



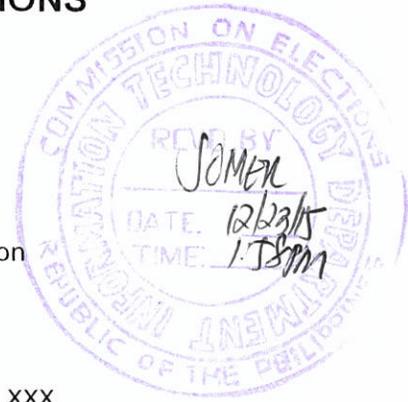
EXCERPT FROM THE MINUTES OF THE SPECIAL EN BANC
MEETING OF THE COMMISSION ON ELECTIONS
HELD ON DECEMBER 17, 2015

Present:

Chairman J. Andres D. Bautista
Commissioner Christian Robert S. Lim
Commissioner Al A. Parreño
Commissioner Arthur D. Lim
Commissioner Ma. Rowena Amelia V. Guanzon
Commissioner Sheriff M. Abas

On Official Business:

Commissioner Luie Tito F. Guia



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15-0832

IN THE MATTER OF THE CONSOLIDATED PROJECT OF
PRECINCTS (POP) WITH ACCESSIBLE POLLING PLACES FOR USE IN
THE MAY 9, 2016 NATIONAL AND LOCAL ELECTIONS

This pertains to the Joint Memorandum dated December 16, 2015 of Executive Director Jose M. Tolentino, Jr., Deputy Executive Director for Operations Bartolome J. Sinocruz, Jr., and Director Teopisto E. Elnas, Jr., Election and Barangay Affairs Department (EBAD), submitting the Consolidated Project of Precincts (POP) with Accessible Polling Place for use in the May 9, 2016 National and Local Elections.

The Joint Memorandum of Executive Director Tolentino, Director Sinocruz, and Director Elnas reads:

"Respectfully submitted is the Consolidated Project of Precincts (POP) for use in the May 9, 2016 Elections. In order to comply with the provisions of Republic Act No. 10366, precincts assigned to Accessible Polling Places (APP) have been included in the POP.

Section 9 of R.A. No. 10366, provides:

SEC. 9. Creation of Precincts for Persons with Disabilities and Senior Citizens. – *The Commission is hereby authorized to establish precincts of a nonterritorial nature, exclusively for persons with disabilities and senior citizens who in their registration records manifest their intent to avail of their right to a separate precinct under this section. Pursuant hereto, the Commission shall establish at least one (1) such precinct, assigned to accessible polling places, for every voting center. Such precincts shall be provided with assistive devices as well as the services of experts in assisting persons with disabilities.*

For this purpose, the Election Officers (EOs) created during the conduct of the system of continuing registration of voters, two types of established precincts: first, the territory-based established precincts; and second, non-territorial established precincts composed of senior citizens (SC) and persons with disabilities (PWD) who manifested their intent to be assigned to APPs.

During the on-site verification jointly conducted by the Election and Barangay Affairs (EBAD) and Information Technology Department (ITD), the POP was prepared in accordance with COMELEC Resolution No. 10019, such that the non-territorial precincts created by the EOs were clustered with established territorial precincts that have the least number of registered voters.

Said manner of clustering is necessary, for the following reasons:

1. Practicability. – *Due to the minimal number of SCs and PWDs who signified their intent to be assigned to APPs, it is impractical to assign VCMs for the exclusive use of voters of non-territorial precincts.*
2. Insufficient number of vote counting machines (VCM). – *Non-territorial precincts assigned to APPs are in addition to the regular territorial precincts. Since the number of leased VCMs, inclusive of the units needed for nationwide public demonstration, training, ballot verification and contingency, was based only on the total projected number of clustered territorial precincts, non-territorial precincts assigned to APPs can no longer be issued with any VCM.*
3. Clustering necessity. – *A VCM is assigned to a clustered precinct, not only for voting, but also for the counting of votes. Since VCMs are allocated only to clustered precincts, both territorial and non-territorial precincts must always belong to a cluster in order that their ballots may be counted under the automated election system (AES). Stated differently, in case a precinct – whether it is territorial or non-territorial – does not belong to any cluster, the ballots for such precinct cannot be counted by any VCM.*
4. Options for voting by SCs and PWDs in a cluster. – *SCs and PWDs of non-territorial precincts may either:*
 - a. *Accomplish their ballots in a room/ APP exclusively for them, separate and distinct from the rest of the other territorial precincts comprising the cluster. Although said procedure complies with the 'exclusivity' requirement under R.A. No. 10366, this will require the constitution of new sets of board of election inspectors (BEI) to: (1) retrieve the ballots of the SCs and PWDs from their cluster; (2) conduct and supervise the voting in the APP; and (3) return the accomplished ballots to the BEI of their cluster for batch counting at the close of polls. Since no VCM is allocated to any APP, the SCs and PWDs will be deprived of their opportunity to personally feed their ballots into the VCM; or*
 - b. *Accomplish the ballots in the polling place together with the other voters assigned to the cluster. To satisfy the 'exclusivity' requirement under the law, guidelines may be provided wherein a separate area in the polling place shall be set up for the exclusive use of SCs and PWDs in accomplishing their ballots. This procedure will (1) dispense with the need to constitute new sets of BEI; and (2) afford the SCs and PWDs the opportunity to (i) personally feed their own ballots into the VCM, and (ii) enjoy the priority granted to them through the use of an express lane.*

The timelines for the 2016 AES provide for the loading of the POP and other election data into the Election Management System (EMS) on or before December 22, 2015, to ensure that the succeeding AES preparatory activities that rely on the EMS are timely implemented.

In view of the foregoing, it is respectfully recommended that:

- a. *In order that the POP and other related election data may be loaded into the EMS not later than December 22, [2015], the Consolidated Project of Precincts, submitted by the EBAD as Annex 'A' hereof, be approved; and*
- b. *To enable SCs and PWDs to personally feed their ballots into the VCM, and to enjoy the priority granted to them through the use of an express lane, the manner of voting under Option 4 (b) above – where the SCs and*

PWDs will accomplish the ballots in the polling place together with the other voters assigned to the cluster – be adopted.

Respectfully submitted.”

The Commission **RESOLVED**, as it hereby **RESOLVES**, to **approve** the foregoing recommendation of Executive Director Jose M. Tolentino, Jr., Deputy Executive Director for Operations Bartolome J. Sinocruz, Jr., and Director Teopisto E. Elnas, Jr., Election and Barangay Affairs Department (EBAD), as follows:

1. To **approve** the attached Consolidated Project of Precincts submitted by EBAD, without prejudice to any changes in terms of location of the voting centers on or before January 10, 2016; and
2. To **adopt** the manner of voting under Option 4 (b) as aforementioned – where the Senior Citizens and Persons with Disabilities (PWDs) will accomplish the ballots in the polling place together with the other voters assigned to the cluster.

Let the Election and Barangay Affairs Department and the Information Technology Department implement this Resolution.

SO ORDERED.



J. ANDRES D. BAUTISTA
Chairman



CHRISTIAN ROBERT S. LIM
Commissioner

(On Official Business)

LUIE TITO F. GUIA
Commissioner



MA. ROWENA AMELIA V. GUANZON
Commissioner



AL A. PARRENO
Commissioner



ARTHUR D. LIM
Commissioner



SHERIFF M. ABAS
Commissioner

cc: Chairman
 All Commissioners
 Executive Director
 Deputy Executive Director for Operations
 Deputy Executive Director for Administration
 Election and Barangay Affairs Department
 Information Technology Department

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