

IN RE: GUIDELINES IN THE INTERRUPTION OF PERIODS FOR THE FILING OF PLEADINGS AND DOCUMENTS BEFORE THE COMMISSION AND ITS DIVISIONS, AND THE CONDUCT OF PROCEEDINGS IN THE OFFICE OF THE CLERK OF COMMISSION, ELECTORAL CONTESTS ADJUDICATION DEPARTMENT, LAW DEPARTMENT AND THE CAMPAIGN FINANCE OFFICE RELATIVE TO THE COVID-19 PANDEMIC.

Abas, Sheriff M.	<i>Chairman</i>
Guazon, Ma.Rowena Amelia	<i>Commissioner</i>
Inting, Socorro D.	<i>Commissioner</i>
Casquejo, Marlon S.	<i>Commissioner</i>
Kho, Antonio T. JR.	<i>Commissioner</i>

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WHEREAS, the President of the Philippines enacted Proclamation No. 922 (s. 2020) declaring a State of Public Health Emergency throughout the Philippines due to the COVID-19 situation and Proclamation No. 929 (s. 2020) declaring a State of Calamity throughout the Philippines and imposed an Enhanced Community Quarantine (ECQ) throughout Luzon;

WHEREAS, following the above mentioned proclamations, the Commission on Elections suspended the work and overtime services in the main and field offices effective 17 March 2020, except for its departments and offices performing vital functions or vital transactions;

WHEREAS, the movement of the people has been heavily restricted as lawyers, law firm, litigants and those engaged in postal services were not exempted from the implementation of the ECQ;

WHEREAS, Administrative Order No. 30 dated 21 April 2020 was enacted by the President, directing all government offices to formulate and issue guidelines on the interruption of periods for the filing of documents, payment of fees, and cancellation of proceedings, among others, to respond to the crisis brought by the pandemic in order to ease the burden on individuals under community quarantine.

WHEREAS, the Commission may, in the interest of justice and in order to obtain speedy disposition of all matters pending before it, suspend its rules of procedure or any portion thereof pursuant to Section 4, Rule 1 of the 1993 Comelec Rules of Procedure.

NOW, THEREFORE, in view of the foregoing, the Commission **RESOLVED**, as it hereby **RESOLVES**, to promulgate the following guidelines for filing of pleadings and documents, and other proceedings before the departments and offices of the Commission:

I. Office of the Clerk of the Commission and the Electoral Contests Adjudication Department

A. Interruption of the Period for Filing of Pleadings. – The reglementary period for the filing of pleadings, comments, motions, briefs, or memoranda as prescribed by the Rules or as directed by the Commission shall be deemed interrupted effective 17 March 2020 and shall commence to run immediately upon the lifting of the community quarantine or as may be sooner declared by the Commission, whichever is earlier. No filing through facsimile or electronic mail shall be received during this period.

B. Suspension of Hearings, Preliminary Conferences and Marking of Exhibits. – All hearings, preliminary conferences and marking of exhibits shall be suspended and thereafter rescheduled/ reset to a later date upon the resumption of regular work schedule in the Commission. The Clerk of Court concerned shall duly notify the parties and their respective counsel of the resetting within a reasonable period, taking into consideration the probable stringent guidelines on transportation and travel to the Commission in the aftermath of the pandemic. Attendees of the hearing shall be strictly limited to the parties and their respective counsel with strict observance of the guidelines on the entry to the Comelec Office Building set forth by the Commission and the Intramuros Administration.

C. Suspension of Inventory, Sealing and Delivery of Ballot Boxes, Recount/ Revision and Technical Examination for Election Contests. – Proceedings on election contests other than hearings such as but not limited to inventory, sealing and delivery of ballot boxes to the Commission, recount/ revision, and technical examination, shall be suspended until further orders of the Commission or its Divisions where the cases are pending.

D. Suspension of Promulgation of Resolutions or Decisions and Issuance of Orders, Summonses, Subpoenae, Certificates of Finality, Writs of Execution. – The reglementary periods for the rendition, issuance, promulgation and/ or service of resolutions, decisions, orders, summonses, subpoenae, certificates of finality, writs of executions, and other processes shall likewise be suspended and shall commence to run again from the date of the lifting of the ECQ for the National Capital Region (NCR).

II. Law Department

A. For areas which are still under **Enhanced Community Quarantine (ECQ)**, the following rules shall apply:

1. *Filing of Complaint for Election Offense.* -

a. Election offense complaints may be filed before the Law Department thru its office email address (comelec.law@gmail.com). The complaint shall be in PDF form reflecting therein the signatures of the complainant/s and the person who notarized the complaint including his/her notarial details. All other supporting documents including Affidavits of Witnesses, if any, shall also be scanned and emailed together with the complaint. The date of receipt by the Law Department of the complaint via email shall be considered the date of filing.

The requirement on verification of complaint as provided for in Section 4 (b), Rule 34 of the COMELEC Rules of Procedure (COMELEC RULES) is hereby **SUSPENDED** pursuant to Section 4, Rule 1 of the same rules.

b. It may also be filed before any other prosecuting arms of the government pursuant to Section 43 of Republic Act No. 9369.

2. *Conduct of Preliminary or Fact-Finding Investigation.* - All scheduled preliminary or fact-finding investigations during the period of the ECQ shall remain **SUSPENDED** and shall be re-scheduled accordingly.

