



Republic of the Philippines
National Electrification Administration
Quezon City

21 March 2005

NEA MEMORANDUM No. 2005-012

TO : ALL ELECTRIC COOPERATIVES

SUBJECT : GUIDELINES ON THE CONDUCT OF EC DISTRICT ELECTIONS

The previous amendments to the Electric Cooperatives Guidelines took effect on 01 August 1993. At present, the conduct of district elections has turned intricate and contentious, oftentimes resulting to the filing of election protests.

The latest amendments to the election guidelines, pursuant to the NEA Board of Administrators Resolution No. 18, Series of 2005, as herein presented, are meant to minimize and/or steer clear of election protests and maintain uniformity and consistency in ruling over election cases.

These guidelines supersede all other NEA issuances on district elections, including the 1990 and the 1993 Electric Cooperative Election Code.

The salient amendments to the guidelines are found in the following provisions:

1. Article II, Sections 8, 12, and 13;
2. Article II, Section 11, (2), (c);
3. Article VI, Section 18;
4. Article VIII, Section 27;
5. Article VIII, Section 28, (f);
6. Article XI, Section 45; and,
7. Article XII, Sections 51 and 52.

Provisions pertaining to the Regional Electrification Office (REO) in the election guidelines are likewise repealed as a result of the closure of the REOs.

These guidelines shall henceforth be the regulatory policy that will govern all district elections in electric cooperatives, after filing of the same at the UP Law Center and shall take effect 15 days after publication in the Official Gazette. Further, the 2005 Election Guidelines shall not increase nor diminish the term of office of the incumbent members of the Board of Directors.

Kindly cause the timely and widest circulation of these guidelines to all concerned.

Please be guided accordingly.


EDITA S. BUENO
Administrator

NATIONAL ELECTRIFICATION
ADMINISTRATION

IN REPLY, REFER TO FILE NO. 00006740



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GUIDELINES ON THE CONDUCT OF DISTRICT ELECTIONS FOR ELECTRIC COOPERATIVES

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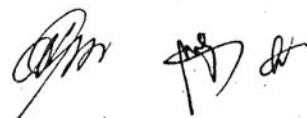
GUIDELINES ON THE
CONDUCT OF DISTRICT ELECTIONS FOR ELECTRIC
COOPERATIVES

ARTICLE I – GENERAL PROVISIONS

Section 1 – **Applicability** – These guidelines shall govern the elections of the Board of Directors of all electric cooperatives established/organized under the provisions of PD No. 269 as amended.

Section 2 – **Definition of Terms** – As used in this Guidelines the following words or terms have the following meanings unless a different meaning clearly appears in the context:

- a) Election refers to the process of choosing a director in a district through secret balloting to represent its members in the cooperative Board of Directors.
- b) Board of Directors is the body composed of representatives elected in every district to promulgate policies, rules and regulations necessary for the operation of the electric cooperative.
- c) Voter refers to a bonafide member of the cooperative who possesses all the qualifications to vote.
- d) Resident refers to a bonafide member of a district who has been residing in said district for not less than one (1) year immediately preceding the elections.
- e) Juridical person refers to any firm, corporation, association, body politic or subdivision thereof.
- f) Masterlist of Voters is a roster of bonafide members who are qualified to vote in a particular district election, indicating the address, membership certificate number or official receipt number, status of membership whether single or joint or juridical, and the date and resolution number under which the membership was approved.
- g) Voting Center denotes the designated place where the election of the Board of Directors of the cooperative will be conducted.
- h) Election Precinct is the designated place in the voting center wherein the members of the cooperative within a designated territory will register and cast their votes.
- i) Screening Committee (SC), for purposes of reviewing official records and final screening of the qualification requirements of candidates, refers to a body composed of the following: Engineering or Technical Services

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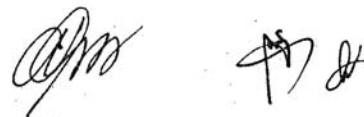
Department Manager, Finance or OSD Manager as members and Member Services or Institutional Services Department Manager as Chairman.

- j) District Election Committee (DECOM) shall mean a body of three (3) members delegated to exercise supervision and control of the election of the Board of Directors in particular districts in the electric cooperative.
- k) Precinct Election Committee (PECOM) is a body of three (3) members deputized by the DECOM to take charge of the registration and voting in the precinct.

