



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

IN RE: GUIDELINES ON
ELECTRONIC FILING, CONDUCT
OF HEARINGS/
INVESTIGATIONS/INQUIRIES VIA
VIDEO CONFERENCE, AND
SERVICE

Abas, Sheriff M.
Guanzon, Ma. Rowena Amelia V.
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Chairman
Commissioner
Commissioner
Commissioner
Commissioner

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Promulgated: June 25, 2020

RESOLUTION NO. 10673

WHEREAS, the health risks posed by the COVID-19 pandemic call for the formulation of resilient rules to ensure continuity of case proceedings in the Commission;

WHEREAS, guided by the various issuances of the Highest Tribunal¹ and other collegiate courts,² the Commission deems it proper to introduce additional devices, platforms, and mechanisms in the filing of pleadings and other court submissions, conducting hearings, and other court processes to ensure the safety of all concerned against the ongoing pandemic;

NOW, THEREFORE, in view of the foregoing, the Commission **RESOLVED**, as it hereby **RESOLVES**, to promulgate the following Guidelines for Electronic Filing, and Conduct of Hearings/Investigations/Inquiries via Video Conference, and Service:

Rule 1

**PERIOD FOR FILING OF PLEADINGS AND OTHER COURT SUBMISSIONS,
RAFFLE OF CASES, AND OTHER PROCESSES**

Section 1. Resumption of Processes/Periods. -- Taking into consideration that the National Capital Region has been placed under General Community Quarantine effective June 1, 2020, thereby lifting the declaration of Modified Enhanced Community Quarantine in the region, and considering further that a Skeleton Workforce has been employed within the Commission effective June 1, 2020, the following processes/periods shall resume or commence to run again five (5) days after the publication of this Resolution in a newspaper of general circulation in the

¹ OCA CIRCULAR 93-2020 (IMPLEMENTATION OF SUPREME COURT ADMINISTRATIVE CIRCULAR NO. 37 - 2020 ON THE PILOT TESTING OF HEARINGS OF CRIMINAL CASES INVOLVING PERSONS DEPRIVED OF LIBERTY THROUGH VIDEOCONFERENCING)

² GUIDELINES FOR COURT OF TAX APPEALS HEARINGS VIA VIDEO CONFERENCE

Philippines:

a). **The filing of pleadings, comments, motions, briefs or memoranda, and other court submissions** before the Office of the Clerk of the Commission (OCOC), the Electoral Contests Adjudication Department (ECAD), and the Campaign Finance Office (CFO) as prescribed by the Rules or as directed by the Commission which was deemed interrupted pursuant to COMELEC Resolution entitled, "*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 the Commission, Electoral Contests Adjudication Department, Law Department, and the Campaign Finance Office Relative to the COVID-19 Pandemic*" approved by the Commission (*En Banc*) on May 08, 2020;

Election offense cases may continue to be filed before the Law Department, Office of the Provincial Election Supervisors (OPES), or the Offices of the Regional Election Directors (ORED) thru their respective official E-mail addresses;

b) **The setting of raffle of cases, hearings, Preliminary Conferences, and marking of exhibits** with strict observance of health protocols (i.e. wearing of face masks, social distancing, and infection prevention control measures) among the attendees thereof;

Raffle of cases shall resume to be done electronically. Upon raffle of the case, the authorized personnel in the Office of the Chairman (for *En Banc*) or that in the Office of the Presiding Commissioner (for Division), shall send the result of the raffle through their respective official E-mail accounts. The receiving party shall acknowledge receipt by placing their electronic signature in the signing page of the raffle of cases memorandum.

c) **The scheduling of the inventory, sealing and delivery of ballot boxes, recount, and technical examination in Election Contests** likewise with strict observance of health protocols indicated above;

d) **The promulgation of Resolutions and issuance of Orders, Summonses, Subpoenae, Certificates of Finality, Writs of Execution, and Entries of Judgment;** and

e) **The payment of administrative fines.** Payment in accordance with existing rules and procedure shall be made within the same period in the concerned locality.

Rule 2

ELECTRONIC FILING AND SERVICE OF PLEADINGS AND OTHER PAPERS BY THE PARTIES

Section 1. Filing Through Electronic Mail. -- The filing of verified pleadings, memoranda, comments, briefs, and other submissions, in PDF Format, before the Commission shall be done by the parties through electronic mail (E-mail). The date of E-mail shall be considered as date of filing.

