



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

**REVISED RULES AND
REGULATIONS ON
DETAINEE VOTING IN
CONNECTION WITH THE
OCTOBER 25, 2010
BARANGAY AND
SANGGUNIANG
KABATAAN ELECTIONS.**

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Promulgated: October 20, 2010

RESOLUTION NO. 3070

WHEREAS, on September 1, 2010, Minute Resolution No. 10-0875 (In the Matter of the Request for the Establishment of a Polling Place Inside the Manila City Jail for the October 25, 2010 Barangay and Sangguniang Kabataan Elections) adopting the existing policy and guidelines of the Commission on the establishment of special polling places in Comelec Resolution No. 8811 promulgated on March 30, 2010, entitled "Rules and Regulations on Detainee Voting in Connection with the May 10, 2010 National and Local Elections";

WHEREAS, the existing rules and regulations on special polling places for detainee voting are oriented to the May 10, 2010 Automated National and Local Elections;

WHEREAS, to avoid confusion on the mechanics of detainee voting for the October 25, 2010 Manual Sangguniang Kabataan and Barangay Elections, there is a need to revise the existing rules and regulations on detainee voting;

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NOW THEREFORE, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code and other election laws, the Commission on Elections **HEREBY RESOLVES** to promulgate the following revised rules and regulations on detainee voting:

ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Who are Entitled to Avail of Detainee Voting* - Detainee voting (either through the special polling place inside jails or escorted voting) may be availed of by any registered detainee whose registration record is not deactivated / cancelled.

A "detainee", for purposes of detainee voting, is understood to be any person:

- (1) confined in jail, formally charged for any crime/s and awaiting/undergoing trial; or
- (2) serving a sentence of imprisonment for less than one (1) year (except for the crimes involving disloyalty and crimes against national security); or
- (3) 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.

SECTION 2. *Date and Time of Detainee Voting* – Voting for all qualified detainee voters shall take place on October 25, 2010.

For jails provided with special polling places, voting shall start at *seven o'clock in the morning (7:00 A.M.) and must be finished at twelve o'clock noon (12:00 P.M.)* to have a sufficient time to bring the filled-up ballots to detainees' respective precincts before they close at three o'clock in the afternoon (3:00 P.M.) on election day. In case all the expected detainee voters have voted before 12:00 P.M., the Special Board of Election Tellers (SBET) may close the voting in the special polling places and dispose all election paraphernalia in accordance with Section 35 hereof.

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In the event that the voting cannot be finished at 12:00 P.M., the SBET shall notify the Board of Election Tellers (BET) of the regular polling precincts of the affected detainees of such fact to forestall the possibility that detainees' filled-up ballots will not be counted and, thereafter, continue the voting. However, no voting shall take place beyond 1:00 P.M.

For detainees voting in the regular precincts, voting hours will start at seven o'clock in the morning (7:00 A.M.) and will end at three o'clock in the afternoon (3:00 P.M.).

ARTICLE II

COMMITTEE ON DETAINEE VOTING

SECTION 3. *Committee on Detainee Voting* - A Committee on Detainee Voting ("Committee") shall be created and shall be composed of the following:

- Chairman - Commissioner Rene V. Sarmiento
- Vice-Chairman - Atty. Bartolome Sinocruz, Jr.
Acting Executive Director
- Members:
 - Dir. Ester Villaflor-Roxas, *Director, ERSD*
 - Atty. Dindo Maglasang, *Attorney VI, Registration Division, EBAD*
 - Ms. Thelma L. Sales, *Budget Officer III*
 - Mr. Tony R. Villasor, *Office of Committee Chairman*
 - Atty. Erwin M. Caliba, *Office of the Committee Chairman*

SECTION 4. *Powers and Functions of the Committee* - The Committee shall oversee and ensure the implementation of all Comelec resolutions pertaining to detainee voting and shall have the following powers and functions:

