



01 July 2014

MEMORANDUM No. 2014-019 _____
Series of 2014

TO : ALL ELECTRIC COOPERATIVES (ECs)

SUBJECT : GUIDELINES ON THE CONDUCT OF DISTRICT ELECTIONS FOR ELECTRIC COOPERATIVES

The 2014 Guidelines on the Conduct of District Elections for Electric Cooperatives (Election Code for brevity) had been framed pursuant to Republic Act No. 10531 and its Implementing Rules and Regulations, as well as other related DOE and NEA issuances incorporating the new qualifications and disqualifications of an EC Director or Officer.

Having been approved by the NEA Board of Administrators through Board Resolution No. 118, Series of 2014 dated 08 May 2014, the Election Code shall henceforth govern the conduct of district elections of all ECs. Further, the same shall supersede the 2005 EC Election Code and other issuances which are inconsistent with its provisions.

Filed at the U.P. Law Center on 15 May 2014 and published in the Official Gazette on 26 May 2014, the Election Code took effect on 11 June 2014.

The timely and widest circulation of these guidelines to all concerned is hereby enjoined.

For your information and compliance.


EDITA S. BUENO
Administrator

NATIONAL ELECTRIFICATION ADMINISTRATION
Office of the Administrator



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7/4/14



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 in the Philippines.

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

- 2.1 *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.
- 2.2 *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.
- 2.3 *Voter* refers to a bonafide member-consumer of the cooperative who possesses all the qualifications to vote.
- 2.4 *Resident* refers to a bonafide member of a district who has been residing therein for not less than one (1) year immediately preceding the elections.

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- 2.5. *Juridical person* refers to any firm, corporation, association or local government unit. !!!
- 2.6. *Joint Membership* refers to a husband and a wife who applies for a joint membership and avail the services of the EC subject to their compliance with the existing EC by-laws.
- 2.7. *Member-Consumer* refers to a person, either natural or juridical, adhering to the principles set forth under Presidential Decree No. 269, as amended by Presidential Decree No. 1645 and Republic Act No. 10531, and In the Articles of Incorporation and By-Laws of the EC of which he/she is entitled to all the rights and privileges thereof.
- 2.8. *Master list of Member-Consumers* is a roster of bonafide members 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 said membership was approved.
- 2.9. *Voting Center* refers to the designated place where the election of the Board of Directors of the cooperative will be conducted.
- 2.10. *Election Precinct* refers to the designated place in the voting center where the member-consumers of the cooperative within a designated territory will register and cast their votes.
- 2.11. *Screening Committee (SC)* refers to a body composed of the following: the Engineering or Technical Services Department Manager, the Finance or OSD Manager as members and Member Services or the Institutional Services Department Manager as Chairman, for purposes of reviewing the official records and final

screening of the qualification requirements of candidates.

2.12. *District Election Committee (DECOM)* shall mean a body composed of three (3) members which shall exercise supervision and control of the election of the Board of Directors in particular districts in the electric cooperative.

2.13. *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 an appropriate Board Resolution, the conduct of a regular district election. 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. A copy of the Resolution shall be submitted to NEA, within 2 weeks after the Board Meeting.

3.1. In not less than thirty (30) days, but not more than sixty (60) days before the Annual Meeting of the cooperative as provided for in the By-Laws, elections 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) day period shall be reckoned from the date of the last elections scheduled for the year.

3.2. A Special Election shall be called by the Board, by an appropriate Board Resolution, to fill any vacancy due to death, incapacity, resignation, disqualification and other similar causes, if the unexpired term shall be 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 Multi-Sectoral Electrification Advisory Council (MSEAC) or designate a caretaker from among the incumbent members of the Board of Directors or a NEA-designated Independent director.

- 3.3. 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 but not more than thirty-five (35) days after the vacancy. The same master list of Member-Consumers used in the immediately preceding regular election shall be used.
- 3.4 Instead of electing all the directors annually, the by-laws may provide that each year half of them or one-third of them, or a number as near thereto as possible, shall be elected on a staggered term basis to serve two-year or three-year terms, as the case may be.