Section 3 – Date of Election – It shall be the responsibility of the Board of Directors to call, schedule and provide appropriation for, by resolution, the regular conduct of district elections. Such resolution shall be passed in not less than 90 days nor more than 120 days before the annual meeting of the cooperative as provided for in the By-Laws. Copy of the resolution shall be submitted to NEA, within 2 weeks after the Board meeting.

- a) In not less than thirty (30) days, nor more than sixty (60) days before the annual meeting of the cooperative as provided for in the By-Laws, election shall be held for districts where the terms of office of the incumbent board members as fixed by the By-Laws are due to expire. The thirty (30) days shall be reckoned from the date of the last elections scheduled for the year.
- b) Special election shall be called by the Board, by resolution, to fill any vacancy due to death, incapacity, resignation, disqualification and other similar causes, if the unexpired term is two (2) years or more. A duly elected director under this provision shall serve only the unexpired portion of the term. However, if the remaining term is less than two (2) years, the Board, by a majority vote, shall appoint through a resolution, the successor to the vacant position from among the nominees submitted by the District Electrification Committee or Member-Consumers Electrification Committee of the district where the vacancy occurs, subject to the confirmation of the National Electrification Administration.
- c) The Board shall pass the resolution calling the Special Election not later than five (5) days after the vacancy occurs, to be held in not less than twenty-five (25) days nor more than thirty-five (35) days after the vacancy. The same masterlist of voters used in the regular election immediately preceding shall be used.

Section 4 – Postponement of Election – When for any serious cause such as violence, terrorism, loss or destruction of election paraphernalia or records and force majeure, the holding of a free, honest and orderly election shall become impossible, the DECOM shall postpone the election therein. Such decision shall be subject to affirmation of the NEA representative, if any, supervising the actual conduct of election. In no case shall the postponement of election extend to more than twenty (20) days within which the Board with the affirmation of NEA, shall reset the holding of the election. Conduct of

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such elections shall be covered by the prescriptive period in the posting/sending of notices, and in the filing of additional Certificate of Candidacy, if any, as provided for in Sections 6 and 10 hereof. Unless any or all of the members of the District and Precinct Election Committees as originally constituted shall have withdrawn, the same members shall supervise and control the conduct of the re-scheduled elections. In case of withdrawal, their alternates shall take their place, otherwise, the NEA shall appoint new members of the DECOM. Also, the same masterlist shall be used.

Section 5 – Failure of Election – If in any event, the Board fails or refuses to call and hold the election as mandated by the Co-op By-Laws or as prescribed in Section 3 hereof, the National Electrification Administration, in the exercise of its power of supervision and control over electric cooperatives shall have the right to call and conduct the election for and in behalf of the cooperative.

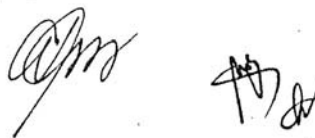
If in the conduct of election, the total number of voters who registered in the form provided for (voters' register) fails to meet the quorum requirement as set forth in the Co-op By-Laws, the same shall be deemed a failure of election and in such case, another election shall therefore be held. However, in case of a lone candidate the above requirement may be waived.

Section 6 – Notice of Regular Election – Written notices stating the purpose, place, date and time of the election and the deadline for filing of Certificate of Candidacy shall be posted in strategic places within the voting district not less than twenty (20) days before the date of the election. The same written notice shall be delivered either personally or by mail to each member of the concerned DECOM. In addition, print and/or broadcast media may also be availed of, if necessary.

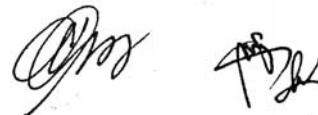
ARTICLE II – ELIGIBILITY TO RUN AND CERTIFICATE OF CANDIDACY

Section 7 – Qualifications for Board of Directors – Bonafide members who possess the following qualifications are eligible to become and/or to remain as members of Board of Directors:

1. He/she is a Filipino citizen.
2. He/she is a bonafide member and a qualified voter of the cooperative in the district he/she seeks to represent at least ninety (90) days before election.
3. He/she is at least 21 years of age on the day of the election.
4. He/she is a resident of the district he/she seeks to represent for at least one (1) year immediately preceding the election.

