PlebCom Rules

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

RULES ON THE CONSTITUTION, ABAS, Sherif M.,
COMPOSITION AND PARREÑO, Al A.,
APPOINTMENT OF THE GUIA, Luie Tito F.,
PLEBISCITE COMMITTEES, AND GUANZON, Ma. Rowena Amelia V.,
ON OTHER MATTERS, IN INTING, Socorro B.
CONNECTION WITH THE CASQUEJO, Marlon S.,
PLEBISCITE TO RATIFY KHO, Antonio, Jr., T.,
REPUBLIC ACT NO. 11054
OTHERWISE KNOWN AS THE
"ORGANIC LAW FOR THE
BANGSAMORO AUTONOMOUS
REGION IN MUSLIM
MINDANAO”.

Promulgated: November 21, 2018

RESOLUTION NO. 10447

Pursuant to the powers vested in it by the Constitution of the Republic of the Philippines,
the Omnibus Election Code (B.P. 881), Republic Acts No. 6646, 7166, 8189, 10756, 11054,
and other election laws, the Commission on Elections hereby promulgates these “Rules on the
Constitution, Composition and Appointment of the Plebiscite Committees, And On Other Matters,
In Connection With the Plebiscite to Ratify Republic Act No. 11054 Otherwise Known as the
Organic Law for the Bangsamoro Autonomous Region In Muslim Mindanao.”

Article 1
GENERAL PROVISIONS

Section 1. Declaration of policy. – The plebiscite to ratify Republic Act No. 11054 otherwise
known as the “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao” is a
non-partisan political activity;

Sec. 2. Date and places of plebiscite. – The plebiscite to ratify Republic Act No. 11054
otherwise known as the “Organic Law for the Bangsamoro Autonomous Region in Muslim
Mindanao” shall be held on January 21, 2019 in the following places:

a) The present geographical area of the Autonomous Region in Muslim Mindanao;
b) Isabela City in the province of Basilan;

c) Cotabato City;

d) The province of Lanao del Norte, except Iligan City;

e) The municipalities of Aleosan, Carmen, Kabacan, Midsayap, Pikit, and Pigkawayan in the Province of North Cotabato; and

f) Subject to the approval of Comelec, all other areas contiguous to any of the areas described mentioned in Items a), b), c), d) and e) hereof, where: (a) the local government of such area, by way of a resolution, asked for inclusion in the plebiscite; or (b) at least ten percent (10) of the registered voters in a local government unit, by way of a petition, asked for inclusion in the plebiscite.

Sec. 3. Plebiscite and campaign periods. – The plebiscite period shall commence on December 07, 2018, and end on February 05, 2019.

The campaign period shall commence on December 07, 2018, and end at midnight of January 19, 2019.

Campaign shall not be allowed on the eve of plebiscite day (January 20, 2019), and on plebiscite day (January 21, 2019).

Sec. 4. Qualified voters for the plebiscite - All registered voters in the provinces, cities, municipalities, and barangays in the plebiscite areas as of the last Election Registration Board (ERB) hearing whose names appear in the PCVL and EDCVL for the January 21, 2019 plebiscite, are qualified to vote in the plebiscite.

Article II
THE PLEBISCITE COMMITTEE, DEPARTMENT OF EDUCATION SUPERVISOR OFFICIAL (DESO) AND THEIR RESPECTIVE SUPPORT STAFF

Sec. 5. Constitution, composition and appointment of the plebiscite committees – For purposes of the January 21, 2019 plebiscite to ratify Republic Act No. 11054 otherwise known as the “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao”, the Plebiscite Committees (PlebComs) to be constituted herein shall be read and understood as the equivalent of the “Electoral Boards” described in Section 2, Item (c) Republic Act No. 10756 otherwise known as the “Election Service Reform Act”, and as defined in Section 2, Item f) of Comelec Resolution No. 10194 dated September 05, 2017 entitled “In the Matter of the Implementing Rules and Regulations of Republic Act No. 10756, Otherwise Known As The “Election Service Reform Act””.

Beginning November 16, 2018 up to December 14, the Election Officer (EO) of the city or municipality where the plebiscite will be conducted shall constitute a plebiscite committee (PlebCom) for each clustered precinct in the city or municipality, composed of a chairperson, a poll clerk, and a third member.

