



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 64-2016

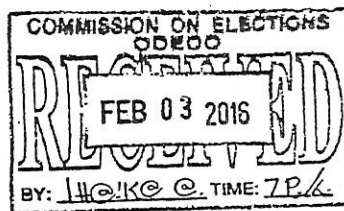
TO : THE EXECUTIVE JUDGES AND THE DESIGNATED ELECTION COURT JUDGES

SUBJECT : GUIDELINES ON THE CONSTITUTION, COMPOSITION AND APPOINTMENT OF THE BOARD OF CANVASSERS, AND OTHER MATTERS RELATED THERETO, IN CONNECTION WITH THE MAY 09, 2016 NATIONAL AND LOCAL ELECTIONS (NLE)

For the **information** and **guidance** of all the executive judges and the designated election court judges, attached herein is the copy of the Commission on Elections (COMELEC) Resolution No. 10050 dated February 3, 2016, entitled *Guidelines on the Constitution, Composition and Appointment of the Board of Canvassers, and Other Matters Related Thereto, in Connection with the May 09, 2016 National and Local Elections (NLE)*.

March 4, 2016


JOSE MIDAS P. MARQUEZ
Court Administrator



Republic of the Philippines
COMMISSION ON ELECTIONS
 Intramuros, Manila

GUIDELINES ON THE CONSTITUTION, COMPOSITION AND APPOINTMENT OF THE BOARDS OF CANVASSERS, AND OTHER MATTERS RELATED THERETO, IN CONNECTION WITH THE MAY 09, 2016 NATIONAL AND LOCAL ELECTIONS (NLE).

BAUTISTA, J. ANDRES D.
LIM, CHRISTIAN ROBERT S.
PARREÑO, AL A.
GULA, LUIE TITO. F.
LIM, ARTHUR D.
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ABAS, SHERIFF M.

Chairman
 Commissioner
 Commissioner
 Commissioner
 Commissioner
 Commissioner

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Promulgated: February 3, 2016

RESOLUTION NO. 10050

The Commission on Elections (Commission) pursuant to the powers vested in it by the Constitution of the Republic of the Philippines, the Omnibus Election Code, and other election laws, hereby promulgates the following guidelines on the constitution, composition and appointment of the Municipal Boards of Canvassers (MBOC), City Boards of Canvassers (CBOC), District Board of Canvassers (DBOC), Provincial Boards of Canvassers (PBOC), and Regional Board of Canvassers (RBOC), and other matters related thereto, in connection with the May 09, 2016 NLE.

Section 1. Scope. – These rules shall apply to the constitution, composition and appointment of the MBOC, CBOC, DBOC, PBOC, and RBOC, and other matters related thereto, for purposes of the May 09, 2016 NLE, except in the cases of local absentee voting, and overseas voting, which are covered by separate rules.

Sec. 2. Composition of the Board of Canvassers. – There shall be a Board of Canvassers (Board) in each municipality, city, district, province, and in the Autonomous Region in Muslim Mindanao (ARMM).

- a) **MBOC.** – The MBOC shall be composed of the Municipal Election Officer (Municipal EO) 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, as Member.
- b) **CBOC.** – The CBOC shall be composed of the City Election Officer (City EQ) or a lawyer of the Commission, as Chairman; the City Prosecutor, as Vice-Chairman; and the Division Superintendent of Schools, as Member.

In cities within the National Capital Region (NCR) and with more than one (1) City EO, the Regional Election Director (RED) shall designate the City EO who shall act as Chairman.

In cities which are outside the NCR and with more than one (1) City EO, the Provincial Election Supervisor (PES) shall designate the City EO who shall act as Chairman.

- c) **DBOC for the Legislative District Taguig-Pateros.** – The District Board of Canvassers (DBOC) for the legislative district of Taguig-Pateros shall be composed of the City EO or a lawyer of the Commission, as Chairman; the City Prosecutor, as Vice-Chairman; and the City Superintendent of Schools, as Member-Secretary.
- d) **PBOC.** – The PBOC shall be composed of the Provincial Election Supervisor (PES) or a lawyer of the Commission, as Chairman; the Provincial Prosecutor, as Vice-Chairman; and the District School Superintendent, as Member-Secretary.
- e) **RBOC in the ARMM.** – The Regional Board of Canvassers (RBOC) in the ARMM shall be composed of the Regional Election Director (RED) of the ARMM or a lawyer of the Commission, as Chairman; a representative of equivalent rank from the Department of Justice, as Vice-Chairman; and a representative, likewise, of equivalent rank from the Department of Education, as Member-Secretary.

Sec. 3. Boards for Newly Created Political Subdivisions. – The RED concerned shall constitute the board of canvassers and appoint the members thereof for the first election in a newly created province, city or municipality in case the officials who shall act as members thereof have not yet assumed their duties and functions. The Provincial Election Supervisor or Election Officer of the newly created province, city or municipality, as the case may be, shall, not later than three (3) days from the promulgation of this Resolution, submit to the Office of the Deputy Executive Director for Operations, the recommended officials for appointments as members of the Boards.