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5. He/she must be a consumer in the district he/she seeks to represent at least sixty (60) days before the deadline set for the filing of the Certificate of Candidacy.
6. He/she must be a member of good standing. A member of good standing shall mean that said member:
 - a) must have no unsettled or outstanding obligations to the cooperative at the time of his/her filing of the Certificate of Candidacy, including accountabilities of commercial or industrial connections of which he/she is the owner or co-owner;
 - b) has not been apprehended of electric pilferage, by the co-op; and,
 - c) has not been removed for cause as director or as employee from the electric cooperative.
7. He/she is not in any way employed by or financially interested in a competing enterprise or a business selling electric energy or electrical hardware to the cooperative and/or doing business with the cooperative including the use or rental of poles.
8. He/she ***nor the spouse*** does not hold an elective office in the government nor appointed to an elective position above the level of a Barangay Captain.
9. He/she has not been convicted of crime involving moral turpitude.
10. He/she has not been terminated for cause from government or private employment.
11. For government employees, he/she must have a permit from his/her Department Secretary/Regional Director/Elective Local Official or his duly authorized representative allowing him/her to run and/or sit as director at the time of his/her filing of Certificate of Candidacy, unless a law expressly provides otherwise.
12. His/her spouse is not disqualified under Nos. 6, 7 and 8. ***The disqualification of one of the spouses shall be the disqualification of the other.***
13. ***Any person related to any member of the incumbent Board, General Manager and employees within the fourth civil degree of consanguinity or affinity shall be disqualified to run as Board Director.***
14. Any person who ran in the local or national elections is disqualified from running for co-op director within one (1) year from the date of said local or national elections. He shall likewise be disqualified for appointment to the post for the same period.



15. Any bonafide member seeking election or re-election and any incumbent director shall satisfy all of the above mentioned qualifications. Non-compliance with any single item shall mean disqualification or termination.

Section 8 – Ineligibility of Representatives of Juridical Person – Representative of juridical persons shall not be eligible to be candidates for Board Member.

Section 9 – Certificate of Candidacy – No qualified member of the cooperative shall be elected as member of the Board unless he/she filed a sworn Certificate of Candidacy.

Section 10 – Filing of Certificate of Candidacy – Interested members may secure from the Member Services Department official form of the Certificate of Candidacy. After it is duly accomplished, the same, together with the other required documents, shall be filed at the cooperative office during office hours, not later than ten (10) days before the election, through the Member Services or Institutional Services Department Manager.

Section 11 – Screening Procedures – The application by and screening of candidate shall involve the following procedures:

1. Application –

- a) Prospective applicant/candidate shall secure a form or Certificate of Candidacy from the duly authorized MSD personnel and shall acknowledge receipt thereof.

Applicant/candidate shall submit to the duly designated MSD personnel a duly Sworn Certificate of Candidacy with necessary attachments as specified in Article II, Section 6 (11 & 13) hereof which shall be accomplished in three copies.

MSD personnel assigned shall acknowledge receipt thereof, indicating attachments, date and time of receipt to be compiled in a control book.

2. Screening –

- a) The Screening Committee shall determine the qualification/disqualification of the applicants based on the following records:

a-1. Membership Records Status – indicating the date of approval of membership.

a-2. Consumer Record Status – indicating availment of electric service.



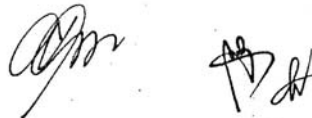
- a-3. Outstanding accountabilities/delinquency with the cooperative-indicating the amounts and dates incurred.
 - a-4. Disconnection/apprehension – indicating date and cause(s) thereof.
 - a-5. Residency of Applicant.
 - a-6. Criminal and administrative case record of applicant, if any.
 - a-7. Other requirements as provided for in the guidelines.
 - b) In not less than seven (7) days before the election, the Screening Committee shall prepare the duly certified candidates and officially inform all applicants accordingly.
 - c) Protest arising from a disqualification shall be filed with the Screening Committee in not less than 5 days before election. The SC shall decide the protest within 48 hours from receipt thereof. **The decision of the Screening Committee shall be final.** Failure of the applicant to file his/her protest within the above cited period shall be deemed a waiver of his right to protest.
3. Posting of List of Qualified Candidates – It shall be the responsibility of the Screening Committee to post the list of qualified candidates in at least five (5) conspicuous places in the district three days before the election.

Section 12 – **Withdrawal or Cancellation of Certificate of Candidacy** – No Certificate of Candidacy duly filed shall be considered withdrawn or cancelled unless the candidate files with the Screening Committee a sworn statement of withdrawal or cancellation at least one (1) day before the election.

