ballots and other documents contained in the ballot boxes shall be:

2.1 Presidential Electoral Tribunal (PET);

2.2 Senate Electoral Tribunal (SET);

2.3 House of Representatives Electoral Tribunal (HRET);

2.4 Commission on Elections (Commission);

2.5 Regional Trial Court (RTC).

Sec. 3. The Tribunals, the Commission and the Courts shall coordinate and make arrangement with each other so as not to delay or interrupt the revision of ballots being conducted. The synchronization of revision of ballots shall be such that the expeditious disposition of the respective protest cases shall be the primary concern.

Sec. 4. The Secretary, Presidential Electoral Tribunals; the Tribunal Secretary, Senate Electoral Tribunal; the Clerk of the Tribunal, House of Representatives Electoral Tribunal; and the Director, Electoral Contests Adjudication Department, Commission on Elections, shall be, as they are hereby constituted as a working committee to coordinate with one another in the effective implementation of the order of preference prescribed in this resolution.

Sec. 5. The ballot boxes and its contents together with other election documents and paraphernalia shall be impounded and delivered to the Tribunal, the Commission or the Court before which the protest cases were filed, to be kept in a safe and secured place by the officer who is in custody thereof, under the authority of this Commission, the Tribunals or the Courts, through the committee hereby created.

Sec. 6. The ballots and election documents so marked in evidence by the contending parties may be machine or photocopied after the revision. Ballots, election documents or records taken out from the ballot boxes during the revision

proceedings shall be returned to the ballot box where they were taken from and sealed under the authority of the Committee and only machine or photocopies thereof shall be attached to the record of the case as exhibits.

Sec. 7. For rigid monitoring, movement or transfer of ballot boxes, the Commission on Elections declares that all contested ballot boxes, ballots contained therein, election documents and election paraphernalia which are in the possession of the city or municipal treasurer or election officer are considered **IMPOUNDED** and placed under the official and legal custody of the Committee hereby created.

Sec. 8. No opening of contested ballot boxes shall be done without sufficient prior notice to all the parties involved in the protest cases filed before the Commission, Tribunal, or the Courts.

Sec. 9. All expenses to be incurred in the transfer of contested ballot boxes, documents and paraphernalia, to the Commission, the Tribunals, or the Courts including expenses in the re-sealing and retrieving shall be borne by the party or parties requesting for the revision of ballots, subject to the internal rules of the Commission, the Tribunals, or the Courts.

Sec. 10. The Provincial Director of the Philippine National Police in the provinces where contested ballot boxes are kept, upon request of the Commission, the Tribunals, or the Courts, shall see to it that adequate security is provided on a twenty-four (24) hour basis to the offices of the city/municipal treasurers and election officers, where the contested ballot boxes, election documents and paraphernalia are kept.

Sec. 11. Provincial Treasurers shall closely supervise and monitor the City/Municipal Treasurers under his administrative supervision; and the Provincial Election Supervisors shall supervise Election Officers, coordinate with and monitor the City/Municipal Treasurers, Provincial Treasurers and the Provincial Directors of Philippine National Police of the province as to the strict compliance of this resolution.

Sec. 12. All resolutions inconsistent herewith, specifically Min. Resolution Nos. 93-0381 and 93-0645 are hereby repealed.

The Electoral Contests Adjudication Department shall cause the implementation of this resolution and the Education and Information Department shall cause the publication hereof in two (2) newspapers of general circulation."

For strict compliance.

November 7, 1995.

ERNANI CRUZ PAÑO
Court Administrator

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