

NATIONAL WORKER'S CONGRESS

Manila Hotel, Roxas Boulevard, Manila

31 August 2012

ELECTION RULES

I. COMMITTEE ON ELECTION (COMELEC)

1. The COMELEC shall be composed of a Chairperson and four (4) members. The chairperson shall be designated by the sectoral representatives. The members of the COMELEC shall be appointed by the chairperson.
2. The COMELEC shall be responsible for the conduct of the election of the eight (8) sectoral representatives. The sectors, which should have two (2) representatives each to the Council, are: (a) National Government Agencies (NGAs); (b) Government-Owned or Controlled Corporations (GOCCs); (c) State Universities and Colleges (SUCs); and (d) Local Government Units (LGUs).
3. One (1) month before the election, the COMELEC shall appoint members of each Board of Election Inspectors (BEIs) who shall be in charge over the conduct of the said election and distributed as follows:

SECTOR	TOTAL NO. OF BEI MEMBERS PER SECTOR
National Government Agencies	7
Local Government Units	7
Government-Owned or Controlled Corporations	4
State Universities and Colleges	4

4. One (1) month before the election, the COMELEC shall appoint three (3) members of each Board of Canvassers (BoC) per sector which shall be responsible for the consolidation of all election returns from the Board of Election Inspectors (BEIs).
5. The COMELEC shall ensure a free, orderly and honest election.
6. The COMELEC shall proclaim the winners in the election immediately after the canvassing. In case the qualification of a winning candidate has been questioned, and the same could not be resolved immediately, the COMELEC may temporarily proclaim the said candidate.

7. The COMELEC shall rule on all issues and protests pertaining to the election within thirty (30) calendar days, and its decision thereon shall be final and executory.

II. MECHANICS OF THE ELECTION

A. QUALIFICATIONS OF CANDIDATES:

1. Must be an incumbent President of an accredited employees' association or union at least one (1) year prior to the election of Sectoral Representatives to the PSLMC;
2. Must not have been found guilty of any administrative/criminal case; and
3. Must be endorsed by the employees' association through a Board Resolution expressing support for the candidacy.

B. QUALIFICATIONS OF VOTER/S:

1. Must be in the Official List of Delegates of the employees' association;

C. FILING OF CANDIDACY:

Filing of candidacy shall start on June 15 up to July 31, 2012. A candidate shall personally file an accomplished and notarized CERTIFICATE OF CANDIDACY (COC) with the Regional/Provincial/Field Offices of the Civil Service Commission. The Regional/Provincial/Field Offices shall forward all COCs to the CSC-PRO on or before August 10, 2012.

An application for candidacy with incomplete requirements shall not be accepted.

The candidate must be personally present at the Congress venue on the day of the election.

D. MANNER OF ELECTION:

1. The election shall be by secret ballot.
2. As a general rule, an employees' association shall be entitled to a voting delegate as follows:
 - (a) Registered employees' association – 1 voting delegate;
 - (b) Accredited employees' association – 2 voting delegates;

- (c) An employees' association with CSC registered C.N.A. – 3 voting Delegates;
 - (d) Each voting delegate shall be entitled to only one (1) vote and the same shall not be transferable; and
 - (e) Management representative shall have no voting right.
3. The following shall be observed in determining the number of voting delegates for a National Agency/Office employees' association with affiliates or chapters:
- (a) In case the mother employees' association is registered, it is only entitled to one (1) voting delegate; if accredited, two (2) voting delegates; or, if with registered CNA, three (3) voting delegates.
 - (b) In all instances, the local affiliates/chapters having an independent registration shall be entitled to one (1) voting delegate.
4. Each candidate shall be entitled to a representative/watcher per precinct and shall be authorized to stay only within the polling area.
5. Voters shall cast their votes at the precincts designated for each sector.

D.1 CASTING OF VOTES:

1. Voters in the Sectoral List:
- To facilitate identification of voters, each shall be required to present his/her agency-issued Identification Card (ID). In the absence of his/her agency-issued Identification Card (ID), the voter may present any of the following IDs: COMELEC ID, GSIS e-card, PRC ID, Driver's License, and passport.
 - After verification with the MASTER LIST OF ACCREDITED AND REGISTERED EMPLOYEES' ASSOCIATIONS, the voter shall affix his/her signature opposite his/her name in the Sectoral List of Voters before an official ballot shall be issued.
2. Omitted Qualified Voters:
- A qualified certified voter whose name was inadvertently omitted in the MASTER LIST OF ACCREDITED AND REGISTERED EMPLOYEES' ASSOCIATIONS shall be allowed to vote provided that he/she shows/present proof of membership.