The EO shall appoint the chairperson, a poll clerk and a third member, and issue their corresponding appointments, in three (3) copies, using the upper half portion of CEF No. 5 & 5A (sample form attached), distributed as follows:

a) First copy, to the EO;
b) Second copy, to the EO to be attached to the payroll for the payment of honoraria or allowances and other benefits;

c) Third copy, to the appointee.

As far as practicable, women members of the PlebCom shall not be assigned in areas with security concerns, or in far-flung barangays, o areas which are likely to cause gender-based violence or are likely to result in physical, sexual or psychological harm, difficulty or suffering.

Sec. 6. Oath of the chairperson, poll clerk and third member. – The chairperson, poll clerk and third member shall, before assuming office, take and sign an oath before the EO or any other officer authorized to administer oaths. For purposes of taking the oath, the chairperson, poll clerk and third member shall individually accomplish the lower portion of CEF No. 5 & 5A.

Sec. 7. Right of preference. -- In the appointment of the members of the PlebCom, the EO shall give preference to public school teachers who are qualified, willing and available to render election-related service and have served in the May 14, 2018 BSKE.

For this purpose, the EO shall furnish the highest Department of Education (DepED) official in the district, city or municipality, with a copy of the Project of Precincts (POP) of the district, city or municipality, with a request for the submission of a certified lists of public school teachers and substitutes, who are qualified, willing and available to render election service. Within five (5) days from receipt of the request, the highest Department of Education (DepEd) official in the district, city or municipality shall, based on the POP, provide the EO with a certified list of recommended public school teachers and their substitutes who are qualified, willing and available to render election-related service. giving preference to those with permanent appointments and those who served in the last barangay and sangguming kabataan elections. The list shall be in the format similar to Annex “A” and Annex “A-1” of Comelec Resolution No. 10194 dated September 05, 2017, sample format attached as Annex “A” and Annex “A-1”.

The number of substitutes shall be 10% of the total number of the members of the PlebCom to be appointed (e.g. 20 clustered precincts x 3 = 60 x 10% = 6 substitutes).

In preparing the list, the concerned DepEd official shall ensure that the persons listed therein, as well as their substitutes, are indeed public school teachers who are qualified, willing and available to serve as members of the PlebCom.

Within three (3) days from receipt of the list, the EO shall immediately verify whether the persons named in the list have the qualifications and none of the disqualifications for appointment as members of the PlebCom.

Sec. 8. Other public school teachers who are qualified, willing and available to render election service, but not included the list. – Public school teachers who are qualified, willing and available to render election service but were not included in the list may apply directly with to the appropriate EO.

Sec. 9. Qualifications of members of the PlebCom. - No person shall be appointed as chairperson, poll clerk or third member, whether regular, temporary or as a substitute, unless such person is:

a) Of good moral character and irreplaceable reputation;
b) A registered voter of the city or municipality where he is assigned;

c) Has never been convicted of any election offense or of any other crime punishable by more than six (6) months of imprisonment, or has no pending information for any election offense filed against him; and

d) Able to speak and write Pilipino, English or the local dialect.

Sec. 10. Disqualification of members of the PlebCom. – No person shall be appointed as chairperson, poll clerk or third member of the PlebCom if such person is related within the fourth (4th) civil degree of consanguinity or affinity to any member of the same PlebCom.

Sec. 11. Notice of disqualification. - Any chairperson, poll clerk or third member of the PlebCom who is disqualified for any reason shall immediately notify, in writing, the EO of such fact who shall in turn appoint a substitute.

Sec. 12. Posting of the list of the appointed members of the PlebCom. – A day after the constitution and appointment of the members of the PlebCom, the EO shall post the list of the constituted and appointed members of the PlebCom on the bulletin boards of his office and of the city or municipal hall. The EO shall keep the list posted for at least five (5) days.

Sec. 13. Opposition to the appointed members of the PlebCom. – Within three (3) days from posting of the list, any interested party may file a written opposition under oath against any of the members of the PlebCom.

