



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

OCA CIRCULAR NO. 350-2023

TO : ALL JUDGES OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT : ESCORTED VOTING OF PERSONS DEPRIVED OF LIBERTY IN THE BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS 2023

Pursuant to the letter dated 12 October 2023 of Frances Carolyn M. Aguindadao-Arabe, Director III, Head – VSO, Commission on Elections (COMELEC), seeking the assistance of the Office of the Court Administrator in the successful implementation of the Persons Deprived of Liberty (PDLs) Escorted Voting for the October 30, 2023 Barangay and Sangguniang Kabataan Elections (BSKE)¹, in order to ensure that qualified Persons Deprived of Liberty (PDL) voters will be afforded their right to vote.

For this purpose, qualified PDL voters, as defined in COMELEC Resolution No. 9371², are:

- a. Those who are confined in jail, formally charged for any crime/s and awaiting/undergoing trial;
- b. Serving a sentence of imprisonment for less than one (1) year;
- c. Whose conviction of a crime involving disloyalty to the duly constituted government such as rebellion, sedition, violation of the firearms laws or any crime against national security or for any other crime is on appeal.

Per the same letter of Director Aguindadao-Arabe, the COMELEC, together with the Bureau of Jail Management and Penology (BJMP) and the Public Attorney's Office (PAO), signed the #FreetoVote Partnership Agreement on 2 October 2023, essentially to guarantee that the aforesaid qualified PDL voters will be able to vote through escorted voting. Hence, the PAO committed to assist the BJMP and the PDL voter to obtain a **court order** in this

¹ Governing rule: General Guidelines and Other Related Rules and Regulations for the October 30, 2023 Barangay and Sangguniang Kabataan Elections (BSKE) and All Succeeding BSKEs Thereafter, COMELEC Resolution No. 10924, Promulgated on 7 June 2023

² Rules and Regulations on Detainee Registration and Voting in Connection with the May 13, 2023 National and Local Elections and Subsequent Elections Thereafter, COMELEC Resolution No. 9371, promulgated 6 March 2012

regard. For its part, the BJMP will implement reasonable measures to secure the safety of PDL voters, prevent their escape, and ensure public safety.³

Further, in accordance with Sec. 526 of COMELEC Resolution No. 10924, the following may avail themselves of escorted voting:

1. PDL voters who are registered voters of districts, cities, or municipalities other than the district, city or municipality of incarceration; and
2. PDL voters in jail facilities or detention centers where no PDL-Special Polling Precincts (SPP) are established

Relative thereto, escorted voting shall be carried out in this manner, as provided in the BJMP Guidelines⁴:

c. **Escorted PDL Voting**

- 1) Only the PDL voters who have been issued a **court order** allowing them to vote in the polling place where their precinct is assigned on the election day shall be escorted to vote;
- 2) Upon reaching the polling place, the security escort, together with the PDL voter, shall inform the support staff or the Electoral Board (EB) member that the PDL will vote and request that the PDL voter be placed in the **express lane** and be given priority to vote;
- 3) The security escort may bring a firearm inside the polling place. Said escort and the PDL voter shall **immediately leave** once the latter has finished voting; and
- 4) **Immediately** after voting, the PDL voter shall be **brought back** directly to the jail.

As such, and in resolving motions and issuing court orders, all concerned judges are **DIRECTED** to **OBSERVE** the following:

- 1) Exercise **full and sound** judicial discretion in the resolution of motions to avail of voting through escorted voting or to allow the concerned PDL to be taken out of the jail facilities for the purpose, whether these facilities are managed by the BJMP or the Provincial Government when it comes to Provincial Jails;
- 2) Due to their urgency, motions filed by the PAO lawyers or the private *de parte* counsels of the PDLs, as the case may be, to allow the PDLs to vote through escorted voting, must be resolved

³ Memorandum of the Bureau of Jail Management and Penology (BJMP) on the Guidelines on Voting of Persons Deprived of Liberty (PDL) for the Barangay and Sangguniang Kabataan Elections 2023 dated 3 October 2023

⁴ *ibid.*

within **three (3) calendar days, but in no case later than 23 October 2023, for those filed less than three (3) days therefrom, or on the same day if filed on 23 October 2023;**

3) Should there be a motion for reconsideration, it shall be resolved within **two (2) calendar days, but not later than 25 October 2023, or on the same day if filed on 25 October 2023;**

4) The motions to allow a PDL to vote should be acted upon *ex parte*, without need for the prosecution to comment so long as it is duly notified and/or furnished a copy thereof, as it involves a right that the PDL is still entitled to exercise;

5) The jail warden may submit a comment if the concerned PDL is considered a high risk prisoner;

6) If, in the assessment of the judge, a hearing is necessary, it shall be done *via* **videoconferencing**;

7) For qualified PDL voters who opt not to vote, should there be any, they should execute the required **affidavit**, a copy of which is to be attached to the After Activity Report of the BJMP Regional Directors⁵; and

8) As far as practicable, include in the orders that the qualified PDL voters must be brought to their respective polling places in time for the opening thereof, at 7:00 a.m. on 30 October 2023.

Should motions be filed after 25 October 2023 on escorted voting of PDLs, the same should be referred to the Office of the Court Administrator for proper guidance.

For strict and immediate compliance.

16 October 2023



RAUL B. VILLANUEVA
Court Administrator

⁵ *ibid.* Regional Directors of the Jail Bureau are required to submit an After Activity Report (AAR), which shall be accompanied by a copy of the affidavit executed by PDL voters who opted not to vote, if there are any.