- If the Election Inspector of the designated precinct is satisfied with the identity and qualifications of the omitted association's representative/s, a folded official ballot shall be given to him/her. He/she shall then be required to write her/his name in the Sectoral List of Voters and sign opposite his/her name.

3. Voting:

- The voter shall personally cast his/her vote by writing the name of the candidate of his/her choice in the space provided in the Official Ballot as shown hereunder. **No proxy vote shall be allowed.**

<p>Ballot No. _____</p> <p style="text-align: center;">2012 National Workers Congress Election of Sectoral Representatives To the Public Sector Labor-Management Council (PSLMC)</p> <p style="text-align: center;">OFFICIAL BALLOT</p> <hr style="border-top: 1px dashed black;"/>
<p>Ballot No. _____</p> <p style="text-align: center;">2012 National Workers Congress Election of Sectoral Representatives To the Public Sector Labor-Management Council (PSLMC)</p> <p style="text-align: center;">OFFICIAL BALLOT</p>
<p>Fill out this ballot secretly inside the polling booth Do not put any distinctive mark on any part of this ballot.</p>
<p>_____</p> <p>NAME OF CANDIDATE</p>

- Upon receipt of the folded ballot, the voter shall forthwith proceed to a vacant booth and fill his/her ballot by writing in the space provided, the name of the candidate he/she is voting for. A single line shall be drawn across the name of the candidate if he/she wants to change his/her vote. Other forms of the erasures shall be deemed as marking and the ballot shall be considered as spoiled.
- A torn or defaced ballot shall be replaced once only. The Chairman of the BEI shall tear the same in the presence of

his/her members and representatives/watchers of the candidates. The spoiled ballots shall be placed in a separate envelope.

- After filling up his/her ballot, the voter shall fold it in the same manner he/she received it and hand it over to the Chairman of the BEI who shall tear the perforated portion. The portion which contains the name of the candidate chosen shall be dropped in the slot designated for valid ballots, whereas the upper portion which indicates the ballot number shall be dropped in the slot for spoiled ballots.

4. Segregated/Challenged Votes:

All segregated and challenged votes shall be placed in an individual white letter envelope and shall be sealed in the presence of the voter and watchers. The election inspector shall indicate the name of the voter, name of association, name of agency, identification card number, ballot number and ground/reason for challenge/segregation. The Head of the Board of Election Inspectors and watchers of the candidates shall sign the sealed envelope.

The opening and canvassing of the segregated/challenged votes shall be ordered by the COMELEC if they will materially affect the results of the election.

D.2 COUNTING AND TALLYING OF VOTES

1. Immediately after the close of polling at the precinct level, votes cast shall be counted and tabulated by the assigned Board of Election Inspector (BEI) in the precinct
2. The Chairman of the BEI shall read aloud the vote contained in the ballots, while a member shall tally the votes on the tally sheet and another member shall tally on the board.
3. All votes cast shall be counted and tabulated by the BEI in the presence of the representatives of candidates.

A candidate who opts to personally observe the canvass of ballots shall no longer be allowed a representative/watcher.

Only one representative/watcher per candidate is authorized within a three-meter radius from the tallying area. Persons other than those authorized in the preceding paragraph are not allowed to stay within the said three-meter radius.

4. In the appreciation of ballots, the following rules shall be observed:
 - a. A name or surname incorrectly written, which when read, sounds similar to the name or surname of a candidate when correctly written, shall be counted in favor of such candidate.
 - b. When only the first name or surname or alias of a candidate is written and there is no other candidate with the same first name or surname or alias in the sector where the voter cast his/her choice, the vote shall be counted in favor of the candidate.
 - c. A candidate may use not more than two (2) nicknames or aliases, which must be stated in her/his certificate of candidacy.
 - d. When only the first name of a candidate is written on the ballot, which is similar to the surname of another candidate in the same sector, the vote shall be counted in favor of the candidate with such surname.
 - e. If there are two or more candidates in the same sector with the same first name/surname/alias and one of the candidates is the incumbent representative, the vote shall be counted in favor of the incumbent representative. When both candidates are not incumbent representatives, the vote/s for the particular position will not be counted.
 - f. When two or more names are written on the ballot as sectoral representative and all of which are the surnames of two or more candidates, the same shall not be counted unless it is the surname of the incumbent representative, then its shall be counted in his/her favor.
 - g. When on the ballot a single word is written which is the first name of a candidate and at the same time the surname of another candidate, the vote shall be counted in favor of the candidate whose surname is written.
 - h. When two (2) words are written on the ballot, one of which is the first name of a candidate and the other is the surname of his opponent, the vote shall be counted in favor of the candidate whose surname is written.
 - i. When the name of a candidate is crossed out on the space in the ballot and another name is written, the vote shall be counted in favor of the latter.
 - j. The erroneous initial of the first name, middle name and surname of a candidate shall not annul the vote.

