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REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
INTRAMUROS, MANILA
EDUCATION AND INFORMATION DEPARTMENT



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REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
INTRAMUROS, MANILA

IN THE MATTER OF FIXING THE DEADLINE FOR FILING OF PETITIONS/REQUESTS FOR TRANSFER OF VOTING CENTERS/ POLLING PLACES, CONDUCT OF OCULAR INSPECTION AND SUBMISSION OF REPORTS THEREON IN CONNECTION WITH THE MAY 09, 2016 AUTOMATED NATIONAL, LOCAL AND ARMM ELECTIONS.

Acting Chairman **LIM**, Christian Robert S.
Commissioner **PARREÑO**, Al A.
Commissioner **GUIA**, Luie Tito F.
Commissioner **LIM**, Arthur T.

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Promulgated on March 25, 2015

RESOLUTION NO. 9937
Uyayan

WHEREAS, Section 154 of Batas Pambansa Blg. 881, otherwise known as The Omnibus Election Code (OEC) partly provides that, *'No designation of polling places shall be changed except upon written petition of the majority of the registered voters of the precinct or agreement of all the political parties or by resolution of the Commission upon prior notice and hearing'*;

WHEREAS, the Commission desires to promote the people's free exercise of the right of suffrage in a safe, convenient and accessible voting center/polling place;

WHEREAS, the location of the voting center/polling place of certain precincts may have to be changed in order to promote and encourage the greater participation of its registered voters and to address instances where the designated polling place/voting center has been destroyed or can no longer be used. Further, voting centers/polling places established in prohibited buildings or within surrounding premises which are under the actual control of a private entity, political party or religious organization, such as, penal institutions/jail facility, military camps, churches or chapels, shall likewise, be transferred to more suitable and accessible locations;

WHEREAS, Section 153 of the OEC, provides in part that, *"No location of polling place shall be changed within **forty-five (45)** days before a regular election and thirty (30) days before a special election, referendum, or plebiscite, except in case it is destroyed or it cannot be used"*;

WHEREAS, for the upcoming MAY 09, 2016 Elections, the aforementioned prohibition will commence on March 26, 2016.

WHEREAS, it is imperative that the nationwide Project of Precincts (POPs) be finalized in order that all the requisite preparatory activities may be undertaken by the Commission;

WHEREAS, Section 28 of Republic Act No. 8436 provides that: *"If it shall no longer be reasonably possible to observe the periods and dates prescribed by law for certain pre-election acts, the Commission shall fix other periods and dates in order to ensure the accomplishment of activities so that voters shall not be deprived of their right of suffrage."*

NOW, THEREFORE, the Commission, by virtue of the powers vested in it by the 1987 Philippine Constitution, the OEC, R. A. No. 9164 as amended by R. A. No. 9340 and other election laws, the Commission **RESOLVED**, as it hereby **RESOLVES**, to set the deadline for filing of petition/request for transfer of polling place/voting center on November 27, 2015 (**Friday**), and that, no petition/request

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for transfer of polling place/voting center shall be given due consideration unless it fully complies with either of the following modes, to wit:

A. In case of a **Petition by the majority of the registered voters in a precinct** (Sec. 154 of OEC):

1. A petition/letter requesting for the transfer of polling place/voting center from _____(previous/former location) to _____(proposed location) wherein reference is made to the PCVL where the petitioners affixed their respective signatures;
2. The signatures of the majority (50% +1) of the registered voters per affected precinct affixed in the PCVL copy of the affected precinct;
3. The EO's Certification attesting to the fact that the names appearing in the attached PCVL of the affected precinct/s are *bona fide* registered voters of said precinct/s;
4. The EO's Certificate of ocular inspection stating that he/she has inspected the proposed voting center/polling place and found it to be accessible and equipped with the necessary facilities to cater to the needs of the voters and that it sufficient in size or space to accommodate the affected registered voters; and
5. In case the proposed voting center/polling place is a public school building or even privately owned, a letter or certification from the concerned Department of Education official and/or the owner, administrator or any person acting in behalf of the owner, signifying his/her consent for the use of the school building as a voting center.

B. In case of an **Agreement of the political parties** :

1. A memorandum of agreement (MOA) executed by the all the political parties existing in the local government unit under whose territorial jurisdiction the affected precincts belong;
2. A certification from the Election Officer of the concerned local government unit attesting to the fact that the political parties which participated in the memorandum of agreement (MOA) are the only registered political parties in the jurisdiction where the subject polling place/voting center is located;
3. A Certification coming from the respective head of the political parties, stating that those who signed in the MOA are duly authorized representatives/signatories of the political parties they represent;
4. A certificate of ocular inspection from the concerned Election Officer stating that the proposed voting center/polling place is suitable, accessible, and has satisfied the requirements for a voting center/polling place as provided under Sec. Nos. 154 and 155 of the OEC, i. e., its size or available rooms/space are sufficient to accommodate the number of registered voters of the affected precincts; and
5. In case the proposed voting center/polling place is owned by a private person/corporation/entity, the written consent of such owner, administrator of the building or any person who acts on behalf of the owner, private corporation/entity, authorizing the Commission to use such building as voting center/polling place.

Any request/petition for transfer of voting center/polling place filed after the deadline herein set forth shall no longer be entertained, except where the existing polling place is **dilapidated, destroyed, or can no longer be used**, in which case the request shall be supported by a certification from the city/municipal engineer, stating such fact. In case of public school building/s, such certification shall be supported by a certification from the concerned official of the Department of Education that the said school building has been condemned, abandoned or otherwise found hazardous or unsafe for use. For privately owned building/s used as polling place or voting center, a letter from the owner, administrator or any person acting in behalf of the owner, stating that the owner no longer allows the continued used of the said building as a polling place/voting center.


Further, any request for **correction of name/address/location of voting center/polling place** shall be given due course only if filed within the period herein provided. Such request shall be accompanied by a certification stating the reason for the correction coming from any official of the local office of the Dep-Ed or in case of a private building, the owner, administrator or any person acting on behalf of the owner thereof.

Pursuant to Sec. 163 of the OEC, all Election Officers (EOs)/Acting Election Officers (AEOs) are hereby enjoined to timely conduct ocular inspection of all voting centers/polling places, to wit: *"Before the day of the election, referendum or plebiscite, the Chairman of the Commission shall through its authorized representatives, see to it, that all polling places are inspected and such omissions and defects as may be found corrected. The Commission shall keep the report on these inspections."* The EO shall make a record of the results of the ocular inspection and thereafter submit the same to the Commission through EBAD.

If, the result of the ocular inspection manifests that certain designated polling places/voting enters are unsuitable and non-compliant with the requirements of the law (Section 154 and 155, Omnibus Election Code), the corresponding written request for the transfer thereof shall be made by the concerned EOs/AEOs after prior notice to affected registered voters or the EO/AEO shall advise the affected voters to file a petition/request for transfer of polling place/voting center, including a statement of the supporting documents.

Let the Election and Barangay Affairs Department (EBAD)implement this Resolution.

SO ORDERED.


CHRISTIAN LIM S. LIM
Acting Chairman


AL A. PARRENO
Commissioner


LUTE TITO F. GUIA
Commissioner


ARTHUR D. LIM
Commissioner