In case an opposition is filed, the EO shall:

a) Received the written opposition upon showing that a copy of the opposition was furnished to the member whose appointment is being opposed. The EO shall not act on any opposition unless there is proof that a copy of the opposition has been furnished to the member whose appointment is being opposed;

b) Issue a notice to the member being opposed to answer the opposition within two (2) from receipt of notice. The EO shall not consider the answer unless there is proof that a copy of the answer was furnished the opposing party;

c) With or without the answer, issue a notice stating the date, time and place of the evaluation of the opposition. The notice shall be personally delivered to the last known address of the parties;

d) If there is a need to do so, conduct further investigation on the qualifications of the member being opposed, notwithstanding non-appearance of the parties;
e) Within a period of seven (7) days from receipt of the opposition, resolve the opposition. The resolution shall be in writing stating the reason/s thereof. The resolution shall be final and non-appealable;

f) Furnish copies of the resolution to the member being opposed, the oppositor and to the concerned DepEd official.

Sec. 14. Grounds for the appointment of qualified substitutes. – In case there are not enough public school teachers, who are qualified, willing and available, the EO may appoint substitutes, in any of the following cases:

a) Insufficient public school teachers to be constituted as members of the PlebCom based on the certified list submitted by the DepEd official to the EO vis-à-vis the number of clustered or grouped precincts in the district, city or municipality; or

b) One or more of the public school teachers in the certified list has or have been disqualified and there are no other public school teachers in the locality who are qualified, willing and available to be appointed as substitute/s.

Sec. 15. Deployment of substitutes. - Substitutes shall be on - call on election day. The EO shall cause the deployment of substitutes in case any member of the PlebCom fails to report in their designated polling place, except in the following instances where the members of the PlebCom present, may appoint a registered voter as substitute to temporarily fill such vacancy, until the regular member appears:

a) There is considerable distance between the residence of the substitute and the location of the polling place;

b) Lack or difficulty of means of transportation; and

c) Inability of the PlebCom to inform the EO of the non - appearance of any of its member.

Sec. 16. Lack of public school teachers who are willing, available and qualified to serve as members of the PlebCom; order of preference – Should there be a lack of public school teachers willing, available and qualified to serve as members of the PlebCom, the EO may instead appoint the following in the order named:

a) Private school teachers, giving preference to:

1. Those employed in private schools being utilized by the Commission as a voting center. If the voting center is a public building, private school teachers residing within the vicinity of that voting center may be appointed;

2. Those teaching in high school or college level, holding regular positions or those who have previously as Board of Election Inspectors (BElS), or Special Board of Election Inspectors (SBEIs), or PlebComs in previous elections.
b) National government employees

1. DepEd non-teaching personnel;

2. Other national government officials and employees holding regular or permanent positions, excluding uniformed personnel of the Department of National Defense (DND) and all its attached agencies.

c) Members of the Commission-accredited citizen arms or other civil society organizations duly accredited by the Commission; and

d) Any registered voter of the city or municipality of known integrity and competence.

Sec. 17. Submission of certified list for appointing members of the PlebCom in case of lack of public school teachers who are willing, available and qualified to render election service. - In relation to Section 16 hereof, the EO shall request from the highest official of the institutions, organizations or associations in the district, city or municipality, a certified list of their personnel who are willing, available and qualified to render election service. The request shall be accompanied by the POP of the district, city or municipality.

In case there are two or more private schools in the district, city or municipality, the EO shall send the request simultaneously. In case there are two or more organizations or associations in the district, city or municipality, the EO shall send the request simultaneously. In both cases, the EO shall act on a first come first serve basis.

Within three (3) days from receipt of the request, the concerned official shall endorse to the EO a certified list of their personnel who are willing, available and qualified to render election service, to wit:

a) the highest official of the private school in the district, city or municipality in case of Section 16 (a) above. The certified list shall in the format like Annex “B” of Comelec Resolution No. 10194 dated September 05, 2017, sample form attached as Annex “B”;

b) the highest DepEd official mentioned in Section 3 hereof, in case of Section 16 (b) (1) above. The certified list shall in the format like Annex “C” of Comelec Resolution No. 10194 dated September 05, 2017, sample form attached as Annex “C”;

c) the highest official of other national government agencies in the district, city or municipality in case of Section 16 (b) (2) above, if any;

d) The highest official or authorized representative of the local chapter of the Commission-accredited citizens arms or other CSOs or other NGOs in the district, city or municipality, duly accredited by the Commission in case of Section 16 (c) above. The certified list shall in the format like Annex “D” of
Comelec Resolution No. 10194 dated September 05, 2017, sample form attached as Annex “D”.