Sec. 4. Honoraria of the Chairman and Members of the Boards. – The Chairman and Members of the Boards shall receive an honoraria of Ten Thousand Pesos (Php10,000.00) each for services rendered.

Sec. 5. Substitution of Chairman and Members of the Board. – In case of non-availability, absence, disqualification due to relationship or incapacity for any cause, of the Chairmen and Members of the Board, the following shall appoint the substitute:

- a) The PES, for the CBOC and MBOC in the province;
- b) The RED, for the PBOC in the region;
- c) The RED of NCR, for the DBOC, CBOC, and MBOC in the region; and
- d) Chairman of the Commission, for the RBOC.

In case of substitution of the Chairman of the Board, an official of the Commission shall be appointed.

With respect to the other members of the Board, the following shall be appointed as substitute in the order named:

In the case of the PBOC,

- 1) The Provincial Auditor;
- 2) The Register of Deeds;
- 3) The Clerk of Court nominated by the Executive Judge of the Regional Trial Court; and
- 4) Any other available appointive provincial official.

In the case of the CBOC, the officials in the city corresponding to those enumerated above.

In the case of the MBOC,

- 1) The Municipal Administrator;
- 2) The Municipal Assessor;
- 3) The Clerk of Court of the Municipal Trial Court; or
- 4) Any other available appointive municipal officials.

As substitute of the two (2) members of the DBOC of Taguig-Pateros, the next ranking prosecutor or district supervisor in the district, as the case may be, shall be appointed.

In case of the RBOC, their substitutes shall come from the same office where the substituted members came from.

All appointments for substitution shall be in writing, stating therein the reason or reasons for the substitution. Within twenty-four (24) hours from the issuance of the appointment, the issuing authority shall furnish copies of the appointment to the Office of the Deputy Executive Director for Operations (ODEDO) and to the appointee.

Sec. 6. Officials in an Acting Capacity and Officers-In-Charge. – Officials designated in an acting capacity to the offices/positions enumerated by law as chairman, vice-chairman or member of the Board may be appointed thereto but not those designated in an Officer-In-Charge capacity.

Sec. 7. Secretary of the Board. – The district school supervisor, or the principal, the city or provincial superintendent of schools, as the case may be, or the representative of the Department of Education in the RBOC, shall act as Secretary of the Board, unless otherwise ordered by the Commission. The Secretary of the Board shall prepare the minutes of the Board by recording therein the proceedings and such other incidents or matters relevant to the canvass.

Sec. 8. Supervision and Control. – The Commission shall have direct control and supervision over the Boards and may *motu proprio* relieve, for cause, at any time, any member thereof and designate the substitute.

Sec. 9. Consolidation and Canvassing System (CCS) Operators. – Each Board shall be assisted by an information technology-capable person authorized to operate the CCS, to be known as CCS operator. The CCS operator shall be deputized by the Commission from among the agencies and instrumentalities of the government, including government-owned and controlled corporations.

The CCS operators shall be designated by the PES concerned in the case of the MBOC and CBOC that are outside the NCR, and by the NCR RED, in the case of the MBOC, CBOC, and DBOC in the NCR. The RED concerned shall designate the CCS operator in the case of the PBOC in regions outside the NCR and in the case of the RBOC in the ARMM.

The *honoraria* of the CCS operator shall be the same as that of the members of the Board.

The CCS operator must not be related within the fourth civil degree of consanguinity or affinity to any member of the Board in which he is assigned or to any of the candidates whose votes shall be canvassed by the BOC in which he is assigned.

Sec. 10. Reception and Custody Group (RCG). – Each Board may constitute a RCG for the reception and safekeeping of the SD cards, and other documents intended for the Board. There shall be at least one (1) RCG for every Board.

In cities with more than one (1) legislative district, one (1) RCG for every legislative district may be constituted.

In municipalities with more than five hundred (500) clustered precincts, one (1) additional RCG may be constituted in accordance with the following ratio:

No. of Clustered Precincts	No. of RCGs
1 to 500	1
501 to 600	2
601- 700 or more	3

The RCG shall be composed of not more than three (3) members who are government appointive officials. They shall be designated by the concerned chairman of the Board and shall receive an *honoraria* similar to that of the members of the Board.

Sec. 11. Other Support Staff. –The Boards may appoint support staff not exceeding five (5), to assist in the administrative operations of the canvass. The support staff shall receive an *honoraria* of Five Thousand Pesos (PhP5,000.00).

In no case shall casual employees or employees of the Offices of the Regional/Provincial Governor, or City/Municipal mayor, or Punong Barangay, or the corresponding Sanggunians/Regional Assemblymen be appointed/designated as support staff.

The support staff shall not be related within the fourth civil degree of consanguinity or affinity to any member of the Board or the RCG or to any candidate whose votes will be canvassed by the Board.

Sec. 12. Notice of Meetings of the Boards. – Not later than May 04, 2016, the Chairman of the Board shall give written notice to its members and to each candidate, political party or coalition of political parties fielding candidates and party, organization/coalition participating under the party-list system (hereinafter referred to as party-list groups) of the date, time and place of the canvassing, which shall be held, unless otherwise ordered by the Commission, in the canvassing and consolidation venue used in the 2013 NLE.