- a) Determine and prepare the list of the jail facilities where special polling places shall be established based on the list of Bureau of Jail Management and Penology (BJMP);

- b) Determine the election paraphernalia, the number of Special Board of Election Tellers (SBET) and support staff required in the special polling places inside jails;
- c) To inspect the venue inside the jails (selected by the BJMP personnel) where the special polling places are to be set up to ensure compliance with pertinent laws and COMELEC rules.
- d) Perform all necessary coordination with the BJMP, Bureau of Corrections (BuCor), Commission on Human Rights, watch groups and other non-government organizations (such as the CBCP- Episcopal Commission on Prison Pastoral Care (ECPPC) and PRESO, Inc.) which are helping the Commission in ensuring the exercise of detainees' right to vote; and
- e) Perform and exercise such other powers and functions as may be necessary for the proper implementation of COMELEC resolutions and rules on detainee voting.

ARTICLE III

SPECIAL POLLING PLACE

SECTION 5. *Special Polling Places Inside Jails* - For every detention facility with at least one hundred (100) detainee voters who are residents and registered as such in the municipality or city (regardless of district if the city has two or more districts) where the jail facility is located, one special polling place shall be established. For this purpose, the National Headquarters of the Bureau of Jail Management and Penology (BJMP) and all government agencies/ offices managing detention centers shall provide to Commission on Elections the list of qualified jails.

If there are two or more jails in the same city or municipality (located in separate compounds) with one hundred (100) or more voters each, each jail is entitled to one (1) special polling place with one Special Board of Election Tellers (SBET) and one set of Support Staff.

In jails or compounds (where there are two or more jails), with four hundred (400) or more qualified detainee voters, two (2) special polling places may be established. Each polling place shall have one Special Board of Election Tellers (SBET) but the two (2) special polling places shall have only one set of support staff assigned per voting center (school). To maintain order, the division of detainee voters shall be done by listing together detainee voters belonging to the same barangay and divide the barangays into two. But the EO shall see to it that the detainees are, as much as possible, equally distributed. In cities with two or more districts, the division may be done per district. Support Staff members shall serve at the special polling place covering his/her assigned voting center (school).

SECTION 6. *Location of the Special Polling Place.* – The special polling place should be established in a venue inside the jail spacious enough to accommodate at least twenty (20) voters voting simultaneously to ensure that voting ends at exactly 12:00 P.M. and to have sufficient time to deliver all the filled-up ballots to the different precincts where detainees are registered. The guidelines on the physical set-up of regular polling places shall apply to the special polling places in jails.

SECTION 7. *Detainee Voters List* - The Office of the Election Officer of the municipality/city/district in coordination with the warden/wardress of the detention facility shall prepare the detainees' EDCVL and PCVL.

For purposes of counting and listing the registered detainee voters who are residents of the municipality or city where the jail is located:

- a) Only those who are in the actual custody of jail facilities as of October 20, 2010 shall be included;
- b) Registered detainee voters who are released on or before October 20, 2010 shall be excluded from the list.

After the printing of the detainees' EDCVL/PCVL, the Election Officer of the municipality/city/district shall annotate in permanent ink and in bold letters the detainees' names appearing in the EDCVL/PCVL of the regular precincts with "DV" (Detainee Voter) and shall affix his/her initials beside the annotation. (This

SECTION 10. Challenge Based on Certain Illegal Acts. - Any watcher may challenge any detainee voter offering to vote on the ground that he/she:

- a) Received or expects to receive, paid, offered or promised to pay, contributed, or promised to contribute money or anything of value as consideration for his/her vote or for the vote of another; or
- b) Made or received a promise to influence the giving or withholding of any such vote; or
- c) Made a bet or is interested directly or indirectly in a bet that depends upon the results of the election.