- k. Any vote containing initials only or which does not sufficiently identify the candidate for whom it is intended shall invalidate the ballot.
- l. If three or more names of candidates were written in a single ballot, the ballot is valid but the vote shall be counted only in favor of the first two candidates whose names appear in the space provided.
- m. Only handwritten votes shall be considered valid.
- n. If on its face, a ballot appears to have been filled by two distinct persons, it shall be considered null and void.
- o. The accidental tearing of a ballot does not annul it.
- p. The first name, aliases, or nicknames of a candidate shall be considered valid as long as there is no other candidate running for the same position with the same name.

The following votes shall be considered spoiled or invalid:

- a. No name of a candidate is written inside the box intended for the purpose;
 - b. The name written inside the box is not of any of the candidates for the sector where the voter cast his/her ballot;
 - c. Marking/s such as signature, cross (x), check (✓), or a square;
 - d. Any markings that can be interpreted as intended to identify the voter;
 - e. Erasures or use of liquid paper; and
 - f. Torn, perforated or defaced ballot.
5. Upon completion of tallying of votes, the BEI shall prepare the minutes of the election. The representatives of the candidates shall either signify their concurrence or manifest their protest in the minutes and the tally sheet.

Each candidate shall be given a copy of the said minutes.

6. Ballots cast, segregated/challenged votes, tally sheets and minutes of the election shall be sealed in an envelope and signed by the parties. A copy of the minutes of the election and the tally sheet/s which shall be used in the canvassing/consolidation of votes shall be pasted/taped outside the envelope. All these election documents and paraphernalia shall be placed inside the ballot box and endorsed to the Board of Canvassers.

E. CANVASSING AND CONSOLIDATION OF ELECTION RESULTS

1. The election result in all sectors shall be canvassed and consolidated simultaneously. The canvass and consolidation shall commence fifteen (15) minutes after all the election results for the sector have been transmitted to the Board of Canvassers. The canvassing by sector may be conducted earlier than the other sectors subject to the written agreement of all the concerned candidates or their authorized representatives.
2. The BOC shall conduct the canvass of all election returns in its assigned sector.
3. The Chairman of the BOC shall read the number of the precinct and the tallied votes contained in the precinct level tally sheet. A member shall be responsible for reflecting the votes garnered in the consolidated minutes. The remaining member shall assist the others or shall act as substitute of either of them.
4. Canvassing/consolidation of the results shall be done in the presence of the representatives of the candidates. A candidate who opts to personally observe the canvassing of results shall no longer be allowed a representative/watcher.

Only one representative/watcher per candidate is authorized within a three-meter radius from the Board member reading the results. All persons other than those authorized in the preceding paragraph are not allowed to stay within the said three-meter radius.

5. The BOC shall prepare the consolidated minutes per sector and shall transmit the same to the COMELEC for the immediate proclamation of the winners.
6. The Candidates of each sector obtaining the highest and second highest number of votes shall be sectoral representatives to the Council.

F. ELECTION PROTESTS:

Only qualified candidate or voters may file a protest based on the conduct/mechanics of the election. Such protest shall be recorded in the minutes of the election at the precinct level. Protests not so raised and recorded shall be deemed waived. A protestant shall file his/her written formal protest with the COMELEC within one (1) hour after the proclamation of the winners. Otherwise, it shall not be entertained.

III. MISCELLANEOUS PROVISIONS

1. Candidates shall not be allowed to stay at the precincts except when voting unless otherwise provided in these Rules.
2. The provisions of the Omnibus Election Code shall have supplementary application to these Rules.

Manila, Philippines, 29 June 2012

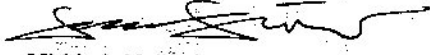
Signed:

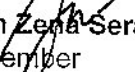
For the 2012 NWC COMELEC:



Atty. ROMEO M. MONTEFALCO, JR.
Chairperson


Atty. IRA MARGARETH JORDANA GOMEZ
Vice Chairperson


Atty. Maria Consuelo S. Bacay
Member


Atty. Marian Kristine Ambatali-Allas
Member


Atty. Maureen Zena Serazon-Tongson
Member


Atty. Melisa San Miguel-Salunga
Member