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 in its discretion, postpone the election in the District concerned. 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 confirmation of NEA shall reset the

holding of the election. Conduct of such election shall be covered by the prescriptive period in the posting/sending of notices, and in the filing of additional Certificate(s) of Candidacy, if any, as provided for in Sections 6 and 12 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 act in their stead; otherwise, the NEA shall appoint new members of the DECOM. As in a Special Election, the same Master List shall be used.

Section 5. *Failure of Election.* — If the Board fails or refuses to call and hold the election as mandated by the By-Laws or as prescribed in Section 3 hereof, the National Electrification Administration, in the exercise of its supervisory and oversight functions 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 said election, the total number of Member-Consumers who registered in the form provided for (Member-Consumers' register) fails to meet the quorum requirement of one hundred (100) or five per centum (5%) of the Member-Consumers whichever is less, the same shall be deemed a failure of election. In such case, the Board shall schedule another election to be held not more than thirty (30) days after the failed election. However, in case of a lone candidate, one vote shall suffice.

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, by mail or through e-mail to each member of the concerned DECOM. Print and/or broadcast media may also be availed of, if necessary.

ARTICLE II - ELIGIBILITY TO RUN AND CERTIFICATE OF CANDIDACY

Section 7. *Qualifications of a Director and an Officer.* —

Pursuant to Section 26-B of PD 269, as amended by R.A. 10531, a candidate's Integrity, experience, education, competence and probity shall be considered in determining whether he/she shall be fit and proper as a director or an officer of the EC. The following shall be the minimum qualifications, thus:

- 7.1. He or she is a Filipino citizen;
- 7.2. He or she is a graduate of a four (4)-year course;
- 7.3. He or she should be between twenty-one (21) years old and seventy (70) years old on the date of election;
- 7.4. He or she is of good moral character; which may be established with the submission of a clearance or certificate from any of the following:
 - 7.4.1. Barangay where the candidate resides;
 - 7.4.2. National Bureau of Investigation;
 - 7.4.3. Philippine National Police; or
 - 7.4.4. Leader of the religious sect where the candidate is affiliated.
- 7.5. He or she is a member of the EC in good standing for the last five (5) years immediately preceding the

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election or appointment and shall continue to be a member in good standing during his or her incumbency;

A member of good standing shall mean that said member:

7.5.1. Must have no unsettled or outstanding obligations to the cooperative during his membership in the cooperative whether personal or through commercial or industrial connections of which he or she is the owner/co-owner;

7.5.2. An unsettled or outstanding obligation is an account which has not been paid within seven (7) days after the due date. "Due date" shall refer to the date of receipt of the obligation: Provided, That in the case of power bills, it shall refer to the ninth (9th) day reckoned from receipt thereof. For incumbent member of the Board who will seek re-election, unsettled or outstanding obligation includes power bills, cash advances, disallowances (including NEA audit findings) and materials and equipment issuances. At any given time during his membership in the cooperative, he or she must be totally free of any unsettled or outstanding indebtedness and/or disallowances with the EC.

7.6. Has not been apprehended for electric pilferage;

A mere apprehension of electric pilferage by the EC, even without conviction for such offense by any court, shall constitute a valid ground for disqualification. The word "apprehension" should be taken in the strict context as used in Republic Act No. 7832, otherwise

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known as "Anti-Electricity and Electric Transmission Lines or Materials Pilferage Act of 1994", which means that a person is caught *in flagrante delicto* for violating the provision of the said Act;

- 7.7. Has not been removed for cause as director or an employee from any EC;

In general, removal or termination of service from the EC is caused by a grave offense or violation/s of policies, rules and regulations. A former director or employee with a record of termination/removal for cause from public office or for just cause as defined in Article 282 of the Labor Code as amended, shall not be qualified to be elected or appointed as director of an EC.