The endorsement of the heads of the agencies shall serve as the authority for their respective employees who shall render election-service to attend trainings, seminars for purposes of the plebiscite.

In the preparation of the list, the said officials shall exercise due diligence to ensure that the persons named in the lists are willing, available and qualified to render election service.

Private school teachers, national government employees, DepEd non-teaching personnel, other national government officials and employees holding regular or permanent positions, excluding uniformed personnel of DND and all its attached agencies and members of the Commission-accredited citizens arms or other civil society organizations and non-governmental organizations duly accredited by the Commission, not included in the list but who are willing, available and qualified, may apply directly with the EO.

In the case of Section 16 (d) above, the Commission shall provide, FREE OF CHARGE, an application form for any registered voter who intends to be appointed as a member of the PlebCom. The form is available at the Office of the Election Officer (OEO) or may be downloaded from the official website of the Commission.

Sec. 18. Deputation of uniformed personnel of the PNP as members of the PlebCom. — Uniformed personnel of the PNP may be deputized as members of the PlebCom when:

a) The peace and order situation so require as determined by the Commission; and

b) There are no other willing, available and qualified persons to render election service as certified by the concerned officials mentioned in Section 12 hereof.

In the deputation of PNP personnel as members of the PlebCom, the protocol laid down in Comelec Resolution No. 10330 dated 10 May 2018 entitled “Protocol for the Deputation of the Philippine National Police Personnel (PNP) As Members of the Electoral Boards for the May 14, 2018 Barangay and Sangguniang Kabataan Elections (BSKE)”, shall be observed.

Sec. 19. Powers of the PlebCom. — The PlebCom shall have the following powers and functions:

a) Conduct the voting and counting of votes in their assigned polling places;

b) Act as deputies of the Commission in the supervision and control of the plebiscite in the polling places where they are assigned;

c) Perform such other functions prescribed by law or by the rules and regulations issued by the Commission.

Sec. 20. Voting privilege of the members of the PlebCom. — In line with Section 13. II of Comelec Resolution No. 10338 dated May 13, 2018 entitled “In the Matter of the Request for Proposed Clarification on the Voting Privilege of the4 Members of the Electoral Board In
Connection With the 2018 Barangay and Sangguniang Kabataan Elections (2018 BSKE)

members of the PlebCom or their substitutes may vote in the polling place where they are assigned on plebiscite day if:

a) They are registered voters of the city, or municipality where they are assigned;

b) Their voting in their place of assignment is light;

c) Their absence shall not be for more than thirty (30) minutes;

d) They must be given priority in voting;

e) The PlebCom shall schedule the voting so that only one (1) member shall leave at any given time;

f) Their voting in the polling place where they are not registered voters should be noted in their Minutes; and

g) They shall add in the Election Day Computerized Voters List (EDCVL) their names and the precinct assignments and barangays where they are registered.

Sec. 21. Department of Education Supervisor Official (DESO) and support staff. – The EO shall designate one (1) DESO and one (1) support staff for every voting center.

The DESO shall have the same qualifications and none of the disqualifications of a member of the PlebCom.

In no case shall a casual employee be appointed to serve as support staff, nor shall an official or employee of local government units be appointed as support staff.

The DESO shall be under the control and supervision of the EO. The DESO shall:

a) Plan, organize and supervise the setting-up of health stations, emergency response units, and voters’ assistance desk in every voting center if possible, in coordination with the concerned EO and stakeholders;

b) Ensure that Day Care Centers are open on plebiscite day;

c) Maintain a list of the PNP and AFP personnel in the voting centers for efficient coordination in case of need; and

d) Serve as the contact and point person of the EO in the voting center. As such, he/she shall report any operational issues to the EO.