Immediately after filing through E-mail, the party shall send, through the fastest

means available, including registered mail or any courier service, all pleadings, answers motions, comments, notices, and other court submissions, with complete annexes in four (4) hard copies, to the OCOC, ECAD, or CFO. Proof of payment of the required fees, deposits, and fines, if any, shall be attached thereto.

In case of variance between the hard copy sent through registered mail or any courier service and that filed through E-mail, the latter shall prevail. The party and/or his/her counsel found guilty of deliberately submitting varying copies shall be subjected to the appropriate penalty, including contempt charges or dismissal of the case upon the discretion of the Commission.

- Marking of exhibits shall be done on the original copy sent through registered mail or any courier service.

Section 2. Filing of Election Offense Cases. - Election offense complaints may be filed before the Law Department, OPES, or the ORED where the alleged election offense took place thru their respective official E-mail addresses. 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. It shall also indicate the active E-mail addresses of the complainant and his/her counsel, if any. Complaints which fail to indicate the required E-mail address/es shall not be accepted and/or docketed. All other supporting documents including Affidavits of Witnesses, if any, shall also be scanned and E-mailed together with the complaint. The date of receipt of the complaint via E-mail shall be considered the date of filing.

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. Complaints executed under oath may be filed even without the requisite verification as provided for in Section 4 (b), Rule 34 of the COMELEC Rules of Procedure.

In addition to the filing of election offense complaints through E-mail, the parties are likewise directed to comply with the second paragraph of Section 1, Rule 2 hereof with regard to the submission of the hard copies of said documents to the Law Department.

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

Section 3. Official E-mail Addresses. -- The official E-mail addresses of the OCOC, the Law Department, the OPES and ORED, the ECAD, and the CFO are indicated in Annex "A" of this Resolution.

Section 4. Submission of E-mail Address by the Parties. - The counsel, or parties if not represented by counsel, with pending cases before the Commission shall submit to the Clerks of Court of the Commission, the Division Clerks of Court, the Law Department or the field office where their case is pending, their respective active E-mail addresses, if the same are not on record, within ten (10) days from the date of effectivity of this rules. Failure to submit the said E-mail addresses shall be considered as lack of interest to pursue the case and the same may be dismissed *motu proprio* by the Commission.

The counsel, or parties if not represented by counsel, who change his or her E-mail address while the action is pending must promptly file, within five (5) calendar

days from such change, a notice of change of E-mail address with the court and serve the notice to all other parties.

Service through the E-mail address of the counsel, or parties if not represented by counsel, shall be presumed valid unless such party notifies the court of any change, as aforementioned.

Section 5. *Schedule of Filing through E-mail.* -- The schedule of filing of verified pleadings, memoranda, comments, briefs, and other submissions through E-mail shall be from Monday to Friday, 8:00 am to 5:00 pm, excluding holidays. E-mails received beyond 5:00 pm shall be considered filed at 8:00 am of the next working day.

Where a deadline falls on a Saturday, a Sunday, or a legal holiday, official transaction shall be done on the next working day. (*COMELEC Resolution 8665, 02 September 2009*)

Section 6. *Acknowledgement of Receipt.* -- Upon receipt of the verified pleadings, memoranda, comments, briefs, and other documents through their respective official E-mail addresses, the Clerks of Court of the Commission, the Law Department or the OPES or the ORED, or the Division Clerks of Court, or the Campaign Finance Office, shall send acknowledgement receipt to the sender via E-mail and shall proceed to evaluate the same in accordance with applicable rules and regulations. However, complaints filed before the OPES or ORED shall be transmitted to the Law Department for docketing, after an acknowledgement receipt has been sent to the sender via E-mail. The printed hard copy of the E-mail sent by the parties shall then form part of the records of the case.

Section 7. *Transmission to the Offices of the Chairman and Commissioners.* -- Soft copies of said pleadings, memoranda, comments, briefs, and other documents (except those pertaining to election offense cases) shall be transmitted by the receiving Department or Office to the Offices of the Chairman and Commissioners through E-mail or delivering the copies through USB drive and the receiving party shall be the one to print the same. In such case of electronic copies, security and confidentiality protocols shall be maintained.

The receiving Department or Office must acknowledge receipt of e-mail through an authorized officer or staff. An acknowledgment receipt should contain receipt of e-mail and/or physical document.

If, however, the submitted documents require physical handling or transmission, the routing department/office shall ensure observance of proper disinfection procedures. