



Republic of the Philippines
National Electrification Administration

06 September 2005

INSTITUTIONAL ADVISORY No. 01

To: ALL ELECTRIC COOPERATIVES

Subject: Pre-Election Briefing/Orientation for All Election Committees (Screening Committee/DECOMs/PECOMs) and Qualified Candidates for Board of Directors of Electric Cooperatives

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It has been observed that most election protests were results of pre-election/post-election technicalities, which, in most cases ended up in expensive, time consuming resolutions and court litigations. These can be attributed to the technical unfamiliarity of the implementers (especially the DECOMs) of the provisions of the Election Guidelines.

To avert nuisance election protests and minimize election-related disputes, all electric cooperatives are hereby directed to conduct, as a regular pre-election activity, the **Pre-Election Briefing/Orientation for all Election Committees, Qualified Candidates and their duly-appointed watchers.**

The Pre-Election Briefing/Orientation shall be facilitated by the ISD Manager in his/her capacity as Chairperson of the Screening Committee and shall be properly documented through the Minutes of Meeting/Briefing.

The Briefing/Orientation shall provide the venue where the candidates can enter into a covenant (agreement) that they shall abide by the provisions of the Election Guidelines and shall respect the outcome of the elections, which represents the will and sentiment of the member-consumers.

The mechanism along with established duties and responsibilities of the three Election Committees must also be extensively discussed during the Pre-Election Briefing/Orientation, which includes the following:

I. THE SCREENING COMMITTEE (SC)

1. Composed of the Technical Services (TSD) Manager, Finance Services Department (FSD) and the Institutional Services (MSD/ISD) as Chairperson;
2. Charged with the review of official records, to decide the final screening of qualifications of a candidate and to determine that the submitted requirements are valid;
3. Any pre-election protest or protest arising from a disqualification shall be filed with the Screening Committee. The SC shall then decide the protest within 48 hours from receipt and **its decision shall be FINAL**. Failure of the protestant to file his protest five (5) days before the election shall be deemed as a waiver of his right to protest.

The role of the Screening Committee is discussed in detail in Article II Section 11 of the 2005 Election Guidelines;

II. THE DISTRICT ELECTION COMMITTEE

1. Members shall be chosen from among members of the District who are known to be persons of integrity, competence, with full understanding of DECOM duties and responsibilities and most of all, undertake to finish the task of the DECOM, as explicitly provided for in Article VIII, Sections 27 and 28 of the 2005 Election Guidelines;
2. The DECOM must require the protestant to file his/her protest with the accompanying payment of the required Filing Fee in the amount of Php50,000 but not more than Php100,000, before taking cognizance of any protest. This is to defray the expenses to be incurred in the resolution of the protest and moreover, to give emphasis on Article XII, Section 51 (2) of the 2005 Election Guidelines.

Relatedly, the Supreme Court issued a ruling on the matter, in the case of Charito Navarosa v. Commission on Elections, to wit:

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"No protest, counter-protest or protest-in-intervention shall be given due course without the payment of filing fee, xxx"

III. THE PRECINCT ELECTION COMMITTEE

1. Membership is by appointment by the DECOM;
2. Functions, in the main, are as follows: (a) to conduct registration, voting and counting of votes in their respective precincts.

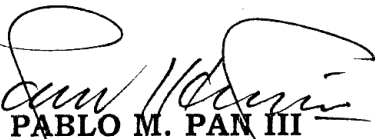
The list of topics for discussion is in a separate document attached in this Advisory for your guidance.

It shall be the duty of the Institutional/Member Services Department (ISD/MSD) Manager to schedule and conduct the said activity in EVERY DISTRICT DUE FOR ELECTIONS. The ISD/MSD Manager is bound to inform the NEA of its program, definite date and venue and submit the names of the DECOM members for confirmation, not later than 20 days before any district elections.

Failure of the ISD/MSD to conduct briefing/orientation of all concerned shall be dealt with accordingly.


In case of a lone candidate, the above-mentioned activity may be waived.

For your compliance.


PABLO M. PAN III

Deputy Administrator for
Electric Distribution Utilities (EDUS)

Noted by:


EDITA S. BUENO
Administrator

NATIONAL ELECTRIFICATION
ADMINISTRATION

IN REPLYING, PLS. CITE: #0A007409



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Attachment: Topics for Discussion during the Pre-Election Briefing /
Orientation

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Topics for Discussion during the Pre-Election Briefing/Orientation:

- (1) The duties, responsibilities and authorities of the Election Committees as discussed in Institutional Advisory No.1;
- (2) The inter-related functions of the Election Committees, as provided for in Article II, Section 11, 2(c) and Article VIII Section 28 (f);
- (3) The poignant points of the 2005 Election Guidelines, such as the prohibited acts of candidates, the grounds for disqualifications, the eligibility of the candidates to run as member of the Board of Directors (BOD), as well as reglamentary periods;
- (4) The requisite payment of filing fee in the amount of Php50,000 to Php100,000, before the DECOM can take cognizance of any election protest;
- (5) The per diems granted to the BOD;
- (6) NEA Bulletin No. 35 on the duties, responsibilities and functions of the BOD, individually and collegially;
- (7) The review and remedy of all possible irregularities, if any, which may have been unwittingly committed prior to Briefing / Orientation; and
- (8) The exertion of all ways and means to reduce to the barest minimum or eradicate possible cause/s of election-related protest/s.