ARTICLE III – TERM

Section 13 – **Term of Office**

1. The term of office of a regularly elected member of the Board of Directors shall be three (3) years. Such member shall be entitled to only two consecutive re-elections.
2. A member of the Board who is elected in a special election under Section 3(b) of this Code or in a postponed regular election conducted beyond the Annual Meeting date of the year in process, shall take his/her Oath of Office immediately after proclamation and shall serve until the Annual Meeting date of the year of the unexpired portion of his/her term.
3. A member of the Board who is considered resigned per NEA Memo No. 29 dated 04 November 1985, or its subsequent amendment if applicable,

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cannot be re-appointed by the Board to serve the unexpired portion of his term.

4. A Board Member who has just completed his term shall not be eligible for appointment to a Board vacancy per Section 3(b) hereof within the term immediately following.

ARTICLE IV – PROHIBITED ACTS OF CANDIDATES

Section 14 – **Prohibited Acts of Candidates** – The following shall be considered prohibited acts of the candidates:

1. Paying for membership fees of would be members of the cooperative.
2. Buying Votes.
3. Entering within the 30 meters perimeter of the voting center before and/or after casting his vote. Candidates should only be allowed to enter the perimeter to cast their votes.
4. Use of goons and other elements to harass voter.
5. Commission of any act specified in this section shall be considered sufficient ground for any candidate's disqualification.

ARTICLE V – WATCHERS

Section 15 – **Official Watchers of Candidates** – Each official candidate shall be entitled to one (1) watcher in every precinct. No person shall be appointed watcher unless he is a bonafide member of good reputation of the cooperative. He should not be related to the Chairman or any member of the PECOM within the fourth civil degree of consanguinity or affinity in the precinct where he/she will act as watcher. Official watcher shall be appointed in writing by the candidate and duly acknowledged by the DECOM.

Section 16 – **Duties and Prerogative of Watchers** – Upon entering the voting center, the watchers shall present and deliver to the Chairman of the PECOM his appointment. The watcher shall have the right to stay in the space reserved for him/her inside the voting center. He/she shall have the right to witness the election proceedings, to take note of the result after it has been completed and together with the PECOM, to certify the results of the election.

ARTICLE VI – VOTERS

Section 17 – **Cut-off Date for Qualified Voters** – Only members of the cooperative whose application for membership has been approved by the Board not later than ninety (90) days before the first district election scheduled for a particular year shall be included in the masterlist of voters and shall have the right to vote.

Section 18 – **Masterlist of Voters** – It shall be the responsibility of the Member Services or Institutional Services Department to prepare in not less than twenty-five (25) days before the election, at least ten (10) copies of the Masterlist of Voters for each voting district. The Masterlist shall contain the names of all qualified voters in alphabetical order and classified according to districts, municipalities and barangays to facilitate registration and voting. *The EC Masterlist of Voters shall be verified by the Institutional Services Department (ISD) Manager, validated by the Internal Auditor and certified to by the Board Secretary or duly-authorized representative.* To further ensure the correctness of the masterlist, at least five (5) copies shall be posted in conspicuous places for verification by member-consumers (inclusion/exclusion period). Any disagreement to the list shall be filed in writing with the Member Services or Institutional Services Department for evaluation based on submitted documents. The verification period shall not be more than twenty (20) nor less than ten (10) days before the elections. Final masterlist shall again be posted not less than five (5) days before elections. Copies shall be also distributed as follows: one copy to be posted in the voting district; one copy to be apportioned to the different precincts; and one copy to be retained by the cooperative. A candidate may be given a copy of Masterlist only upon payment of the cost of reproduction thereof but not less than P1.00 per page.

Section 19 – **Ineligibility of Member not Included in the Masterlist of Voters** – Any member whose name has been inadvertently excluded from the masterlist of voters but failed to avail of the inclusion/exclusion period shall no longer be allowed to vote. Such failure to avail of the inclusion/exclusion period shall be considered a waiver of the member's right to vote.

Section 20 – **Registration of Voters** – All members whose names appear in the masterlist shall register with the PECOM on the day of the election. Only those who are duly registered shall be allowed to vote.

ARTICLE VII – VOTING CENTERS

Section 21 – **Voting Centers** – Voting centers shall be established within the district where the election is scheduled. If the district is composed of two (2) or more municipalities, at least one (1) voting center shall be established in each municipality which, as far as practicable, must be located in a public school building or other public buildings within the poblacion.