The support staff shall assist the DESO in undertaking the abovementioned functions. In case of absence of all or any of the support staff on the day of the plebiscite, the PlebCom, by majority vote, may designate any registered voter in the precinct/clustered precinct as substitute. Such fact shall be recorded in the Minutes.

Sec. 22. Honoraria, allowances, service credit and other benefits. – Members of the PlebCom, DESOs, and their respective support staff, shall be entitled to honoraria, allowances,
service credit and other benefits provided under Republic Act No. 10756 otherwise known as the "Election Service Reform Act" as implemented by Comelec Resolution No. 10194 dated 05 September 2017 entitled "in the Matter of the Implementing Rules and Regulations of Republic Act No. 10756".

Claims for service credits and other benefits shall be filed with the Committee on Claims and Assessment (CCA) through the Office of the Election Officer concerned, and in accordance with Comelec Resolution No. 10320 dated 02 May 2018 entitled "In the Matter of the Election Service Reform Act – Committee on Claims and Assessment Rules and Regulations".

Sec. 23. Period of payment of honoraria and allowances. — The honoraria and allowances mentioned in Section 22 hereof shall be paid within fifteen (15) days from the date of plebiscite.

Unless otherwise ordered, the relevant provisions of Comelec Resolution No. 10332 dated May 11, 2018 entitled "In the Matter of the Exemption from Withholding Tax on Compensation of Public School Teachers and Other Persons Serving In the Electoral Board In Connection With the May 14, 2018 Barangay and Sangguniang Kabataan Elections", shall apply in the January 21, 2019 plebiscite. For this purpose, the EO shall prepare a certified list of poll workers (PlebCom, DESO and their support staffs) declaring that they are willing to execute the required Sworn Declaration if their gross annual salary is Php250,000.00 and below, sample form attached as Annex "D".

The EO shall submit the list to the Finance Services Department of the Commission on or before December 17, 2018 through the following email addresses: fsd.rgcempron@gmail.com or zitabuena_comelec@yahoo.com

Sec. 24. Proceedings of the PlebCom. — The meeting of the PlebCom shall be public and held only in the polling place authorized by the Commission.

The PlebCom shall have full authority to 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 PlebCom, or conducts himself in a disorderly manner in its presence within its hearing, and thereby interrupt or disturb its proceedings, the PlebCom 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 any 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. If there is no peace officer, the order may be executed by any other person deputized by the PlebCom in writing.

SEC. 25. Prohibition of political activity. — No member of the PlebCom shall engage, directly or indirectly, in any partisan political activity, or take part in the plebiscite except to discharge his duties and to vote.

Sec. 26. Functioning of the PlebCom. — The PlebCom shall act through its chairperson and shall decide without delay by majority vote all questions which may arise in the performance of its duties.

Sec. 27. Temporary vacancies. — If, at the time of the meeting of the PlebCom, any member is absent, or the office is still vacant, the vacancy shall be filled in accordance with Sections 10 and 11 hereof.

Sec. 28. Arrest of absent members. — The PlebCom member or members present may order the arrest of any other member or substitute thereof, who, in their judgment, has absented with the intention of obstructing the performance of the duties of the PlebCom.
Article III

PRECINCTS AND POLLING CENTERS

Sec. 29. Precincts and polling centers. — Except for Marawi City, the established precincts after the October 09, 2018 hearing of the Election Registration Board (ERB) in the areas covered by the plebiscite, shall be used for purposes of the January 21, 2019 plebiscite.

In the case of Marawi City, the established precincts after the October 25, 2018 hearing of the Marawi City ERB, shall be used for purposes of the plebiscite.

The established precincts shall be clustered in accordance with the clustering procedures used in the last barangay elections.

Except for Marawi City, the polling centers designated by the Commission in the May 14, 2018 Barangay and Sangguniang Kabataan Elections shall be used for purposes of the plebiscite, unless otherwise ordered by the Comelec.

In the case of Marawi City, the polling centers designated by the Comelec for the September 22, 2018 Barangay and Sangguniang Kabataan Elections in said city, shall be used for purposes of the plebiscite, unless otherwise ordered by Comelec.