Notices of the canvassing shall be posted at the concerned Office of the Election Officer (EO), Office of the Provincial Election Supervisor (OPES), and Office of the Regional Election Director ARMM (ORED ARMM), and in three (3) 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 of the Board. Proof of service of the written notice to each member, candidate, political party and party-list groups shall be attached to and form part of the records of the 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 Sec. 261 (aa) (1) of the Omnibus Election Code.

Sec. 13. Convening of the Boards. – The Boards shall convene at 5:00 o'clock in the afternoon of May 09, 2016 at the designated place. It shall meet continuously from day to day

until the canvass is completed, and may adjourn but only for the purpose of awaiting the other ERs/COCs.

Sec. 14. *Absence of a Regular Member of a Board.* – In case a regular member of the Board is absent, the members 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 member. If the latter cannot be located or his whereabouts are unknown, he shall be substituted in accordance with Section 5 of this Resolution. 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 member.

Sec. 15. *Prohibited Degree of Relationship.* – The Chairman and Members of the Boards shall not be related within the fourth civil degree of consanguinity or affinity to each other or to the CCS operator or to any of the candidates whose votes will be canvassed by said Board.

Sec. 16. *Notice of Disqualification.* – The chairman or any member of the Board who is disqualified to serve in the Board for any reason shall immediately notify in writing the appointing authority concerned, who shall, in turn, immediately appoint a substitute in accordance with Section 5 of this Resolution.

Sec. 17. *Prohibition Against Leaving Official Station.* – During the period beginning May 09, 2016 until the proclamation of the winning candidates, no member or substitute member of the Board shall be transferred, assigned or detailed outside of his official station nor shall he leave said station without prior authority of the Commission. Such authority may be granted by the Provincial Election Supervisor in the case of MBOC or CBOC; and by the Regional Election Director in the case of the PBOC, DBOC or RBOC. In either case, a written report shall be submitted to the Law Department.

Sec. 18. *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. 19. *Incapacity of a Regular Member of the Board.* – In case of sickness or serious injury of a regular member of the Board, a medical certificate shall be required attesting to the incapacity of said member. Upon submission of the medical certificate, a substitute shall be appointed in accordance with Section 3 of this Resolution. Said medical certificate shall be recorded in and form part of the minutes of the Board.

Sec. 20. *Quorum.* – A majority of the members of the Board shall constitute a quorum for the transaction of its official business, and a majority of all members thereof shall be necessary to render a decision.

Sec. 21. *Insurance of the Chairman and Members of the Boards and their support staff.* – Section 18 of Resolution No. 10031 dated 22 December 2015 shall apply to the BOC, the RCG and their support staff.

Sec. 22. *Extension of the Period to Constitute the Boards; Deadline to Constitute the RCG, and to Appoint the Support Staff.* – The period to constitute the Boards is hereby extended up to 15 February 2016. RCG shall be constituted and the support staff of the Boards shall be appointed not later than 15 February 2016.

Any prior constitutions of the Boards which are inconsistent with this Resolution are considered revoked, and the concerned Election Officers or Provincial Election Supervisors or the ARMM Regional Election Director shall immediately constitute a new Board in accordance with this Resolution.

Sec. 23. Reportorial Requirements. – Not later than 18 February 2016, all Regional Directors shall submit to the Office of the Deputy Executive Director for Operations (ODEDO) the following:

- a) List containing the: (1) names and designations (whether chairman, vice-chairman or member-secretary) of the members of the MBOC, CBOC, DBOC, PBOC, and RBOC constituted in their regions; (2) name and address of the canvassing venue; (3) names of their CCS Operators, arranged by province and by city or municipality; and
- b) List of members of the RCG arranged by province and by city and municipality.
- c) List of the names of their support staff.

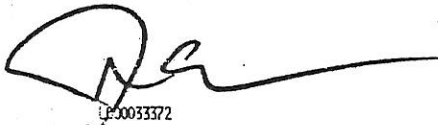
The lists mentioned shall be accomplished in excel format and submitted through email at odedo@comelec.gov.ph

Sec. 24. Special Procedures. – The Commission may, in exceptional cases, adopt special guidelines in the constitution, appointment and designation of the Boards and other matters related thereto, to ensure free, honest, orderly, peaceful and credible elections.


Sec. 25. Effectivity, Publication and Dissemination. – This Resolution shall take effect on the seventh (7th) day following its publication in two (2) daily newspapers of general circulation in the Philippines.

The Education and Information Department of the Commission shall cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines, and furnish copies thereof to the Supreme Court, Department of Justice, Department of Education, Department of Finance, Law Department, Regional Election Directors, Provincial Election Supervisors and Election Officers.

SO ORDERED.



J. ANDRUS D. BAUTISTA
Chairman


CHRISTIAN ROBERT S. LIM
Commissioner
LUE TITO F. GUIA
Commissioner
MA. ROWENA AMELIA V. GUANZON
Commissioner
AL A. PARRENO
Commissioner
ARTHUR D. LIM
Commissioner
SHERIFF M. ABAS
Commissioner