



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

REPUBLIC OF THE PHILIPPINES
 COMMISSION ON ELECTIONS
 OFFICE OF THE SECRETARY
 1001 D. RIZAL AVENUE, MANILA
 DATE: 6/25/09

RULES AND REGULATIONS GOVERNING THE CONDUCT OF THE JULY 30, 2009 PLEBISCITES TO RATIFY THE CREATION OF THE MUNICIPALITIES OF : (A) DATU HOFFER AMPATUAN, PURSUANT TO MUSLIM MINDANAO AUTONOMY ACT (MMAA) NO. 220; B) DATU SALIBO, PURSUANT TO MMAA NO. 222 AS AMENDED BY MMAA NO. 253 AND C) SHARIFF SAYDONA MUSTAPHA, PURSUANT TO MMAA NO. 225 AS AMENDED BY MMAA NO. 252, PROVINCE OF MAGUINDANAO.

MELO, JOSE A.R.,

Chairman

SARMIENTO, Rene V.,

Commissioner

FERRER, NICODEMO T.,

Commissioner

TAGLE, LUCENITO N.,

Commissioner

VELASCO, ARMANDO C.,

Commissioner

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Promulgated : June 26, 2009

RESOLUTION NO. 8619

The Commission on Elections, by virtue of the powers conferred upon it by the Constitution, the Omnibus Election Code, the Local Government Code of 1991, Republic Acts No. 6646, 7166, 6734 and 9054, Muslim Mindanao Autonomy Act (MMAA) No. 25, and other election laws, **RESOLVED** to promulgate, as it hereby **RESOLVES** to promulgate, the following rules and regulations to govern the conduct of the July 30, 2009 plebiscites to ratify the creation of the following:

- (a) Municipality of Datu Hoffer Ampatuan to be taken from the Mother Municipalities of Shariff Aguak and Datu Unsay, Province of Maguindanao, pursuant to Muslim Mindanao Autonomy Act (MMAA) No. 220.
- (b) Municipality of Datu Salibo, to be taken from the Mother Municipalities of Datu - Saudi Ampatuan and Datu Piang, Province of Maguindanao, pursuant to Muslim Mindanao Autonomy Act (MMAA) No. 222, as amended by MMAA No. 253.
- (c) Municipality of Shariff Saydona, Mustapha to be taken from the Mother Municipalities of Shariff Aguak, Mamasapano, Datu Unsay, Datu Piang and Datu Saudi Ampatuan, Maguindanao, pursuant to Muslim Mindanao Autonomy Act (MMAA) No. 225, as amended by MMAA No. 252.

SEC. 1. Supervision and control. - The Commission on Elections shall have direct control and supervision over the conduct of the plebiscites.

SEC. 2. Expenses and election forms and paraphernalia. - The expenses in holding the plebiscite, which shall include the procurement of security papers, the printing of official ballots, plebiscite returns and other forms; the procurement of supplies and paraphernalia; the per diems of the members of the Plebiscite Committees, the overtime compensation of the Plebiscite Board of Canvassers, and their support staff; other operational and incidental expenses; and the costs of publication of resolutions,

and information materials, shall be borne by the Municipalities of Shariff Aguak, Datu Unsay, Datu Saudi Ampatuan, Datu Piang, and Mamasapano in Maguindanao province.

SEC. 3. Posting of Muslim Mindanao Autonomy Acts (MMAAs). – At least ten (10) days prior to the day of the plebiscite, the Election Officers of Shariff Aguak, Datu Unsay, Datu Saudi Ampatuan, Datu Piang and Mamasapano, all in the Province of Maguindanao, shall cause the posting in all the polling places of their respective municipalities of copies of the Muslim Mindanao Autonomy Act pertaining to their respective municipalities, namely .

MMAA No. 220, entitled: "An Act Creating The Municipality of Datu Hoffer Ampatuan In The Province Of Maguindanao, Providing Funds Therefor, And For Other Purposes."

MMAA No. 222, entitled: "An Act Creating The Municipality of Datu Salibo In The Province Of Maguindanao, Providing Funds Therefor, And For Other Purposes."

MMAA No. 253 entitled: "An Act Amending Muslim Mindanao Autonomy Act Numbered Two Hundred Twenty Two, Particularly Sections One And Two Thereof, And For Other Purposes."

MMAA No. 225, entitled: "An Act Creating The Municipality of Shariff Saydona Mustapha In The Province Of Maguindanao, Providing Funds Therefor, And For Other Purposes."

MMAA No. 252 entitled: "An Act Amending Muslim Mindanao Autonomy Act Numbered Two Hundred Twenty Five, Particularly Sections One And Two Thereof, And For Other Purposes."

SEC. 4. Information campaign. – An objective information campaign shall be conducted in the whole Municipalities of Shariff Aguak, Datu Unsay, Datu Saudi Ampatuan, Datu Piang, and Mamasapano, Maguindanao, to commence on July 4, 2009 to July 28, 2009. During this period, civic, professional, religious, business, youth and any other similar organizations may hold symposia, public rallies or meetings to enlighten the voters of Shariff Aguak, Datu Unsay, Datu Saudi Ampatuan, Datu Piang and Mamasapano in Maguindanao province on the plebiscite issues, and to campaign for or against the ratification of MMA Act Nos. 220, 222 as amended by MMAA No. 253 and 225 as amended by MMAA No. 252. Constructive discussions and debates shall be encouraged, and the voters assured of the freedom to voice their opinion regarding the issues, advantages or disadvantages thereof.

The EOs of Shariff Aguak, Datu Unsay, Datu Saudi Ampatuan, Datu Piang and Mamasapano in Maguindanao province, in coordination with the local government officials, mass media, NGOs and religious groups shall convene barangay assemblies or "*pulong-pulong*" for such constructive discussions and debates.

SEC. 5. Date of plebiscites and voting hours. – The plebiscites shall be held on July 30, 2009 (Thursday). The voting shall start at seven o'clock in the morning and end at three o'clock in the afternoon.

SEC. 6. Area of coverage. – The plebiscites shall be held in the whole Municipalities of Shariff Aguak, Datu Unsay, Datu Saudi Ampatuan, Datu Piang and Mamasapano in Maguindanao province.

SEC. 7. Who may vote. – All qualified voters of Shariff Aguak, Datu Unsay, Datu Saudi Ampatuan, Datu Piang and Mamasapano in Maguindanao province, duly registered as of the August 11, 2008 ARMM elections are entitled to vote in the plebiscite.

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The Information and Technology Department (ITD), shall prepare the Posted Computerized Voters List (PCVL) and Election Day Computerized Voters List (EDCVL) for use in the Plebiscite in accordance with Section 11 hereof.

SEC. 8. Plebiscite Committee Composition, Compensation; Duties and Functions. – The voting and counting of votes shall be conducted in each polling place by a Plebiscite Committee (Committee) composed of a Chairman, a Poll Clerk and a Third Member who shall all be public school teachers, to be appointed by the Commission through the EOs of Shariff Aguak, Datu Unsay, Datu Saudi Ampatuan, Datu Piang and Mamasapano in Maguindanao province.

Each member of the Committee shall be entitled to a per diem of One Thousand Pesos (Php 1,000.00) for services rendered on the day of the plebiscite.

The Committee shall have the following powers and duties:

- (a) Supervise and conduct the voting in the polling place on July 30, 2009;
- (b) Count the votes and thereafter prepare the plebiscite returns and other required documents/reports and distribute the same as herein provided;
- (c) Furnish watchers certificate of votes upon request;
- (d) Return the book/s of voters to the EO, through the chairman of the polling centers, and deliver the other plebiscite paraphernalia to their respective custodians for safekeeping not later than August 1, 2009;
- (e) Act as deputies of the Commission in the supervision and control of the plebiscite in the polling places wherein they are assigned to ensure the holding of free, orderly, honest, peaceful and credible plebiscite;
- (f) Maintain order within the polling place and its premises, to keep access thereto, open and unobstructed, and to enforce obedience to its lawful orders.

If any person shall refuse to obey lawful orders of the Committee or shall conduct himself in a disorderly manner in its presence or within its hearing thereby interrupting or disturbing its proceedings, the Committee may issue an order in writing directing any peace officer to take such person into custody until the adjournment of the meeting, but such order shall not be executed as to prevent the person so taken into custody from exercising his right to vote. Such order shall be executed by any peace officer to whom it may be delivered, but if none is present, by any other person deputized by the Committee in writing; and

- (g) Perform such other functions/duties as may be prescribed by the Commission.

SEC. 9. Disqualifications. - (a) No person shall serve as chairman or member of the Committee if he is related within the fourth civil degree of consanguinity or affinity to any member of the same Committee.

(b) No member of the Committee shall engage, directly or indirectly, in any partisan political activity or take part in the plebiscite, except to discharge his duties as such, and to vote, provided he is a registered voter of the municipality concerned.

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SEC. 10. Precincts and polling places. - For purposes of the July 30, 2009 Plebiscites, the precincts established and as clustered as of August 11, 2008 ARMM elections shall be adopted.

The location of polling places designated in the August 11, 2008 ARMM elections shall be maintained, with such changes as the Commission may authorize, after notice and hearing to the interested parties in the political unit/s affected: **Provided**, that no location of polling place shall be changed within fifteen (15) days immediately preceding the day of the plebiscite except when it is destroyed or it cannot be used.

SEC. 11. Posted Computerized Voters List (PCVL) and Election Day Computerized Voters List (EDCVL). - The ITD shall print four (4) copies of the PCVL which shall be certified by the Election Registration Board (ERB), for distribution as follows:

- (a) One copy for posting at the Office of the EO;
- (b) One copy for posting at the municipal bulletin board;
- (c) One copy for posting on plebiscite day at the door at the polling place; and
- (d) One copy for the Provincial File, Office of the Provincial Election Supervisor of Maguindanao.

and two (2) copies of the EDCVL for distribution as follows:

- (e) One copy for use by the Plebiscite Committee on plebiscite day; and
- (f) One copy for the National Central File, Election Records and Statistics Department.

Sec. 12. Distribution of Plebiscite Forms and Supplies. - The Municipal Treasurers shall, in coordination with the EOs concerned, shall distribute the plebiscite forms and supplies to the Committees. The EOs or their authorized representatives shall release the Books of Voters and the PCVL to the School Principal concerned who shall in turn release them to the Plebiscite Committees.

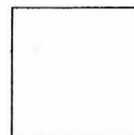
SEC. 13. Official ballots. - The official ballots shall be distributed at the ratio of one ballot per voter, and three (3) additional ballots per precinct for use by the members of the committee who may wish to avail of their voting privilege. The official ballots to be used in the plebiscite shall bear the following heading:

1. For the Municipality of Shariff Aguak, Maguindanao:

"OFFICIAL BALLOT"; "PLEBISCITE"; "JULY 30, 2009"; "MUNICIPALITY OF SHARIFF AGUAK, PROVINCE OF MAGUINDANAO"; and underneath the following instructions: **"Fill out this ballot secretly inside the booth. Do not put any distinctive mark on any part of this ballot."**

The following question shall be provided in the official ballots:

"DO YOU APPROVE OF THE CREATION OF THE MUNICIPALITY OF DATU HOFFER AMPATUAN IN THE PROVINCE OF MAGUINDANAO, INTO A DISTINCT AND INDEPENDENT MUNICIPALITY, COMPRISING OF BARANGAYS LABU-LABU I, LABU-LABU II, KUBENTOG, LIMPONGO, SAYAP, TAIB, TALIBADOK, TUAYAN MOTHER AND TUAYAN I OF THE MUNICIPALITY OF SHARIFF AGUAK; PART OF BARANGAYS MACALAG AND TUNTUNGAN, MUNICIPALITY OF DATU UNSAY, ALL IN THE PROVINCE OF MAGUINDANAO, PURSUANT TO MUSLIM MINDANAO AUTONOMY ACT NO. 220?"



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"DO YOU APPROVE OF THE CREATION OF THE MUNICIPALITY OF SHARIFF SAYDONA MUSTAPHA IN THE PROVINCE OF MAGUINDANAO, INTO A DISTINCT AND INDEPENDENT MUNICIPALITY, COMPRISING OF BARANGAYS NABUNDAS, DILEMBONG, DATU BAKAL, DATU KILAY OF THE MUNICIPALITY OF SHARIFF AGUAK; BARANGAYS PAGATIN, PUSAO, LINANTANGAN, DUGUENGEN AND PART OF LIBUTAN (LIBUTAN EAST) OF THE MUNICIPALITY OF MAMASAPANO; BARANGAYS PAMALIAN AND PIKEG OF THE MUNICIPALITY OF DATU UNSAY; BARANGAY DASAWAO OF THE MUNICIPALITY OF DATU PIANG; AND BARANGAYS BAKAT, GANTA, INALADAN AND PART OF PAGATIN (PAGATIN I) OF THE MUNICIPALITY OF DATU SAUDI AMPATUAN, ALL IN THE PROVINCE OF MAGUINDANAO, PURSUANT TO MUSLIM MINDANAO AUTONOMY ACT NO. 225 AS AMENDED BY MMAA NO. 252?"

2. For the Municipality of Datu Unsay, Maguindanao:

"OFFICIAL BALLOT"; "PLEBISCITE"; "JULY 30, 2009"; "MUNICIPALITY OF DATU UNSAY, PROVINCE OF MAGUINDANAO"; and underneath the following instructions: **"Fill out this ballot secretly inside the booth. Do not put any distinctive mark on any part of this ballot."**

The following question shall be provided in the official ballots:

"DO YOU APPROVE OF THE CREATION OF THE MUNICIPALITY OF DATU HOFFER AMPATUAN IN THE PROVINCE OF MAGUINDANAO, INTO A DISTINCT AND INDEPENDENT MUNICIPALITY, COMPRISING OF BARANGAYS LABU-LABU I, LABU-LABU II, KUBENTOG, LIMPONGO, SAYAP, TAIB, TALIBADOK, TUAYAN MOTHER AND TUAYAN I OF THE MUNICIPALITY OF SHARIFF AGUAK; PART OF BARANGAYS MACALAG AND TUNTINGAN OF THE MUNICIPALITY OF DATU UNSAY, ALL IN THE PROVINCE OF MAGUINDANAO, PURSUANT TO MUSLIM MINDANAO AUTONOMY ACT NO. 220?"

"DO YOU APPROVE OF THE CREATION OF THE MUNICIPALITY OF SHARIFF SAYDONA MUSTAPHA IN THE PROVINCE OF MAGUINDANAO, INTO A DISTINCT AND INDEPENDENT MUNICIPALITY, COMPRISING OF BARANGAYS NABUNDAS, DILEMBONG, DATU BAKAL, DATU KILAY OF THE MUNICIPALITY OF SHARIFF AGUAK; BARANGAYS PAGATIN, PUSAO, LINANTANGAN, DUGUENGEN AND PART OF LIBUTAN (LIBUTAN EAST) OF THE MUNICIPALITY OF MAMASAPANO; BARANGAYS PAMALIAN AND PIKEG OF THE MUNICIPALITY OF DATU UNSAY; BARANGAY DASAWAO OF THE MUNICIPALITY OF DATU PIANG; AND BARANGAYS BAKAT, GANTA, INALADAN AND PART OF PAGATIN (PAGATIN I) OF THE MUNICIPALITY OF DATU SAUDI AMPATUAN, ALL IN THE PROVINCE OF MAGUINDANAO, PURSUANT TO MUSLIM MINDANAO AUTONOMY ACT NO. 225 AS AMENDED BY MMAA NO. 252?"

3. For the Municipality of Datu Saudi Ampatuan, Maguindanao:

"OFFICIAL BALLOT"; "PLEBISCITE"; "JULY 30, 2009"; "MUNICIPALITY OF DATU SAUDI AMPATUAN, PROVINCE OF MAGUINDANAO"; and underneath the following instructions: **"Fill out this ballot secretly inside the booth. Do not put any distinctive mark on any part of this ballot."**

The following question shall be provided in the official ballots:

"DO YOU APPROVE OF THE CREATION OF THE MUNICIPALITY OF SHARIFF SAYDONA MUSTAPHA IN THE PROVINCE OF MAGUINDANAO, INTO A DISTINCT AND INDEPENDENT MUNICIPALITY, COMPRISING OF BARANGAYS NABUNDAS, DILEMBONG, DATU BAKAL, DATU KILAY OF THE MUNICIPALITY OF SHARIFF AGUAK; BARANGAYS PAGATIN, PUSAO, LINANTANGAN, DUGUENGEN AND PART OF LIBUTAN (LIBUTAN EAST) OF THE MUNICIPALITY OF MAMASAPANO; BARANGAYS PAMALIAN AND PIKEG OF THE MUNICIPALITY OF DATU UNSAY; BARANGAY DASAWAO OF THE MUNICIPALITY OF DATU PIANG; AND BARANGAYS BAKAT, GANTA, INALADAN AND PART OF PAGATIN (PAGATIN I) OF THE MUNICIPALITY OF DATU SAUDI AMPATUAN, ALL IN THE PROVINCE OF MAGUINDANAO, PURSUANT TO MUSLIM MINDANAO AUTONOMY ACT NO. 225 AS AMENDED BY MMAA NO. 252?"

"DO YOU APPROVE OF THE CREATION OF THE MUNICIPALITY OF DATU SALIBO IN THE PROVINCE OF MAGUINDANAO, INTO A SEPARATE AND DISTINCT MUNICIPALITY, COMPRISING OF BARANGAYS ANDAVIT, BUTILEN, PANDI, TEE, PARTS OF ALONGANEN, BALANAKEN, BUAYAN, DADO, DAMABALAS, DUAMINANGA, KALIPAPA, LIONG, MAGASLONG AND MASIGAY, ALL IN THE MUNICIPALITY OF DATU PIANG; BARANGAYS PENDITEN, SAMBOLAWAN AND PART OF BARANGAY PAGATIN OF THE MUNICIPALITY OF DATU SAUDI AMPATUAN, ALL IN THE PROVINCE OF MAGUINDANAO, PURSUANT TO MUSLIM MINDANAO AUTONOMY ACT NO. 222 AS AMENDED BY MMAA NO. 253?"

4. For the Municipality of Datu Piang, Maguindanao:

"OFFICIAL BALLOT"; "PLEBISCITE"; "JULY 30, 2009"; "MUNICIPALITY OF DATU PIANG, PROVINCE OF MAGUINDANAO"; and underneath the following instructions: "Fill out this ballot secretly inside the booth. Do not put any distinctive mark on any part of this ballot."

The following question shall be provided in the official ballots:

"DO YOU APPROVE OF THE CREATION OF THE MUNICIPALITY OF SHARIFF SAYDONA MUSTAPHA IN THE PROVINCE OF MAGUINDANAO, INTO A DISTINCT AND INDEPENDENT MUNICIPALITY, COMPRISING OF BARANGAYS NABUNDAS, DILEMBONG, DATU BAKAL, DATU KILAY OF THE MUNICIPALITY OF SHARIFF AGUAK; BARANGAYS PAGATIN, PUSAO, LINANTANGAN, DUGUENGEN AND PART OF LIBUTAN (LIBUTAN EAST) OF THE MUNICIPALITY OF MAMASAPANO; BARANGAYS PAMALIAN AND PIKEG OF THE MUNICIPALITY OF DATU UNSAY; BARANGAY DASAWAO OF THE MUNICIPALITY OF DATU PIANG; AND BARANGAYS BAKAT, GANTA, INALADAN AND PART OF PAGATIN (PAGATIN I) OF THE MUNICIPALITY OF DATU SAUDI AMPATUAN, ALL IN THE PROVINCE OF MAGUINDANAO, PURSUANT TO MUSLIM MINDANAO AUTONOMY ACT NO. 225 AS AMENDED BY MMAA NO. 252?"

"DO YOU APPROVE OF THE CREATION OF THE MUNICIPALITY OF DATU SALIBO IN THE PROVINCE OF MAGUINDANAO, INTO A SEPARATE AND DISTINCT MUNICIPALITY, COMPRISING OF BARANGAYS ANDAVIT, BUTILEN, PANDI, TEE, PARTS OF ALONGANEN, BALANAKEN, BUAYAN, DADO, DAMABALAS, DUAMINANGA, KALIPAPA, LIONG, MAGASLONG AND MASIGAY, ALL IN THE MUNICIPALITY OF DATU PIANG; BARANGAYS PENDITEN, SAMBOLAWAN AND PART OF BARANGAY PAGATIN OF THE MUNICIPALITY OF DATU SAUDI AMPATUAN, ALL IN THE PROVINCE OF MAGUINDANAO, PURSUANT TO MUSLIM MINDANAO AUTONOMY ACT NO. 222 AS AMENDED BY MMAA NO. 253?"

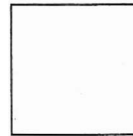
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5. For the Municipality of Mamasapano, Maguindanao:

“OFFICIAL BALLOT”; “PLEBISCITE”; “JULY 30, 2009”; “MUNICIPALITY OF MAMASAPANO, PROVINCE OF MAGUINDANAO”; and underneath the following instructions: “Fill out this ballot secretly inside the booth. Do not put any distinctive mark on any part of this ballot.”

The following question shall be provided in the official ballots:

“DO YOU APPROVE OF THE CREATION OF THE MUNICIPALITY OF SHARIFF SAYDONA MUSTAPHA IN THE PROVINCE OF MAGUINDANAO, INTO A DISTINCT AND INDEPENDENT MUNICIPALITY, COMPRISING OF BARANGAYS NABUNDAS, DILEMBONG, DATU BAKAL, DATU KILAY OF THE MUNICIPALITY OF SHARIFF AGUAK; BARANGAYS PAGATIN, PUSAO, LINANTANGAN, DUGUENGEN AND PART OF LIBUTAN (LIBUTAN EAST) OF THE MUNICIPALITY OF MAMASAPANO; BARANGAYS PAMALIAN AND PIKEG OF THE MUNICIPALITY OF DATU UNSAY; BARANGAY DASAWAO OF THE MUNICIPALITY OF DATU PIANG; AND BARANGAYS BAKAT, GANTA, INALADAN AND PART OF PAGATIN (PAGATIN I) OF THE MUNICIPALITY OF DATU SAUDI AMPATUAN, ALL IN THE PROVINCE OF MAGUINDANAO, PURSUANT TO MUSLIM MINDANAO AUTONOMY ACT NO. 225 AS AMENDED BY MMAA NO. 252?”



SEC. 14. Manner of Voting. - The voter shall, using a ballot secrecy folder, fill up his ballot by writing the word **“Yes”** or **“OO”** in the blank box after the question; to vote for its rejection, write the word **“NO”** or **“HINDI”** in the blank box after the question.

SEC. 15. Preliminaries to the Counting of Votes. - (a) The Committee shall clear the table of all unnecessary writing paraphernalia.

(b) The Committee shall open the ballot box, take out the ballots from the compartment for valid ballots and, without unfolding or exposing their contents, examine them using the following guidelines:

1. Ballots folded together - The Committee shall ascertain that each fold consists of a single ballot.

If in the course of the examination, ballots are found folded together before they were deposited in the ballot box, they shall be placed in an envelope for excess ballots.

2. Excess ballots - The Committee shall count the ballots and compare the number of ballots with the number of voters who actually voted.

If there are more ballots than the number of voters who actually voted, follow the procedures provided for in Sec. 16 (b) hereof.

3. Ballots with detachable coupons - In case ballots with their detachable coupons are found in the ballot box, the coupon shall be detached and deposited in the compartment for spoiled ballots, and the ballots shall be included in the pile of valid ballots.

4. Ballots with the word “spoiled” - If ballots with the word “spoiled” should be found, they shall be placed in the compartment for spoiled ballots.

The ballots deposited in the compartment for spoiled ballots shall be presumed to be spoiled ballots, whether or not they contain such notation; but if the Committee should find that during the voting any valid ballot was erroneously deposited in this compartment, or if any ballot separated as excess or marked had been erroneously

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deposited therein, the Committee shall open said compartment after the voting and before the counting of votes for the sole purpose of drawing out the ballots erroneously deposited therein. It shall then prepare and sign a statement of such fact and lock the ballot box with its three keys immediately thereafter. The valid ballots so withdrawn shall be mixed with the other valid ballots, and the excess or marked ballots shall be placed in their proper envelopes which shall for such purposes be opened and again labeled, sealed, signed and kept as hereinafter provided.

(c) Excess and spoiled ballots shall not be read in the counting of votes.

(d) The Poll Clerk shall take hold of the plebiscite returns and the third member shall tack the tally board on the blackboard or any available space within the plain view of the Committee, watchers and the public.

SEC. 16. Manner of Counting of Votes. - The counting of votes shall be public without interruption or delay until completed and shall proceed as follows:

a. The Committee shall open the ballot box, take out the ballots and without unfolding them or exposing their contents except so far as to ascertain that each ballot is single, compare the number of ballots in the ballot box with the number of voters who actually voted as recorded in the Minutes of Voting and Counting.

b. If there are more ballots found than there are voters who actually voted, all the ballots shall be returned inside the ballot box and thoroughly mixed therein. The Poll Clerk, without seeing the ballots and with his back to the ballot box, shall publicly draw out as many ballots as may be equal to the excess, and without unfolding them, place them in an envelope which shall be marked "excess ballots" and shall be sealed and signed by the Committees.

If there are no excess or the excess has been taken out, the Committee shall form separate piles of 100 ballots each which shall be held together by rubber band.

c. The Chairman shall take the ballots of the first pile and read the ballots one by one; while the Poll Clerk and Third Member shall simultaneously record on the plebiscite returns and tally board, respectively, each vote as it read by the Chairman.

Each vote shall be recorded by a vertical line (tara), except every fifth vote, which shall be recorded by a diagonal line crossing the previous four vertical lines.

After finishing the first pile, the Committee shall count the tallies for the Affirmative and Negative votes and record the sub-totals in the column immediately after the last tara recorded in the plebiscite returns and tally board, respectively.

The Poll Clerk and the Third Member shall compare the tallies reflected in the election returns and tally board.

In case of discrepancy, a recount shall be made. The ballots shall again be grouped together as before the reading.

d. Thereafter, the same procedures shall be followed for the second and subsequent piles of ballots.

e. After all the ballots for the precinct have been counted, the Committee shall



1. Sum up the sub-totals of recorded Affirmative and Negative Votes and enter the grand total in words and in figures in the plebiscite returns and tally board;
2. See to it that the entries in the first copy of the plebiscite returns are clearly impressed and reflected properly in the other two (2) copies;
3. Sign and affix their thumb marks on the certification portion printed at the bottom of the plebiscite returns and tally board; and
4. Place the counted ballots in an envelope provided for the purpose, close the envelope with a serially numbered paper seal, sign and deposit the same in the compartment for valid ballots. The accomplished tally board, certified by the Committee, shall also be deposited in the compartment for valid ballots.

SEC. 17. Appreciation of Ballots. - The provisions of Sec. 211 of the Omnibus Election Code, whenever applicable, shall govern the appreciation of ballots. Any question on the appreciation of ballots shall be decided by a majority vote of the Committee.

No watcher or any other person inside the polling place shall be allowed to participate in the appreciation of ballots. However, any watcher may file a protest, which shall be recorded in the Minutes.

SEC. 18. Plebiscite Returns and Distribution of Copies Thereof. - Plebiscite returns shall be prepared in three (3) copies. All the members of the Committee shall sign the certification printed at the bottom of the plebiscite returns and affix their respective thumb marks on the space provided.

Upon completion of the plebiscite returns, each copy shall be placed in a separate envelope provided for the purpose, and be immediately distributed under proper receipt, as follows:

- (1) The first copy, to the Municipal Plebiscite Board of Canvassers;
- (2) The second copy, to the Election Records and Statistics Department of the Commission in Manila; and
- (3) The third copy shall be deposited inside the ballot box.

SEC. 19. Announcement of Results. - Upon completion of the plebiscite returns, the chairman shall orally and publicly announce the total number of Affirmative and Negative Votes casted and counted in the precinct.

SEC. 20. Alterations and Corrections of Plebiscite Returns. - Any correction or alteration made in the plebiscite returns by the Committee before the announcement of the results of the plebiscite in the polling place shall be duly initialed by all the members thereof.

After the announcement of the results of the plebiscite, the Committee shall not make any alteration or amendment in any of the copies of the returns, unless authorized by the Commission.

SEC. 21. Certificates of Votes. - Before leaving the precinct, the Committee shall issue a Certificate of Votes to the watchers upon the latter's request.)

SEC. 22. Delivery of the Ballot Boxes, and Other Supplies and Documents, Preservation of Voting Records, Ballot Boxes and their Keys, and their Disposition. - The provisions of Section 217, 218 and 219 of the Omnibus Election Code on delivery of ballot boxes, keys and election supplies and documents, preservation of the voting records and ballot boxes and their keys, and disposition of their contents shall apply to the plebiscite governed by this Resolution.

SEC. 23. Municipal Plebiscite Board of Canvassers. – There shall each be one (1) Municipal Plebiscite Board of Canvassers (MPBC) for each municipality, which shall canvass the plebiscite returns submitted by their respective Plebiscite Committees. These MPBCs shall be composed of the incumbent Municipal Election Officer or a lawyer of the Commission, as Chairman, and as members, the Municipal Treasurer and DepEd District Supervisor thereat, subject to Section 26 hereof.

At least five (5) days before the day of the plebiscite, the chairman shall issue a written notice to the other members of the Board that it shall convene at four o'clock in the afternoon of plebiscite day to canvass the plebiscite returns. Notice of said meeting shall also be posted in conspicuous places in the Municipal Hall and other public places of each municipality. The MPBCs shall meet at the Session Hall of each municipality not later than four o'clock in the afternoon of plebiscite day and shall immediately canvass the plebiscite returns and shall not adjourn until the canvass is completed.

SEC. 24. Provincial Plebiscite Board of Canvassers. – There is hereby created a Provincial Plebiscite Board of Canvassers (PPBC) which shall canvass and consolidate the Municipal Certificate of Canvass (MCOC) of the MPBCs of the Municipalities of Shariff Aguak, Datu Unsay, Datu Saudi Ampatuan, Datu Piang and Mamasapano in Maguindanao province. The PPBC shall be composed of (a) the Provincial Election Supervisor, as Chairman, (b) the Provincial State Prosecutor and (c) the Division Superintendent of Schools, as members.

At least five (5) days before the day of the plebiscite, the chairman shall issue a written notice to the other members of the Board that it shall convene at six (6) o'clock in the afternoon of plebiscite day to canvass/consolidate the MCOCs. Notice of said meeting shall be posted in conspicuous places in the provincial capitol and other public places of the Municipalities of Shariff Aguak, Datu Unsay, Datu Saudi Ampatuan, Datu Piang and Mamasapano in Maguindanao province. The PPBC shall meet at the Session Hall of the Sangguniang Panlalawigan not later than six (6) o'clock in the afternoon of plebiscite day and shall immediately canvass the MCOCs and shall not adjourn until the canvass is completed.

SEC. 25. Supervision and Control over the Plebiscite Boards of Canvassers.
- The Commission shall have direct control of and supervision over the Plebiscite Boards of Canvassers (PBC) and may *motu proprio* relieve at any time any member thereof for cause and may substitute him in accordance with Sec. 28 hereof.

SEC. 26. Absence of a Regular Member. - In case of absence of a regular member, the members present shall first verify whether or not the notice stating the date, time and place of canvassing has been duly served on the absent regular member.

In the absence of such notice, one shall be immediately sent to the absent member. If the latter cannot be located, or his whereabouts are unknown, he shall then be substituted. These facts shall be recorded in the respective minutes of the PBC. As soon as the absent member appears, the substitute member shall relinquish his seat to the regular member.



SEC. 27. Incapacitated Regular Member. - In case of sickness or serious injury of the regular member of the PBC, a sworn medical certificate shall be required attesting to the incapacity of said member. Upon submission of the medical certificate, a substitute shall be appointed. Said certificate shall be recorded in the Minutes of the PBC.

SEC. 28. Substitution of Chairman and Members. - In case of non-availability, absence, disqualification due to relationship, or incapacity for any cause of the chairman of the PBC, the Commission shall appoint a lawyer of the Commission as substitute. With respect to the other members of the PBC, the Commission shall appoint as substitute the following in the order named: Municipal Administrator, the Municipal Assessor, the Clerk of Court nominated by the Executive Judge of the Municipal Trial Court, and other available appointive Municipal official, in the case of the MPBC; and Election Officers of the Province of Maguindanao, in the case of the PPBC.

SEC. 29. Prohibition Against Leaving Official Station. - During the period beginning June 30, 2009 until the completion of the canvass, no member or substitute member of the PBC shall be transferred, assigned or detailed outside of his official station nor shall he leave his station without prior authority of the Commission.

SEC. 30. Quorum. - A majority of the members of the PBC shall constitute a quorum for the transaction of business. A majority vote of all the members thereof shall be necessary to render a decision.

SEC. 31. Watchers: Rights and Duties. - The proponents and oppositors; the citizens' arm of the Commission, if any, and other accredited groups or organizations may appoint watchers during the voting, counting and canvassing. A person who is not a registered voter of the municipality, or of questionable reputation, or who has been convicted of an election offense or any other crime shall not be appointed as watcher. Barangay officials, including barangay tanods, are disqualified to serve as watchers.

The watchers shall have the right to:

- (a) Be present at, and take note of all the proceedings;
- (b) Read the plebiscite returns without touching them; and
- (c) File a protest against any irregularity noted in the plebiscite returns or in the proceedings of the PBC, and obtain the resolution thereon in writing.

The watcher shall not be allowed to participate in the deliberation of the PBC.

SEC. 32. Right to be Present and to Counsel. - Proponents or oppositors have the right to be present and to counsel during the canvass of the Plebiscite returns and Municipal Certificates of Canvass. Only one counsel shall argue for the proponent or oppositor. In case there are several counsels for the proponents or oppositors, the counsel shall agree among themselves who will argue for them.

SEC. 33. Internal Canvassing Procedures of the MPBC. - The MPBC shall meet promptly at 4:00 o'clock in the afternoon of plebiscite day and canvass the plebiscite returns in the following manner:

- a. The Chairman of the MPBC shall list sequentially all precincts in the Statement of Votes (SOVs) by Precinct and ensure that every precinct in the project of precincts is listed therein. The PBC Chairman shall produce before the members, the ballot boxes containing plebiscite returns;



- b. Before opening a ballot box, the MPBC shall record the conditions and serial numbers of the ballot boxes and the self-locking serially numbered fixed length seals;
- c. The chairman of the MPBC shall then open the ballot box, retrieve the envelopes containing plebiscite returns and record in its Minutes of Canvass, the condition and serial number of the envelopes and their paper seals;
- d. The chairman of the MPBC shall open the envelope one at a time, record the condition and serial number of the plebiscite returns and its paper seal, and forthwith open the same for canvassing;

Only such number of envelopes containing plebiscite returns that can be canvassed during the meeting of the board shall be opened, which number shall be recorded in the Minutes of Canvass.

Entries in the SOV by Precinct shall be made every time a plebiscite return is canvassed. Once SOV is completed, the members of the MPBC shall sum up the number of precincts canvassed, the number of registered voters, the number of voters who actually voted, and the total Affirmative and Negative votes therein, and thereafter affix their signatures above their names appearing at the certification portion of the form;

- e. In case its copy of a plebiscite returns is missing, the MPBC shall obtain such missing returns from the Plebiscite Committee concerned. If said returns have been lost or destroyed, the MPBC, upon prior authority of the Commission may use any of the authentic copies of said returns or a certified copy thereof issued by the Commission. Forthwith, the MPBC shall refer the case for investigation to the Regional Election Director (RED) concerned who shall report his findings to the Commission; and
- f. Each time the MPBC suspends its meeting or adjourns for the purpose of awaiting for the other plebiscite returns, it shall:
 1. Determine the totals of all Affirmative and Negative votes canvassed;
 2. Accomplish the SOV by precinct in four (4) copies and close the same with the initials of the members following the last entry of Affirmative and Negative votes;
 3. Place the SOV in an envelope, which shall be sealed with a serially numbered paper seal and signed by the members in the presence of all the members of the board and the watchers;
 4. Place the plebiscite returns already canvassed, the remaining unopened envelopes, and envelope containing a copy of the SOV inside a ballot box which shall be locked with three padlocks and a self-locking serially number fixed length seal, the serial number of which shall be duly recorded in the Minutes of Canvass.

Each member of the MPBC shall keep a key to the three padlocks of a ballot box, so that it cannot be opened without all of them being present. The ballot box shall be deposited in a secured room for safekeeping until the resumption of its meeting;

- 5. At the resumption of the canvass, the Secretary of the MPBC shall:

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- a. Get the ballot box from the secured room and verify the condition of the ballot box, the three padlocks and the self-locking serially numbered fixed length seal;
 - b. Enter in the Minutes a description of the condition thereof, as well as the serial number of the self-locking serially numbered fixed length seals;
 - c. Destroy the self-locking serially numbered fixed length seals in the presence of the other members of the board and watchers; and
 - d. Present to the MPBC the remaining unopened envelopes containing plebiscite returns and the official SOV contained in a duly sealed and signed envelope.
6. After all the plebiscite returns assigned to it have been canvassed, the MPBC shall:
- a. Prepare a tally of the total Affirmative and Negative votes including the data on the number of registered voters, number of voters who actually voted, and the total number of precincts it has canvassed. Such tally should be publicly accessible to ensure transparency; and
 - b. Place the plebiscite returns copy for the MPBC in their respective envelopes and deposit the same inside the ballot box which shall be locked with three padlocks and sealed with a self-locking serially numbered fixed length seals; and
7. Each member of the MPBC shall keep a key corresponding to the three padlocks of the ballot box.

SEC. 34. Minutes of the Canvass of the MPBC. - The MPBC shall prepare three (3) copies of the Minutes of the Canvass.

The first copy shall be forwarded by the Secretary of the MPBC to the Law Department of the Commission within ten (10) days from termination of the canvass. The second copy shall be deposited inside the ballot box. The third copy shall be forwarded to the Office of the Deputy Executive Director for Operations.

SEC. 35. Completion of the Canvass. - The MPBC shall sign the certification and affix their thumbmarks at the bottom of each SOV, and, using a separate SOV, consolidate the data including the total Affirmative and Negative votes. Thereafter, it shall prepare a Municipal Certificate of Canvass (MCOC) which shall contain the following data:

1. Number of precincts canvassed;
2. Number of registered voters;
3. Number of voters who actually voted;
4. Number of Affirmative/Negative votes; and
5. Whether or not the Affirmative or Negative votes constitute majority of the votes cast in the municipality.

The members of the MPBC shall print their full names and affix their signatures and thumbmarks in the proper space at the bottom of both forms and certify under oath that the entries therein are true and correct.)

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SEC. 36. Distribution of the MCOC. - The MCOC shall be prepared in five (5) copies, supported by a Statement of Votes by Precinct, and distributed as follows:

- (1) The original shall be immediately delivered to the Provincial Plebiscite Board of Canvassers;
- (2) The second copy shall be sent to the Election Records and Statistics Department of the Commission;
- (3) The third copy shall be filed in the Office of the Election Officers of the concerned municipality;
- (4) The fourth copy shall be submitted to the Secretary of the Department of the Interior and Local Government; and
- (5) The fifth copy shall be submitted to the Municipal Mayors of the local government units concerned.

SEC. 37. Preparation and Distribution of the Provincial Certificate of Canvass and Proclamation. - As soon as the Municipal Certificates of Canvass have been canvassed, the PPBC shall prepare and accomplish in four (4) copies the Provincial Certificate of Canvass and Proclamation, stating whether the Affirmative or Negative votes constitute the majority of the votes cast in the municipalities concerned, supported by the Statement of Votes per Municipality, for distribution as follows:

- (1) The original shall, within three (3) days from proclamation, be sent to the Election Records and Statistics Department of the Commission;
- (2) The second copy shall be filed in the Office of the Provincial Election Supervisor;
- (3) The third copy shall be submitted to the Secretary of the Department of Interior and Local Government; and
- (4) The fourth copy shall be submitted to the Provincial Governor of Maguindanao.

SEC. 38. Applicability of the Omnibus Election Code and Other Election Laws. - The pertinent provisions of the Omnibus Election Code, Republic Acts No. 6646, 7160, 7166, 9054, 6734 and Muslim Mindanao Autonomy Act No. 25 and other election laws and resolutions of the Commission which are not inconsistent herewith shall, as far as practicable, apply to the plebiscite subject of this Resolution.

SEC. 39. Implementation. - The Deputy Executive Director for Operations shall implement this Resolution to ensure the holding of a free, orderly, honest, peaceful and credible plebiscite.

The Deputy Executive Director for Operations assisted by the Regional Election Director of ARMM and the Provincial Election Supervisor of Maguindanao, shall supervise the conduct of the plebiscite.

SEC. 40. Dissemination. - The Education and Information Department shall cause the immediate publication of this Resolution in two (2) daily newspaper of general circulation in the Philippines and one (1) newspaper with local circulation in the Municipalities of Shariff Aguak, Datu Unsay, Datu Saudi Ampatuan, Datu Piang and Mamasapano in Maguindanao province, and give it the widest publication and dissemination possible.

The Deputy Executive Director for Operations shall furnish the Regional Election Director of the ARMM; the Provincial Election Supervisor of Maguindanao; the Election Officers of Municipalities of Shariff Aguak, Datu Unsay, Datu Saudi Ampatuan, Datu Piang and Mamasapano in Maguindanao province; the Secretary of the Department of

the Interior and Local Government; the Secretary of the Department of Education; the Regional Governor of ARMM; the Provincial Governor of Maguindanao; the DepEd ARMM and the Municipal Mayors, Municipal Treasurers and the DepEd Supervisors of Municipalities of Shariff Aguak, Datu Unsay, Datu Saudi Ampatuan, Datu Piang and Mamasapano, in Maguindanao province with a copy of this Resolution.

The Election Officers of Municipalities of Shariff Aguak, Datu Unsay, Datu Saudi Ampatuan, Datu Piang and Mamasapano in Maguindanao province, shall give this Resolution the widest dissemination in his/her municipality.

SEC. 41. Effectivity. - This Resolution shall take effect on the 7th day after its publication in two (2) daily newspapers of general circulation.

SO ORDERED.


JOSE A. R. MELO
Chairman


RENE V. SARMIENTO
Commissioner


NICODEMO T. FERRER
Commissioner


LUCENITO N. TAGLE
Commissioner


ARMANDO C. VELASCO
Commissioner