Section 22 – **Creation of Additional Voting Center** – In a situation where the increase in the number of voters would warrant the creation of an additional voting center, the DECOM may authorize its establishment, specifying the barangays or areas covered by such centers. The establishment of the said additional voting center shall be determined by its accessibility and convenience to members which will assure their widest participation.

Section 23 – **Election Precincts** – The Member Services Department in consultation with the DECOM shall establish precincts for each voting center depending on the number of voters. It shall be in the precincts where the voters shall register and vote as classified according to their areas of residence.

Section 24 – **Ballot Boxes** – There shall be, in each precinct, on the day of election, a ballot box which shall be under the custody and disposal of the DECOM and the PECOM.

Section 25 – **Tally Boards** – At the beginning of the counting in each precinct, there shall be placed within plain view of the Committee, the watchers and the public, a tally board where the name of all the candidates are written and the corresponding votes shall be recorded.

Section 26 – **Furnishing of Ballot Boxes, Form and Other Materials for the Election** – The cooperative shall prepare and furnish the DECOM ballot boxes, forms and all other materials as may be required by the Committee for use in the electoral process.

ARTICLE VIII – ELECTION COMMITTEES

Section 27 – **District Election Committee (DECOM)** – The *NEA – Institutional Development Department (IDD)* shall immediately appoint from among the nominees of the concerned cooperative, a District Election Committee to be composed of a Chairman, a Secretary and a third member not later than twenty (20) days before the election. Alternate members shall also be designated to fill up vacancies if the need arises.

There shall be one (1) District Election Committee for every voting district. In a situation where there are more than one voting centers, this additional voting center shall be supervised by a sub-District Election Committee to be composed of the Chairmen of the Precinct Election Committees of that voting center who shall choose from among themselves the over-all Chairman.

In the event that a related controversy during election is raised before the Sub-District Election Committee, it is its duty and responsibility to receive and record in the Minutes of Voting not only the controversy referred but the corresponding action taken by them (Sub-DECOM). However, the proceedings of the conduct of the election must not be unnecessarily disrupted by the resolution of such controversy.



The Sub-DECOM Chairman automatically becomes an honorary member of the supreme District Election Committee.

Section 28 – Powers of the District Election Committee – The District Election Committee shall have the following powers:

- a) Supervise and control other committees constituted under these guidelines, except the Screening Committee.
- b) Be responsible for the proper implementation of the election guidelines.
- c) Appoint members of the Precinct Election Committees.
- d) Determine the number of voting centers, election precincts and their locations in consultation with the co-op Member Services Department.
- e) Determine the place where the final canvassing and consolidation of electoral returns from all districts shall be held.
- f) Decide on all post-election matters particularly protest, queries, referrals, postponements *including qualification issue/s*.
- g) Act as Board of Canvassers.
- h) Proclaim the winners in the election immediately after the canvassing.

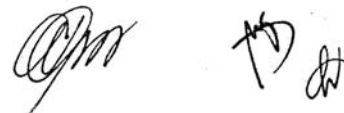
All decisions of the DECOM shall be made either by majority or en banc.

Section 29 – Precinct Election Committee - In every precinct, there shall be appointed in accordance with the Section 27(c) hereof, a precinct Election Committee to be composed of a Chairman, a Poll Clerk and/or third member. The Precinct Election Committee shall have the following duties and functions:

- a) Conduct registration, voting and counting of votes in their respective precincts.
- b) Act as deputies of the DECOM in the supervision and control of the election wherein they are assigned.
- c) Perform other functions as may be assigned by the DECOM.

If only one voting precinct is necessary in the conduct of the district election, the DECOM shall act and discharge the duties and functions of the Precinct Election Committee.

Section 30 – Qualification of Members of Election Committees – No person shall be appointed chairman or member of any election committee unless he is a bonafide member of good standing of the cooperative per Article II, Section 6(6), (9) and (10) of these guidelines and at least 21 years of age. Employees

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of the cooperative may be appointed members of the Precinct Election Committee but not as a Chairman.

Section 31 – **Disqualifications** – Any person related to any member of the incumbent board or to any candidate, his/her spouse within the third civil degree of consanguinity or affinity and/or business partners or associates and members of the incumbent Board are disqualified to serve as chairman or member of any election committee.

Section 32 – **Compensation** – The Chairman and members of the election committees shall be granted per diems the amount of which will depend on the financial capability of the cooperative, subject to the approval of the co-op Board and/or Project Supervisor.

Section 33 – **Expiration of Term of Duty** – The term of duty of the members of the election committees shall expire after the election. In cases where there are election protests, the term of duty shall expire upon resolution of all protests.