- 7.8. He or she is an actual resident and member-consumer in the district that he or she seeks to represent for at least two (2) years immediately preceding the election; and
- 7.9. He or she has attended at least two (2) Annual General Membership Assemblies (AGMA) for the last five (5) years immediately preceding the election or appointment.
- 7.10. For a qualified government employee, he/she must present a written Certification from his/her Department Secretary/Regional Director/Local Chief Executive or his duly authorized representative allowing him/her to run and sit as director at the time of his/her filing of Certificate of Candidacy;
- 7.11. An EC Director or Officer, in order to remain as such must continue to possess all the qualifications and none of the disqualifications throughout his/her term or tenure of office. To this end, no EC Director shall

be allowed to stay in a hold-over capacity if he/she falls to meet all the qualifications or is deemed disqualified.

Section 8. Disqualifications of a Director and Officer. —
Pursuant to Section 26-B of PD 269, as amended by R.A. 10531, any person shall be ineligible to be elected or be appointed as member of the Board of Directors or Officers of an EC if:

- 8.1. Such person or his or her spouse holds any public office. For the purpose of disqualification, a person holding an elective position or an appointive position with a salary grade of sixteen (SG 16) or higher or its equivalent shall not be eligible to be elected as member of the Board of Directors or Officers of an EC;
- 8.2. Such person or his or her spouse has been a candidate in the last preceding local or national elections;
- 8.3. Such person has been convicted by final judgment of a crime involving moral turpitude;
- 8.4. Such person has been terminated from public office/government employment or private employment for just cause as defined in Article 282 of the Labor Code.

For this purpose, termination from public office shall mean removal;

- 8.5. Such person is related within the fourth civil degree of consanguinity or affinity to any member of the EC Board of Directors, General Manager, Department Manager, NEA-appointed Project Supervisor (PS) or Acting General Manager (AGM) and its equivalent or higher position;

- 8.6. Such person is employed by or has financial interest in a competing enterprise or a business selling electric energy or electrical hardware to the cooperative or doing business with the EC including, but not limited to, the use or rental of poles;

For this purpose, "*doing business*" shall refer to the transactions related not only to the core or main line of business of the EC, but also those which in any way affect the management and operation of the EC.

- 8.7. Incumbent GM and employees of electric cooperatives are not allowed to run as member of the board of another cooperative; and
- 8.8. The disqualification of one of the spouse shall mean the disqualification of the other.

Section 9. *Ineligibility of representatives of Juridical Person.*

— Representative of juridical persons shall not be eligible to be candidates for Board member. However, the said juridical person is entitled to only one (1) vote.

Section 10. *One Member One Vote Policy.* — A Member-Consumer shall be entitled to only one vote, regardless of the number of connections. For joint membership, only one member shall be entitled to vote.

Section 11. *Certificate of Candidacy.* — No qualified member of the cooperative shall be elected as member-consumer of the Board unless he/she filed a verified Certificate of Candidacy.

Section 12. *Filing of Certificate of Candidacy.* — Interested member-consumers may secure from the Institutional Services Department an official form of the Certificate of Candidacy. Once 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 13. Screening Procedures. — The application by and screening of candidate shall involve the following procedures:

13.1. Application.

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

13.1.2. The Applicant/candidate shall submit to the duly-designated ISD personnel a duly Sworn Certificate of Candidacy with requisite attachments as specified in Article II, Section 7 & 8 hereof which shall be accomplished in three (3) copies.

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

13.2. Screening.

13.2.1. The Screening Committee shall determine the qualification/disqualification of the applicants based on the following records:

13.2.1.1. Membership Records Status. Indicating the date of approval of membership.

13.2.1.2. Consumer Records Status. Indicating avallment of electric service.

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13.2.1.3. Outstanding accountabilities/delinquency with the cooperative-indicating the amounts and dates incurred.

13.2.1.4. Disconnection/apprehension. Indicating date and cause(s) thereof.

13.2.1.5. Residency of Applicant.

13.2.1.6. Criminal and administrative case record of applicant, if any.

13.2.1.7. Other requirements as provided for in the guidelines.

13.2.2. In no less than seven (7) days before the election, the Screening Committee shall prepare the duly certified candidates and officially inform all applicants accordingly.