Sec. 30. Transfer of polling center. — The location of a voting center designated in the May 14, 2018 Barangay and Sangguniang Kabataan elections, and in the September 22, 2018 Barangay and Sangguniang Kabataan elections in Marawi City, shall not be changed, except upon written petition of the majority of the voters of the precinct or agreement of all the political parties or by a resolution of the Comelec upon prior notice and hearing.

No location of polling center shall be changed starting December 22, 2018, except when it is destroyed, or it cannot be used.

Article IV

WATCHERS

Sec. 31. Watchers; qualifications, rights and duties. — The proponents and the oppositions, the citizens arms of the Commission, if any, may appoint two (2) watchers each to serve alternately, in every polling place or canvassing center. Other civic, professional, business, service, youth, and any other similar organization, with prior authority of the Commission, shall be entitled collectively to appoint two (2) watchers to serve alternately in every polling place or canvassing center.

If the space in the polling place reserve for watchers is insufficient, preference shall be given to the watchers of the citizens arms of the Commission, the watchers of the proponents and he opposition.

No person shall be appointed as watcher unless such person is a registered voter of the city or municipality where such person is assigned, of good reputation, and shall not have been convicted by final judgment of any election offense or of any other crime, must know how to read and write Pilipino, English or any of the prevailing local dialects and not related within the fourth (4th) civil degree of consanguinity or affinity to any member of the PlebCom where such person seeks appointment as a watcher.
Upon entering the polling place, the watchers shall present to the chairperson of the PlebCom their appointments as watchers, and their names shall be recorded in the Minutes with a notation under their signatures that they are not disqualified to serve as watchers.

The appointments of the watchers shall bear the signature of the duly authorized representative of the proponent, opposition or organization that appointed them. At least fifteen (15) days before the plebiscite, the proponent, opposition and the citizens' arms of the Commission shall provide the EO concerned with the names and signatures of their representatives authorized to appoint watchers in the polling places or canvassing venue of the district, city or municipality.

The watchers shall have the right to:

a) Stay in the space reserved for them inside the polling place, subject to the 2nd paragraph of this Section;

b) Witness and inform themselves of the proceedings of the PlebCom;

c) Take note of what they may see or hear;

d) Take photographs of the proceedings and incidents, if any, during the counting of votes, as well as of the plebiscite returns, tally boards and ballot boxes;

e) File a protest against any irregularity or violation of law which they believe may have been committed by the PlebCom or by any of its members or by any person;

f) Obtain from the PlebCom a certificate as to the filing of such protest and/or the resolution thereon;

g) Read the ballots after they shall have been read by the chairperson, as well as the plebiscite returns after they shall have been completed and signed by the members of the PlebCom without touching the ballots or the plebiscite returns, but not to speak to any member of the PlebCom, or to any voter, or among themselves, in such a manner as would distract the proceedings;

h) Be furnished with a certificate of the number of votes in words and figures of the votes obtained, duly signed and thumbmarked by all the members of the PlebCom.

The refusal of the members of the PlebCom to sign and furnish certificate of votes shall constitute an election offense and penalized under existing laws.

Article V

MISCELLANEOUS PROVISIONS

Sec. 32. Authority to administer oath. — The EO shall have the power to administer the oath in all cases where oath is required under this Rules.

Sec. 33. Applicability of the Omnibus Election Code, other election laws and resolutions of the Commission. — The pertinent provisions of the Omnibus Election Code, Republic Acts No.
6646, 10756, 11054 and resolutions of the Comelec not inconsistent with these Rules shall, as far as practicable, apply to the January 21, 2019 plebiscite.

Sec. 34. Publication and dissemination. – The EID shall cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines, and give it widest dissemination.

Sec. 35. Effectivity. – This Rules shall take effect on the seventh (7th) day after its publication in two (2) daily newspapers of general circulation in the Philippines.

SO ORDERED.

SHERIFF M. ABAS
Chairman

AL A. PARREÑO
Commissioner

LUIS TITO F. GUIA
Commissioner

SOCORRO B. INTING
Commissioner

On Leave

ANTONIO T. KHO, JR.
Commissioner

MA. ROWENA AMELIA V. GUanzON
Commissioner

MARLOM S. CASQUILLO
Commissioner