In such case, the challenged detainee voter shall take an oath before the SBET that he has not committed any of the acts alleged in the challenge. Upon taking such oath, the challenge shall be dismissed and the detainee voter shall be allowed to vote. In case the detainee voter refuses to take such oath, the challenge shall be sustained and the detainee voter shall not be allowed to vote.

SECTION 11. Rules to be Observed During the Voting - During the voting, the SBET shall see to it that:

- a) Detainee voters registered in far places of the city/municipality shall vote ahead of the detainees registered in nearer precincts;
- b) No watcher shall enter the place reserved for the detainee voters and the SBET, nor mingle and talk with the detainee voters;
- c) No person carrying any firearm or any other deadly weapon, except those expressly authorized in Section 12 (h) hereof or by the Commission, shall enter the special polling place; and
- d) There shall be no crowding of detainee voters and disorderly behavior inside the special polling place.

SECTION 12. Persons Allowed Inside Special Polling Places - Only the following shall be allowed to enter the special polling places inside jails:

- a. Members and Support Staff of the SBET;
- b. Watchers who shall stay only in the space reserved for them;

- c. Detainee Vote Watch Monitors (maximum of 2 per special polling place), if any, who shall stay in the space for watchers;
- d. Representatives of the Commission on Human Rights;
- e. Representatives of this Commission;
- f. Detainee voters filling-up their ballots;
- g. Detainee Voters waiting their turn to fill-up their ballots;
- h. If deemed necessary, at least three BJMP personnel (the number can be increased if needed) who shall stay also in the space for watchers; and
- i. Other persons who maybe specifically authorized by the Commission.

SECTION 13. *Persons Not Allowed Inside Special Polling Places* -

The following shall not be allowed to enter the special polling places in jails:

- a. Any officer or member of the Armed Forces of the Philippines or the Philippine National Police;
- b. Any peace officer or any armed person belonging to any extra-legal police agency, special forces, reaction forces, strike forces, Civilian Armed Force Geographical Units, barangay tanods or other similar forces or paramilitary forces, including special forces, security guards, special policemen except the BJMP personnel mentioned in the immediately preceding section;
- c. All other kinds of armed or unarmed extra-legal police forces; and
- d. Any candidate or barangay official, whether elected or appointed.

SECTION 14. *Prohibition on Voting.* – It shall be unlawful for a detainee voter to:

- a. Bring the ballot or ballot secrecy folder outside the polling place;
- b. Speak with anyone other than as herein provided while inside the special polling place;
- c. Prepare his ballot without using the ballot secrecy folder or exhibit its contents;
- d. Fill his ballot accompanied by another, except in the case of an illiterate or detainee voter with disability/disabilities;
- e. Erase any printing from the ballot, or put any distinguishing mark on the ballot;

- f. Use carbon paper, paraffin paper or other means of making a copy of the contents of the ballot, or otherwise make use of any scheme to identify his vote, including the use of digital cameras, cellular phones with camera or similar gadgets;
- g. Intentionally tear or deface the ballot; and
- h. Disrupt or attempt to disrupt the proceedings of the SBET.

SECTION 15. *Preparation of Ballots for Detainee Voters who are Illiterate or with Disabilities-* Only detainee voters indicated in the Detainee Voters List as illiterate or with disability/disabilities shall be allowed to vote as such. Said person may be assisted in the preparation of his ballot by any person who is a:

- a. Relative within fourth civil degree of consanguinity and affinity, if said relative is present in the jail premises; or
- b. Any member of the SBET.

All assistors must be of voting age.

No person may assist an illiterate or person with disability/disabilities more than three (3) times, except the members of the SBET.

In all cases, the poll clerk shall first verify from the illiterate or detainee voter with disability/disabilities whether he/she had authorized the assistor to fill up his/her ballot.

The assistor shall, in the presence of the illiterate or detainee voter with disability/disabilities, prepare the ballot using a ballot secrecy folder.

The assistor shall bind himself in writing and under oath to fill the ballot strictly in accordance with the instructions of the voter and not reveal the contents thereof, by affixing his signature in the appropriate space in the Minutes of Voting.

**SPECIAL BOARD OF ELECTION TELLERS,
SUPPORT STAFF, WATCHERS, ESCORTS AND
MONITORING GROUPS**

SECTION 16. *Special Board of Election Tellers (SBET) and Support Staff Per Voting Center* - The Commission on Elections, through its Election Officer (EO) in districts/cities/municipalities where a special polling place is established, shall constitute the SBET not later than October 20, 2010 following the rules embodied in Article II of Resolution No. 9030 or the "General Instructions for the Board of Election Tellers (BET) and Barangay Board of Canvassers (BBOC) in Connection with the Conduct of the October 25, 2010 Synchronized Barangay and Sangguniang Kabataan Elections" promulgated on September 21, 2010.

In cities with two (2) or more districts, the EO of the district where the detention facility is located shall constitute the SBET. However, all EOs in the districts shall appoint the Support Staff for voting centers located in their respective districts.

The names of members of the SBET and the support staff shall be immediately submitted to the Office of the Chairman of the Committee on Detainee Voting.

SECTION 17. *Powers and Functions of the SBET* - The SBET shall have the following powers and functions:

- a) Receive and bring the ballots and other election paraphernalia to the special polling places in jails on election day;
- b) Conduct only the voting in the special polling places (the counting shall be done in the detainee voters' respective precincts);
- c) Seal and sign the envelopes containing the filled-up ballots (per precinct) and hand it to the SBET Support Staff for counting in the detainee voters' respective precincts;
- d) Act as deputies of the Commission in the conduct of the elections;

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- e) Maintain order within the special polling place and its premises; keep access thereto open and unobstructed; enforce obedience to its lawful orders and prohibit the use of cellular phones and camera by the detainee voters. If any person refuses to obey the lawful orders of the SBET or conducts himself in a disorderly manner in its presence or within its hearing and thereby interrupts or disturbs its proceedings, the SBET may issue an order in writing directing any BJMP personnel to take said person into custody until the adjournment of the meeting, but such order shall not be executed as to prevent the person from voting. A copy of such order shall be attached to the Minutes; and
- f) Perform such other functions prescribed by law or by the rules and regulations promulgated by the Commission.

SECTION 18. Duties of the SBET Support Staff and PNP/BJMP Escort- For every voting center (usually a school) where there is/are detainee voter/s, there shall be one (1) member of the SBET Support Staff and an armed Philippine National Police (PNP) escort. In case of insufficiency of PNP escorts, BJMP personnel shall be assigned by the jail warden/wardress to augment the PNP force.

The SBET Support Staff member and PNP/BJMP escort shall deliver for counting, not later than 3:00 P.M. on election day, the filled-up ballots to the BET of the regular polling precincts where detainees are registered as voters. The armed PNP/BJMP escort shall not enter the polling place to which the filled-up ballots are delivered or any other polling places except to vote.

SECTION 19. Proceedings of the SBET- The meeting of the SBET shall be public and held in the special polling place designated by the Commission and the BJMP.

SECTION 20. Voting of the SBET - Members of the SBET or their substitutes and Support Staff shall vote only in the precincts where they are registered and only after they have closed the voting in the special polling place in the jail at 12:00 P.M.

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- e) not be related within the fourth civil degree of consanguinity or affinity to the chairman or to any member of the SBET in the special polling place where he/she seeks appointment as watcher; and
- f) not be a detainee of the jail.

Incumbent Barangay/SK Officials including Barangay Tanods shall not be appointed watchers of any candidate or citizen's arm.

SECTION 25. *Rights and Duties of Watchers* – Upon entering the special polling place, the watcher shall deliver to the chairman of the SBET his/her sworn written appointment. The appointment shall bear the signature of the candidate who appointed him/her with a statement that he/she possesses all the qualifications and none of the disqualifications as watcher. The poll clerk shall record the names of the watcher in the Minutes of Voting with a notation under the watcher's signature that he is not disqualified as such.