ARTICLE IX – OFFICIAL BALLOT

Section 34 – **Official Ballot** – The official Ballot shall be uniform in size and in color. It shall be provided at the expense of the cooperative which shall cause its printing under the supervision of the Manager of the Member Services Department. It shall be in the shape of a strip with detachable stub bearing consecutive serial numbers, and at the top portion of the ballot, the name of the cooperative and the word "Official Ballot" shall be printed. It shall also contain the name of the office to be voted for, allowing sufficient space below with a horizontal line where the voter shall write the name of the candidate voted by him/her.

ARTICLE X – CASTING OF VOTES

Section 35 – **Voting Hours** – The registration and casting of votes shall start at eight o'clock in the morning and end at three o'clock in the afternoon, except when there are voters present within thirty (30) meters radius from the precinct at closing time who have not yet registered and cast their votes, in which case, the voting shall continue but only to allow said voters to be able to register and vote.

Section 36 – Preliminaries to Voting

- a) The Precinct Election Committee shall convene at the precinct designated by the DECOM and shall be furnished with the certified list of voters, ballot boxes and other forms and materials to be used during the election.
- b) The Precinct Election Committee shall open the ballot boxes, empty both its compartments, exhibit its emptiness to the public, then lock it.



- c) The box shall remain locked until the voting is finished and the counting begins. However, if it should become necessary to make room for more ballots, the Committee Chairman may open the box in the presence of the other committee members and watchers. The Chairman shall press with his hands the ballots contained therein without removing any ballots after which he shall close the box and lock it again.

Section 37 – Order of Voting – Upon the registration and after establishing the identity of the voter, as provided for in Article VI hereof, the voter shall be given an official ballot to accomplish. Proxy voting shall not be allowed.

Section 38 – Persons Allowed Inside the Precinct – During the voting, no person shall be allowed inside the precinct except the members of the Election Committee, the watchers, the NEA representative/s and the voters casting their votes. The committee shall limit the number of persons defined above inside the precinct to prevent crowding. The watchers shall stay only in the space reserved for them. It shall be illegal for them to enter places reserved for the voters or for the Committee, or to talk and mingle with the voters within the precinct.

Section 39 – Manner of Preparing the Ballot – The voter upon receiving the ballot, shall proceed to the space for the accomplishment of the ballot and shall fill the ballot by writing in the proper space the name of the candidate whom he/she desires to vote. No voter shall be allowed to compare his/her entries in the ballot with any other or speak to anyone while filling up his/her ballot. It is also prohibited to exhibit the contents of his/her ballot to any person.

Section 40 – Preparation of Ballots for the Illiterate and Disabled Persons – A qualified voter who is physically unable to fill up by himself the ballot may be assisted by any member of the Election Committee or by the NEA representative in the accomplishment of the ballot.

Section 41 – Spoiled Ballot – If a voter accidentally spoils or defaces the ballot in such a way that it cannot lawfully be used, he/she shall surrender it folded to the Chairman who shall note in the corresponding space in the voting record that the said ballot is spoiled. The voter shall then be entitled to another ballot after recording its serial number in the corresponding space in the voting records.

Section 42 – Casting of Ballot – After the voter has filled up his/her ballot, he/she shall fold it in the same manner as when he/she received it from the Chairman. In the presence of all members of the Precinct Election Committee, he/she shall affix his/her thumb mark in the corresponding space provided for in the ballot stub and deliver the folded ballot to the Chairman. The Chairman, in the presence and plain view of all members of the committee and watchers shall, without unfolding the ballot nor looking at its content shall verify its number from the voting records where it was previously entered. The Chairman, after finding everything in order, shall detach the stub in the presence of the Election committee and watchers. The voter shall then deposit the folded ballot in the compartment for valid votes and the



detached stub in the compartment for ballot stubs. The voter shall then depart.

Section 43 – **Challenge of Illegal Voter** – Any watcher shall challenge any person for using the name of another in order to be able to register and vote. The Precinct Election Committee shall require the challenger and voter to submit evidences relative thereto. The Committee en banc must decide on the case based on the evidence presented. All contests in the identity of the voter shall be filed by any watcher and duly recorded in the Minutes of Voting by the PECOM before any challenged voter be allowed to vote.

Section 44 – **Minutes of Voting and Counting of Votes** – The Precinct Election Committee shall prepare and sign a statement in four (4) copies setting forth the following:

1. the time the voting commenced and ended;
2. the number of ballots received;
3. the number of ballots used and number left unused;
4. the number of voters who cast their votes;
5. the number of voters challenged during the voting;
6. the names of watchers present;
7. the time the counting of votes commenced and ended;
8. the number of official ballots found inside the compartment for valid ballots;
9. the number of excess ballots as compared to the register of voters;
10. the number of valid ballots, if any, retrieved from the stub compartment;
11. the number of ballots read and counted; and
12. the record of protest, if any, and action taken by the Sub-DECOM and/or the District Election Committee.

ARTICLE XI – COUNTING OF VOTES

Section 45 – **Counting to be Public and Without Interruption** – As soon as the voting is finished, the PECOM shall publicly count in the precincts the votes cast and shall ascertain the results. The Committee shall not adjourn or postpone the counting until it has been fully completed.



Tie Vote – In case of a tie, the DECOM shall, within five (5) days after the elections resolve such tie in the presence of the two or more candidates who have received an equal and highest number of votes, preferably, through a term sharing scheme which must have the candidates consent. If the candidates do not agree to the term sharing scheme, the DECOM, shall then and there finally break such tie, either by coin toss or by drawing of lots, as its option. The candidate who may be favored by luck shall be proclaimed as elected and shall have the right to assume office in the same manner as if he had been elected by plurality of votes. The DECOM's decision in choosing the means of breaking the tie shall be final and not subject to appeal.

Section 46 – Manner of Counting Votes – The PECOM shall take out the ballots and form separate piles of one hundred (100) ballots each which shall be held together with rubber bands. The Chairman of the Committee shall take ballots according to piles and read the names of the candidates voted one by one to enable all watchers to clearly verify the names of the candidates that are being read. The poll clerk and the third members shall record each vote on the official election returns and on the tally board as the name voted for the office is being read. After all the ballots have been read, the Committee shall sum up the totals recorded for each candidate and the aggregate totals both on the tally board and on the election returns. The Committee shall then place the counted ballots in an envelope which it shall close, seal and sign.

Section 47 – Rules for the Appreciation of Ballots – In the reading and appreciation of ballots, the committee shall observe the following rules:

1. When only the first name of a candidate or only his/her surname is written, the vote for such candidate is valid if there is no other candidate with the same first name or surname;
2. When on the ballot is written a single word which is the first name of a candidate and which, at the same time, is the surname of his/her opponent, the vote shall be counted in favor of the latter;
3. When two words are written on the ballot, one of which is the first name of a candidate and the other is the surname of his/her opponent, the vote shall not be counted for either;
4. A name or surname incorrectly written which, when read, has a sound similar to the name or surname of a candidate when correctly written shall be counted in his/her favor;
5. When the name of a candidate is not written in the space provided for, it shall be counted in favor of the candidate;
6. When in a space in the ballot there appears a name of the candidate that is erased and another clearly written, the vote is valid for the latter;
7. Ballots which contain prefixes or suffixes are valid;



8. The erroneous initial of the first name which accompanies the correct surname of a candidate, or the erroneous initial of the surname accompanying the correct first name of a candidate, when no two candidates bear the same first name or surname, or the erroneous middle initial of a candidate, shall not annul the vote in favor of the latter;
9. Ballots wholly written in Arabic in localities where it is of general use are valid. To read them, the Committee may employ an interpreter who shall take an oath that he shall read the votes correctly;
10. The use of nickname and appellation of affection and friendship, if accompanied by the first name or surname of the candidate, does not annul such vote. If the nickname used is unaccompanied by the name or surname of the candidate and it is the one by which he/she is generally or popularly known in the locality and stated in his/her Certificate of Candidacy, the same shall be counted in favor of said candidate, provided there is no other candidate for the same office with the same nickname;
11. Any ballot written with all pen or ink, wholly or in part shall be valid;
12. When there are two or more candidates voted for an office and for which only the election of one is authorized, the vote shall not be counted in favor of any of them;
13. Any vote in favor of person who has not filed a Certificate of Candidacy shall be considered stray vote;
14. Any vote containing initials only or which is illegible or which does not sufficiently identify the candidate/s for whom it is intended shall be considered stray vote;
15. The accidental tearing or perforation of a ballot does not annul it;
16. Failure to remove the detachable coupon from a ballot does not annul such ballot;
17. Any vote cast in favor of a candidate who has been disqualified shall be considered stray vote; and
18. The fact that there exists another person who is not a candidate with the first name or surname of a candidate shall not prevent the adjudication of the vote in favor of the latter.

Section 48 – **Election Returns** – The Precinct Election Committee (PECOM) shall prepare the election returns simultaneously with the counting of the voters as prescribed in Section 45 hereof. The returns shall be prepared in three (3) copies and in the prescribed form to be certified by the committee.



Section 49 – **Distribution of Election Records and Documents** – The Election returns, minutes of voting and counting, appointments of watchers and other relevant documents shall be placed in two (2) separate envelopes, sealed and signed by the Precinct Election Committee and distributed as follows:

- a) Original copies together with the used ballots shall be placed in the ballot boxes to be sealed and signed by the Precinct Election Committee (PECOM) and submitted to the District Election Committee (DECOM) for final canvassing;
- b) Duplicate copies to be submitted to the cooperative through the Member Services Department Manager.

Section 50 – **Final Canvass and Proclamation of Candidates Elect** – The District Election Committee (DECOM) shall meet on the day of the election on a place within the district not later than five o'clock in the afternoon to canvass the election returns. They shall keep a tally board in a conspicuous place where the summarized election returns of each precinct shall be posted upon receipt. They shall prepare a complete certified summary of votes received by each candidate who obtained the highest number of votes as elected, protest to the contrary notwithstanding.

ARTICLE XII – ELECTION PROTEST

Section 51 – **Jurisdiction** – The District Election Committee (DECOM) shall have jurisdiction over all post election protests relating to the election of the members of the Board of Directors. Post-election protest which cover the irregularities on the conduct of the election shall be filed within three (3) days after the proclamation of the results of the election.

Filing Fee – Protestants of election cases shall pay in cash to the cooperative a filing fee of P50,000 but not more than P100,000 to defray expenses which shall be incurred for the resolution of the protest. These expenses include, among others, DECOM/PECOM/Screening Committee Members honoraria, attorney's fee, office supplies, postage and mailing and other incidental expenses during hearing and investigations.

Section 52 – **Decision on Contest** – Either by majority or en banc, the District Election Committee (DECOM) shall decide all post-election protest brought before it within fifteen (15) days from the date of receipt after notice and hearing. *The decision of the DECOM may be appealed to the Committee on Electoral Protest to be headed by the Deputy Administrator for Electric Distribution Utilities Services (EDUS), and with the following as members: the Director for Institutional Development and Director for Legal Services. The Committee has the power to conduct investigation to hear and decide the case, to receive evidence and to summons parties and witnesses. The appellant shall pay to NEA a filing fee in the amount of P100,000 to cover administrative cost and expenses. The President*



of the Philippines Rural Electric Cooperative Association (PHILRECA), or the duly authorized representative and the President of the National Association of General Managers of Electric Cooperatives (NAGMEC), or the duly authorized representative may be invited to sit as "amicus curiae" before the hearing of the Committee on Electoral Protest.

Section 53 – **Notice of Decision** – The District Election Committee (DECOM) shall send copies of its decision to the protestant, protestee and the Board of Directors. The DECOM shall likewise send copies of the petitions, answers, motions, notices, Transcript of Hearing, Evidences and decision to the NEA in case an appeal is filed.

ARTICLE XIII – FINAL PROVISION

Section 54 – **NEA Authority to Issue These Guidelines** – These guidelines are being issued pursuant to the provisions of PD No. 269, as amended.

Section 55 – **Repealing Clause** – All provisions of the By-Laws of the cooperative, resolutions passed by the cooperative Board and any previous NEA issuances anent Rules and Regulations in the conduct of Electric Cooperative District Elections or parts thereof inconsistent with the provisions of these guidelines are hereby repealed, amended or modified accordingly. NEA Memorandum issued on February 13, 1998 on the Consolidated Guideline in the candidacy of coop officials and employees in Local, National and Barangay Elections and Related Matters shall continue to have full force and effect.

Section 56 – **Effectivity** – Approved by the NEA Board of Administrators through Board Resolution No. 18, S. 2005 on 15 February 2005. These guidelines shall take effect 15 days after filing in the U.P. Law Center or publication in the Official Gazette.

Done in Quezon City, Metro Manila this 15th day of March 2005.

Edita S. Bueno
EDITA S. BUENO
Administrator

NATIONAL ELECTRIFICATION
ADMINISTRATION

REG. NO. 12345, TEL. NO. 09006740



NEA-09006740

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4/2/05

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