B. For areas under the **General Community Quarantine (GCQ)**, the following rules shall apply:

1. *Filing of Complaint for Election Offense.* - Election offense complaints may be filed either personally before the Office of the Provincial Election Supervisor (OPES) or thru email before the Office of the Regional Election Director (ORED). The official email addresses of the ORED shall be used for the electronic filing. The date of receipt of the complaint via email shall be considered the date of filing.

The requirement on verification of complaint as provided for in Section 4 (b), Rule 34 of the COMELEC Rules is hereby **SUSPENDED** pursuant to Section 4, Rule 1 of the same rules.

It may also be filed before any other prosecuting arms of the government pursuant to Section 43 of Republic Act No. 9369.

Upon receipt of the complaint, the office concerned (OPES or ORED) shall assign a temporary docket to the complaint, the format of which shall be:

- EO
- Region
- Office docketing the complaint (for OPES, specify the province)
- Year the complaint was filed
- Month when the complaint was filed but in numerical form
- Sequence number randomly assigned to each complaint

Example:

An election offense complaint was received by the OPES of Zamboanga Del Norte on 4 May 2020. The temporary docket number shall be: **EO (R9) (OPES-ZAMNORTE) 2020-05-001**.

In no case shall there be two or more complaints bearing the same temporary docket number.

All complaints shall be duly subscribed and sworn to before a public prosecutor or a notary public. Complaints which are not notarized shall not be accepted and/or docketed.

The OPES and ORED, as the case may be, shall submit a weekly report to the Law Department, thru its official email address, as to the docketed election offense complaints following this template:

TEMPORARY DOCKET NO.	CASE TITLE	DATE FILED
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The OPES and ORED, as the case may be, shall safekeep all docketed complaints including all supporting documents, if any, until the Law Department directs the submission of the same to the said department for permanent docketing and proper recording.

2. Conduct of Preliminary or Fact-Finding Investigations. - All cases with suspended preliminary or fact-finding investigations following the prior declaration of ECQ shall be re-scheduled accordingly. Proper issuance of notices shall be strictly observed. The OPES or ORED, as the case may be, shall notify the Law Department of the new date of hearing following this template:

DOCKET NO.	CASE TITLE	SUSPENDED DATE OF HEARING	RESCHEDULED DATE OF HEARING	WHETHER SUBPOENA HAS BEEN ISSUED ANEW

The preliminary or fact-finding investigations shall now be conducted thru submission of pleadings. Thus, presence of the parties or their authorized representatives shall be dispensed with. Counter-Affidavits, Reply, Rejoinder, or any other pleadings may now be submitted either personally, thru registered mail or email.

Suggested wordings of the Subpoena:

“GREETINGS:

UNDER AND BY VIRTUE OF THE AUTHORITY AND POWER VESTED IN THE COMMISSION ON ELECTIONS by Section 52 (d) of the Omnibus Election Code (OEC), you are hereby notified that a complaint has been filed against you for alleged violation of Section ___ of the OEC. A copy of the complaint is hereby attached for your reference.

Accordingly, you are hereby directed to submit your subscribed Counter-affidavit and other supporting documents or affidavits of witness/es, as the case may be, on (DATE) either personally or thru registered mail at (postal address of the office); or you may email a scanned copy of the Counter-affidavit and other supporting documents or affidavits of witness/es in PDF Format to (email address). Please furnish the complainant/s with a copy of your Counter-affidavit and other supporting documents or affidavits of witness/es, if any, pursuant to Section 6 (b) of the COMELEC Rules of Procedure.

You are hereby WARNED that failure on your part to comply with this subpoena shall be considered a waiver of your right to present your defense and the case shall be considered submitted for resolution based on evidence on record.”

For cases with preliminary or fact-finding investigations originally scheduled from 4 May 2020 onwards, the investigation may proceed as scheduled but the presence of the parties or their authorized representatives shall be dispensed with. Counter-affidavits, Reply or Rejoinder may also be submitted personally, thru registered mail or email.

In the event that clarificatory hearing is necessary, the hearing officer shall require the submission of judicial affidavits.

3. Applicability of Sections 6 and 8, Rule 34 of the Comelec Rules of Procedure during GCQ. - Section 6, paragraphs (a), (b), (c) and (e) and Section 8, paragraphs (a) and (b) of the COMELEC Rules shall be observed during the period of GCQ, including the reglementary periods provided therein.

4. *Suspension of Transmittal of Recommendations and Case Records to the Law Department.* - Transmittal of case recommendations from the field offices to the Law Department shall be held in abeyance until the ECQ in Metro Manila has been lifted. In the meantime, all case records including the case recommendation shall be under the safety and custody of the PES or the RED, as the case may be.

III. Campaign Finance Office

A. *Suspension of Payment of Administrative Fines.* – Deadlines of payment of administrative fine for non-compliance of campaign laws and rules are hereby suspended for the entire duration of community quarantine. Payment, in accordance with existing rules and procedure, shall be made within the same period after the community quarantine has been lifted in the concerned locality.

IV. Effectivity

The Guidelines shall take effect immediately upon its publication. The Education and Information Department (EID) is hereby directed to cause the publication thereof in two (2) daily newspapers of general circulation in the Philippines and at the official Comelec website (www.comelec.gov.ph).

SO ORDERED.

APPROVED by the Commission En Banc on May 8, 2020, in a consultation under its continuing quorum pursuant to Resolution 1067, entitled, *“In the Matter of Adopting Protocols while the Commission En Banc Acting on Administrative and Quasi-Judicial Matters from March 16, 2020 to April 14, 2020 or Until Sooner Revoked or Extended Due to COVID-19 Outbreak”*.

May 8, 2020.


CONSUELO B. DIOLA
Acting Comelec Secretary