The watcher shall have the right to:

- a) Witness of the proceedings of the SBET;
- b) Take note of what he/she may see or hear;
- c) Take photographs of the proceedings and incidents, if any, during the voting in the special polling places in jails;
- d) File a protest against any irregularity or violation of law which he/she believe may have been committed by the SBET or by any of its members or by any person, and
- e) Obtain from the SBET a certificate as to the filing of such protest and the resolution thereof.

Watchers shall not speak to any member of the SBET, SBET Support Staff or to any voter or among themselves, in such manner as would disturb the proceedings of the SBET.

SECTION 26. *Monitoring Groups, Observers and Media Representatives* - Monitors of Vote Watch groups duly accredited by the Commission shall be allowed access to the special polling places inside jails to

observe the proceedings; *Provided*, said monitors present the necessary identification to the SBET.

Accredited media representatives and foreign observers shall also be allowed access to the special polling places but they must follow all the security measures enforced within the jails and the guidelines established by this Commission.

SECTION 27. *Documentation and Communication Devices Allowed in Special Polling Places* - Watchers, members of the SBET, SBET Support Staff, CHR representatives, Vote Watch monitors, COMELEC representatives shall be allowed to bring cameras, cellular phones and laptops in the special polling places. *Provided*: these devices are to be used exclusively for official documentation and communication purposes.

ELECTION FORMS AND SUPPLIES

SECTION 28. *Election Forms, Documents and Supplies.* -

The City/Municipal Treasurer shall segregate all the ballots of the detainees from their respective precincts and seal them together. For this purpose, the Election Officer (EO) of the city/municipality/district shall submit to the treasurer the number of detainee voters for every precinct.

In cities with two or more districts, detainee ballots shall be sealed per district and every EO shall submit to the City/Municipal Treasurer his/her district's number of detainee voters per precinct.

Except when authorized to do earlier by the Commission, the SBET shall get the forms, documents and supplies early in the morning of election day. The City/Municipal Treasurer shall give to the SBET of the special polling place the following forms, documents and supplies:

CEF NO.	DESCRIPTION	RATE OF DISTRIBUTION
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<u>ELECTION FORMS</u>			
6	Official Ballots for Barangay Elections	One per detainee voter	Pieces
11	Minutes of Voting and Counting of Votes	1	Set of 2 pieces
12	Paper Seals	(No. of precincts with detainee voter/s) x (2)	Pieces
14	Certificate of Receipt of Official Ballots, Other Forms and Supplies by BET	3	Pieces
<u>ENVELOPES</u>			
(Unnumbered)	Short Brown envelope for the filled-up ballots of detainee voters for delivery to their respective precincts	One (1) for every precinct with detainee voter/s	Pieces
16-D and 28	Torn Half of Unused Official Ballots and Other Half, Torn Unused Official Ballots	1	Set of 3 pieces
18-A & 18-B	For Minutes of Voting and Counting of Votes	1	Set of 2 Pieces
<u>OTHER FORMS</u>			
A30	Temporary appointment of Chairman/Poll Clerk/Third Member/Support Staff	10	Pieces
A35	Certificate of Challenge or Protest and Decision of the Board	10	Pieces
A39	Oath of Voter Challenge for Illegal Acts	10	Pieces
A40	Oath of Identification of Challenged Voter	10	Pieces
	Rules and Regulations for Detainee Voting	5	Pieces
<u>SUPPLIES</u>			
	Ball pen	36	Pieces
	Ordinary Envelope (Long)	1	Piece
	Rubber Band	8	Pieces
	Bond Paper (Long)	20	Pieces
	Carbon Paper	5	Sheets
	Thumbprint/Fingerprint Takers	2	Pieces