13.2.3. Protests arising from a disqualification shall be filed with the Screening Committee in not less than five (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.

13.3. Appeal/Petition.

13.3.1. *Where Appealable.* The decision of the Screening Committee shall be appealable to the NEA Deputy Administrator for EDUS.

13.3.2. *Period of Appeal.* The Appellant shall file, by personal service as far as practicable, in five (5) legible copies, his/her verified Petition within an inextendible period of twenty-four

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(24) hours from receipt of the Decision or Resolution of the EC Screening Committee.

13.3.2.1. The Appellant shall furnish the Screening Committee and all of the opposing parties/candidates in his district who may be affected by the filing of his appeal;

13.3.2.2. Non-inclusion of the necessary or indispensable party shall be a ground for the dismissal of the appeal, either *motu proprio* or upon motion;

13.3.2.3. Upon receipt of a copy of the verified Appeal/ Petition, the Screening Committee shall forthwith send the original and complete records of the case to the NEA Deputy Administrator for EDUS, adopting such measures to ensure receipt thereof within forty-eight (48) hours therefrom;

13.3.3. *Form and Contents.* The Appeal/Protest shall contain a concise statement of the following:

- a) names of the parties;
- b) statement of material dates;
- c) statement of facts;
- d) grounds for the appeal; and
- e) arguments.

13.3.4. *Grounds for Appeal.* The only grounds for appeal from the decision of the Screening Committee shall be the following:

- a) A decision based on patently erroneous findings of facts;
- b) A decision based on patently erroneous conclusions of law

- 13.3.5. *Answer.* The Appellee/s shall have an inextendible period of twenty-four (24) hours from receipt of the Verified Petition within which to file their Answer thereto, furnishing the Appellant with a copy thereof, by personal service as far as practicable;
 - 13.3.6. *Decision.* Upon receipt of all the pleadings as mentioned above, the Petition shall be deemed considered submitted for decision;
 - 13.3.7. *Provisional Relief.* The Deputy Administrator for EDUS may, upon motion or motu proprio, in purely meritorious cases as may be gleaned from the Petition and its annexes, issue such provisional reliefs as may be prayed for so as not to render the appeal moot and academic;
 - 13.3.8. *Decision of the Deputy Administrator for EDUS.* The decision of the Deputy Administrator for EDUS shall be considered final and executory unless reversed and/or modified by the Administrator;
 - 13.3.9. *Filing Fee.* The Appellant shall pay to the EC a filing fee of Ten Thousand Pesos (PhP10,000.00) simultaneously with the filing of the Verified Petition, which amount shall be transmitted by the EC to the NEA.
- 13.4. *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 (3) days before the election.

Section 14. *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 15. *Term of Office.* —

- 15.1. 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.
- 15.2. A member of the Board who is elected in a special election under Section 3(3.2.) of this Code or in a postponed regular election conducted after 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.
- 15.3. A member of the Board who is considered resigned per NEA Memo No. 2012-016 dated 06 July 2012, or its subsequent amendment thereto if applicable, may not be re-appointed by the Board to serve the unexpired portion of his term.
- 15.4. A Board Director who has just completed his consecutive terms or an equivalent tenure of nine (9) years in office shall no longer be eligible for appointment to a Board vacancy per Section 3(3.2.).

ARTICLE IV – PROHIBITED ACTS OF CANDIDATES

Section 16. *Prohibited Acts of Candidates.* — The following shall be considered prohibited acts of the candidates:

- 16.1. Paying for membership fees of prospective members of the cooperative;
- 16.2. Vote-buying;
- 16.3. Entering within the 30-meter 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; and
- 16.4. Use of goons and other similar elements to harass voters;

The commission of any act specified in this Section shall constitute sufficient ground for the disqualification of the candidate.

ARTICLE V – WATCHERS

Section 17. *Official Watchers of Candidates.* — Each official candidate shall be entitled to one (1) watcher in every precinct. No person shall be appointed a watcher unless he is bona fide member-consumers 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(s) shall be appointed in writing by the candidate and duly acknowledged by the DECOM.

Section 18. *Duties and Prerogative of Watchers.* — Upon entering the voting center, a watcher 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, 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 – MEMBER-CONSUMERS

Section 19. *Cut-off Date for Qualified Member-Consumers.* — Only member-consumers of the cooperative whose application for membership had 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 master list of Member-Consumers and shall have the right to vote.

Section 20. *Master List of Member-Consumers.* — It shall be the responsibility of the Member Services or Institutional Services Department to prepare in no less than twenty-five (25) days before the election, at least ten (10) copies of the Master List of Member-Consumers for each district. The Master List of Member-Consumers shall contain the names of all qualified Member-Consumers in alphabetical order and classified according to districts, municipalities and barangays to facilitate registration and voting. The EC Master List of Member-Consumers 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 master list, at least five (5) copies shall be posted in conspicuous places for verification by member-

consumers during 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 election. The final Master List shall again be posted not less than five (5) days before election. Copies shall be also distributed as follows:

- 20.1. One copy in the District where elections shall be held;
- 20.2. One copy for each precinct; and
- 20.3. One copy for the EC files.

A candidate may be given a copy of Master List only upon payment of the cost of reproduction thereof.

Section 21. *Ineligibility of Member not Included in the Master List of Member-Consumers.* — Any member whose name has been inadvertently excluded from the master list of Member-Consumers but failed to avail of the remedies during inclusion/exclusion period shall not be allowed to vote. Such failure to avail of the remedies during inclusion/exclusion period shall be considered a waiver of the member's right to vote.

Section 22. *Registration of Member-Consumers.* — All members whose names appear in the Master List of Member-Consumers 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 23. *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, shall be located in a public school building or other public buildings within the poblacion.

Section 24. *Creation of Additional Voting Center(s).* — In a situation where the increase in the number of Member-Consumers would warrant the creation of additional voting centers, the DECOM may authorize its establishment, specifying the barangays or areas covered by such center(s). The establishment of the said additional voting center(s) shall be determined by its accessibility and convenience to members to assure their widest participation.

Section 25. *Election Precincts.* — The Member Services Department in consultation with the DECOM shall establish precincts for each voting center where the Member-Consumers shall register and vote, which shall be dependent on the number of Member-Consumers and classified according to their residence.

Section 26. *Ballot Boxes.* — There shall be, in each precinct, a ballot box under the custody and disposal of the DECOM and the PECOM.

Section 27. *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 28. *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 29. *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, the additional voting center shall be supervised by a Sub-District Election Committee (Sub-DECOM) to be composed of the PECOM Chairmen who shall choose from among themselves the over-all Chairman.

In the event that a related controversy during election is raised before the Sub-DECOM, the duty and responsibility to receive and record in the Minutes of Voting devolves on the Sub-DECOM including taking appropriate action on the controversy. 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 District Election Committee.

Section 30. Powers of the District Election Committee. — The District Election Committee shall have the following powers:

- 30.1. Supervise and control other committees constituted under these guidelines, except the Screening Committee.
- 30.2. Properly implement the election guidelines.
- 30.3. Appoint members of the Precinct Election Committees.
- 30.4. Determine the number of voting centers, election precincts and their locations in consultation with the EC Institutional Services Department.
- 30.5. Determine the place where the final canvassing and consolidation of electoral returns from all districts shall be held.
- 30.6. Decide on all post-election matters particularly protest, queries, referrals, postponements including qualification issue/s.
- 30.7. Act as Board of Canvassers.
- 30.8. 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 31. Precinct Election Committee (PECOM). — In every precinct, there shall be appointed in accordance with

Section 30 (30.3.) hereof, the PECOM shall be composed of a Chairman, a Poll Clerk and/or third member. The PECOM shall have the following duties and functions:

- 31.1. Conduct registration, voting and counting of votes in their respective precincts.
- 31.2. Act as deputies of the DECOM in the supervision and control of the election wherein they are assigned.
- 31.3. Perform other function(s) 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 function of the PECOM.

Section 32. *Qualification of Members of Election Committees.*

— No person shall be appointed chairman or member of any election committee unless he is a bona fide member-consumer of the cooperative per Article II, Section 7(7.5.) and Section 8(8.3. and 8.4.) of these guidelines, and at least 21 years of age. Employees of the cooperative may be appointed members of the Precinct Election Committee but not as the Chairman.

Section 33. *Disqualification.* — 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 shall be disqualified to serve as chairman or member of any election committee.

EC Employees are disqualified to run as member of the Board of Directors.

Section 34. *Compensation.* — The Chairman and members of the election committees shall be granted per diems in the amount not less than One Thousand Pesos (P1, 000.00).

Section 35. *Expiration of Term.* — The term of office of the members of the election committees shall expire after the proclamation of the winning candidate. In cases where there are election protests, the term of duty shall expire upon resolution of all protest.

ARTICLE IX – OFFICIAL BALLOT

Section 36. *Official Ballot.* — The official ballot shall be uniform in size and in color. It shall be printed at the expense of the cooperative 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" It 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 37. *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 Member-Consumers present within thirty (30) meters radius from the precinct at closing time who have not yet registered and cast their votes. In the said case, the voting shall continue but only to allow said Member-Consumers to be able to register and vote.

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Section 38. Preliminaries to Voting. —

38.1. The Precinct Election Committee shall convene at the precinct designated by the DECOM and shall be furnished with the certified list of Member-Consumers, ballot boxes and other forms and materials to be used during the election.

38.2. The Precinct Election Committee shall open the ballot boxes, empty both its compartments, exhibit its emptiness to the public, then lock it.

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

Section 39. Order of Voting. — Upon the registration and after establishing the identity of the Member-Consumer, as provided for in Article VI hereof, the Member-Consumer shall be given an official ballot to accomplish. Proxy voting shall not be allowed.

Section 40. 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 Member-Consumers about to cast 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 unlawful for them to enter places reserved for the Member-Consumers or for the watchers, or to talk and mingle with the Member-Consumers within the precinct.

Section 41. *Manner of Preparing the Ballot.* — Upon receiving the ballot, the voter 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 others 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 42. *Preparation of Ballots for the Illiterate and Disabled Person(s).* — 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 or EC representative in the accomplishment of the ballot.

Section 43. *Spoiled Ballot.* — If a voter accidentally spoils or defaces the ballot in such a way that it cannot be lawfully 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 Member-Consumers shall then be entitled to another ballot after recording its serial number in the corresponding space in the voting records.

Section 44. *Casting of Ballot.* — After the voter shall have 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

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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 contents 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 45. *Challenge of Illegal Voter.* — Any watcher may 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 evidence 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 46. *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:

- 46.1. The time the voting commenced and ended;
- 46.2. The number of ballots received;
- 46.3. The number of ballots used and number left unused;
- 46.4. The number of Member-Consumers who cast their votes;

- 46.6. The names of watchers present;
- 46.7. The time the counting of votes commenced and ended;
- 46.8. The number of official ballots found inside the compartment for valid ballots;
- 46.9. The number of excess ballots as compared to the register of Member-Consumers;
- 46.10. The number of valid ballots, if any, retrieved from the stub compartment;
- 46.11. The number of ballots read and counted; and
- 46.12. 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 47. *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 may not adjourn or postpone the counting until it has been fully completed. However, the DECOM may postpone the counting of votes on account of any intervening event, such as but not limited to calamity, force majeure and terrorism.

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

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, at 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 be subject of an appeal.

Section 48. *Manner of Counting Votes.* — The PECOM shall take out the ballots and form separate piles of fifty (50) 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 votes 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 shall 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 49. *Rules for the Appreciation of Ballots.* — In the reading and appreciation of ballots, the Committee shall observe the following rules:

- 49.1. When only the first name of a candidate or only his/her surname is written, the vote for such candidate shall be deemed valid if there is no other candidate with the same first name or surname;

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- 49.2. 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 another candidate, the vote shall be counted in favor of the latter;
- 49.3. 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 another candidate, the vote shall not be counted for either candidate;
- 49.4. 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;
- 49.5. When the name of a candidate is not written in the space provided for, it shall be counted in favor of the candidate;
- 49.6. 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;
- 49.7. Ballots which contain prefixes or suffixes are valid;
- 49.8. 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 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;
- 49.9. Ballots wholly written in Arabic in localities where 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;

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- 49.10. 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;
- 49.11. Any ballot written with all pen or ink, wholly or in part shall be valid;
- 49.12. 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;
- 49.13. Any vote in favor of person who has not filed a Certificate of Candidacy shall be considered a stray vote;
- 49.14. 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 a stray vote;
- 49.15. The accidental tearing or perforation of a ballot does not invalidate it;
- 49.16. Failure to remove the detachable coupon from a ballot does not invalidate such ballot;
- 49.17. Any vote cast in favor of a candidate who has been disqualified shall be considered a stray vote; and
- 49.18. 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 50. Election Returns. — The Precinct Election Committee (PECOM) shall prepare the election returns simultaneously with the counting of the Member-Consumers as prescribed in Section 47 hereof. The returns shall be prepared in three (3) copies and in the prescribed form to be certified by the Committee.

Section 51. 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:

- 51.1. 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.
- 51.2. Duplicate copies to be submitted to the cooperative through the Member Service Department Manager.

Section 52. Final Canvass and Proclamation of Candidates Elect. — The District Election Committee (DECOM) shall meet on the day of the election in 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, and 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 53. *Jurisdiction.* — The District Election Committee (DECOM) shall have jurisdiction over all post election protest relating to the election of the members of the Board of Directors. Post-election protest which covers the irregularities on the conduct of the election shall be filed within three (3) days after the proclamation of the result of the election.

Filing Fee. — Protestants of election cases shall pay in cash to the cooperative a filing fee of PhP50,000 but not more than PhP100,000 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 54. *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 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 summon parties and witnesses. The appellant shall pay to NEA a filing fee in the amount of

PhP100, 000 to cover administrative cost and expenses. The President of the Philippine Rural Electric Cooperative Association (PHILRECA), or the duly authorized representative and the President of the National Association of General Manager 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 55. *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 transmit copies of the petitions, answer, motions, notices, Transcript of Hearing, Evidences and decision to the NEA in case an appeal is taken therefrom.

ARTICLE XIII – FINAL PROVISION

Section 56. *NEA Authority to Issue These Guidelines.* — These guidelines are being issued pursuant to the provisions of PD No. 269, as amended by PD No. 1645 and R.A. 10531.

Section 57. *Transitory Provisions.* — Nothing in these Guidelines shall be deemed to abrogate the term limits set forth in the previous Guidelines on EC District Elections.

Section 58. *Repealing Clause.* — All provisions of the By-Laws of the electric cooperative, resolutions passed by the EC Board and any previous NEA issuances anent Rules and Regulations in the Conduct of Electric Cooperative District Election or provisions thereof inconsistent with the provisions of these Guidelines are hereby repealed, amended or modified accordingly. NEA Memorandum No.

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2005-012 Issued on 21 March 2005, on the Consolidated Guidelines in the Conduct of EC District Election and other NEA Related Issuances shall continue to have full force and effect.

Section 59. Effectivity. —These guidelines shall take effect 15 days after filing with the U.P. Law Center or publication in two (2) newspapers of general circulation.

Done In Quezon City, Metro Manila. 8th day of May 2014.

CARLOS JERICO L. PETILLA
Chairman

JOSE RAYMUND A. ACOL
Alternate of the Chairman

JOSE VICTOR E. LOBRIGO
Member

WILFRED L. BILDENA
Member

JOSEPH D. KHONGHUN
Member

EDITA S. BUENO
Member

*Approved by the NEA Board of Administrators through Board Resolution No. 118 on May 8, 2014.