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	Indelible Stain Ink	2	Bottles
	Ballot Secrecy Folders	30	Pieces
	Permanent Marker (for marking envelopes containing the filled-up ballots and to be delivered to detainees' respective polling precincts)	1	Piece

The SBET shall take from the Municipal/City Election Officer the following:

- a) One copy of the EDCVL (for detainee voters) where the precinct and polling center of every detainee voter is indicated;
- b) PCVL for detainees; and
- c) Copies of Appointment and Oath of Office of the SBET and Support Staff (A5 & A5-A)

In cities with two or more districts, SBET, assisted by its Support staff, shall take all the detainee ballots allotted for all the different districts from the City/Municipal Treasurer and the detainees' EDCVL (per district) and PCVL (per district) from the different district EOs.

The SBET shall carefully check the different election forms, documents and supplies and the quantity actually received. The Board shall immediately call the attention of the Election Officer/Municipal Treasurer, as the case may be, on any deficiency or shortage thereof. The SBEI shall sign a Certificate of Receipt (CEF No.14) in three copies, the original of which shall be delivered to the City/Municipal Treasurer, who shall transmit the same to the ERSD, Comelec, Manila, immediately after election day.

SECTION 29. *Forms to be Reproduced When Needed.* – The following forms may be reproduced when needed:

- a) Temporary Appointment of Chairman/Poll Clerk/Member (CEF No. A30)
- b) Certificate of Challenge or Protest and Decision of the BEI (CEF No. A35);
- c) Oath of Voter Challenge for Illegal Acts (CEF No. A 39); and
- d) Oath Of Identification of Challenged Voter (CEF No. A 40)

PROCEDURES OF VOTING

SECTION 30. *Preliminaries to the Voting.*

The SBET and Support Staff shall meet at the special polling place in jail at six o'clock in the morning (6:00 A.M.) on election day. Members of the SBET and Support Staff shall submit themselves to all the security measures enforced in jails.

The SBET shall do the following:

- a) Check that it has all the election forms, documents and supplies needed;
- b) Post the PCVL for detainees near or at the door of the polling place;
- c) Place the ballot secrecy folders on top of the desks/chairs;
- d) Print, using a Pentel pen, on each brown envelopes the number of polling precinct and the name of the polling center where there are detainee voters;
- e) Place the brown envelopes (marked with precinct numbers and polling centers) on top of the SBET table; and
- f) In the presence of the other members, the SBET chairman shall open the package of ballots and count the number thereof.

SECTION 31. *Manner of Obtaining Ballots.* As stated in Section 11 hereof, detainee voters registered in far places of the city/municipality shall vote ahead of those registered in nearer precincts. Each voter shall:

- a) Look for his name in the PCVL posted near the door of the voting center and determine his/her precinct number;
- b) Approach the SBET and inform the Chairman whether he/she is voting for barangay or SK officials, as the case maybe, and give his name, address and precinct number, together with the other data concerning his/her person. In every case, the Chairman shall ensure that the

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person before him/her is the same person he/she professes or claims to be. If any member of the SBET doubts the identity of the voter, he/she shall require the voter to present any authentic document which may establish his/her identity. If the detainee cannot present any such document, the SBET may require the Office of the Warden/Wardress to present the jail records of the detainee;

- d) If the SBET is satisfied with his/her identity, the Chairman shall announce the voter's name distinctly in a tone loud enough to be heard throughout the polling place;
- e) If such voter has not been challenged, or having been challenged, the question has been decided in his favor, the voter shall be given the corresponding ballot for barangay / SK elections, as the case maybe.

No person other than the Chairman shall issue official ballots and not more than one (1) ballot shall be given at any one time.

- f) Before giving the ballot to the voter, the Chairman shall check if any of the finger nails is stained with indelible ink. If stained, the voter shall not be given a ballot. Such fact shall be entered in the Minutes of Voting and Counting of Votes.
- g) If the voter's right index fingernail is not stained with indelible ink, the Chairman shall:
 - 1. Announce the serial number of the ballot to be issued to the voter;
 - 2. Enter the same in the corresponding space labeled "Ballot SN" below the first name of the voter on the EDCVL;
 - 3. Authenticate, in the presence of the voter, the ballot by affixing his signature at the back thereof;
(Failure to authenticate ballot shall be noted in the Minutes of Voting and Counting and shall constitute an election offense. In

no case, the Chairman shall pre-sign the back of the ballot prior to its actual issuance to the voters)

4. Fold the ballot in such a manner that its face, except the portion where the serial number appears, is covered; and
5. Give the ballot to the voter.

The voter shall, upon receipt of the ballot, forthwith affix his/her signature or in the case of illiterate or disabled voter, his thumbmark, in the proper space of the EDCVL.

SECTION 32. *Manner of Voting.* - Voting shall be conducted in the following manner:

- a) The detainee voter, using the ballot secrecy folder, fill up his/her ballot by writing in the corresponding spaces the names of the individual candidates he is voting for as appearing in the Certified List of Candidates;
- b) After filling up the ballot, the detainee voter shall fold it in the same manner as he received it;
- c) The voter shall then, in the presence of all the members of the SBET, affix his thumbmark in the corresponding space in the ballot coupon, and return the folded ballot to the Chairman;
- d) The Chairman shall, within the view of the voter and all the members of the SBET; without unfolding the ballot or seeing its contents, verify its serial number against the number previously entered in the EDCVL to determine whether it is the same ballot given to the voter.

If the serial number does not tally with the serial number as entered in the EDCVL, the ballot shall be considered "spoiled" and shall be so marked and signed by the Chairman. The Chairman shall then insert the ballot into the envelope marked with voter's precinct number. Such fact shall be indicated in Part C of the Minutes of Voting and Counting.

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(The BET in the polling precinct of the detainee voter will place the spoiled ballot inside the compartment for spoiled ballots.)

- e) If the serial number of the ballot returned by the voter is the same as that recorded in the EDCVL, the voter shall affix his thumbmark in the corresponding space in the EDCVL;
- f) The Chairman shall then apply indelible ink at the base and extending to the cuticle of the right forefinger nail of the voter, or at the base of any other fingernail if there be no right forefinger;
- g) The SBET shall apply indelible ink at the base and extending to the cuticle of the right forefinger nail of the detainee voter, or any other nail if there be no forefinger nail. If a voter refuses to have his/her fingernail stained with indelible ink, he shall be informed that such refusal shall render his ballot spoiled.

If the voter still refuses despite being informed thereof, the Chairman shall mark the ballot with the word "spoiled" sign the same at the back thereof and immediately place said ballot inside the envelope marked with voter's precinct number. The voter shall then be requested to depart. Such fact shall be recorded in Part C of the Minutes of Voting and Counting of Votes;

- h) The Chairman shall sign in the proper space in the EDCVL;
- i) The Chairman shall then detach the ballot coupon in the presence of the voter and other members of the SBET and insert both the detached coupon and the ballot into the envelope marked with the voter's precinct number.
- j) The voter shall then depart.

SECTION 33. Sealing of the Envelopes Per Precinct - At the time all detainee voters in a particular precinct have already voted, the Chairman in the presence of the SBEI shall:

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- a) Close the envelope (containing the folded ballots, spoiled ballots and coupon) using two (2) paper seals both bearing the initials of the SBET – one paper seal each on the left and right sides of the envelope's flap; and
- b) Hand the sealed envelope to the Support Staff member assigned to the polling center where the precinct is established.

SECTION 34. *Time for the Support Staff to Leave for the Voting Center* - The Support Staff member shall immediately leave for his polling center once all the envelopes of the covered precincts are handed to him/her.

SECTION 35. *Disposition of Election Documents* – The Chairman of the SBET shall count and record in Part A of the Minutes of Voting and Counting of Votes the quantity of the unused ballots and their serial numbers, if any. Thereafter, he shall, in the presence of other members of the SBET and watchers; if any, tear the unused ballots in half lengthwise without removing the stubs and detachable coupon.

The first half of the torn ballots shall be placed in the "Envelope for Other Half of Torn Unused Ballots" which envelope shall be sealed with a paper seal. The second half of the torn ballots shall be placed in the envelope "Envelope for Excess/Half of Torn Unused Ballots" which shall be sealed with a paper seal. Both sealed envelopes shall be submitted to the Election Officer. Such fact of tearing and sealing shall be entered in Part C of the Minutes of Voting and Counting of Votes.

The SBET shall then deliver to the Election Officer the EDCVL, PCVL, the two (2) sealed envelopes for the torn unused ballots and other election paraphernalia. In cities with two or more districts, the different EDCVLs and PCVLs shall be returned to the different EOs from whom the same were taken.

SECTION 36. *Counting of the Detainee Voters' Ballots* - The SBET Support Staff members shall ensure that all detainee ballots reach the regular polling precincts before three o'clock in the afternoon (3:00 P.M.) of the election day.



Upon arrival of the detainee ballots in the polling precincts, the Chairman of the BET shall announce the arrival of said ballots and, in the presence of all the SBET members and watchers, immediately break the two (2) seals of the envelope. The Chairman of the BET shall sort the contents of the envelope. Thereafter, the BET Chairman shall deposit the folded valid ballots inside the compartment of the ballot box for valid ballots and the spoiled ballots together with the coupons of the valid ballots inside the compartment for spoiled ballots. Such fact shall be recorded in the Minutes of Voting and Counting.

ARTICLE IV

ESCORTED DETAINEE VOTING

SECTION 37. *Escorted Detainee Voters* - The following shall avail of the escorted voting:

1. Detainee voters who are residents/ registered voters of municipalities/cities other than the town/city of incarceration; and
2. Detainee voters in jail facilities where no special polling places are established.

Provided: that said detainee voters obtained court orders allowing them to vote in the polling place where they are registered.

Provided further: that it is logistically feasible on the part of the jail/prison administration to escort the detainee voter to the polling place where he/she is registered.

Provided, finally: that reasonable measures shall be undertaken by the jail/prison administration to secure the safety of detainee voters, prevent their escape and ensure public safety.

SECTION 38. *Express Lane for Escorted Detainee Voters* – Detainee voters voting in their respective polling places shall be given priority to vote.

When they reach their polling places, the escort together with the voter shall inform the BET that the detainee is voting as such and the BET shall place the detainee voters in the priority/express lane.

SECTION 39. Jail/Prison Escorts May Bear Arms – To secure the detainee voter, the jail/prison escorts may bring firearms inside the polling place. Said escorts and detainees shall immediately leave the polling place once the latter have finished voting.

ARTICLE V

FINAL PROVISIONS

SECTION 40. Repealing Clause – Earlier procedures on detainee voting inconsistent with the rules and regulations embodied in this resolution are hereby repealed.


SECTION 41. Effectivity. – This resolution shall take effect immediately after its publication in two (2) daily newspapers of general circulation in the Philippines.

SECTION 42. Publication and Dissemination – Let the Education and Information Department, this Commission, cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines and furnish copies thereof to the National Headquarters of the BJMP and all BJMP Regional Directors, all Regional Election Directors, Provincial Election Supervisors, Election Officers, Board of Election Tellers and the Special Board of Election Tellers in jails.

SO ORDERED.


JOSE A. R.

Chairman


RENE V. SARMIENTO
Commissioner


NICODEMO T. FERRER
Commissioner


LUCENITO N. TAGLE
Commissioner


ARMANDO C. VELASCO
Commissioner


ELIAS R. YUSOPH
Commissioner

Not available per
GREGORIO Y. LARRAZABAL
Commissioner

CS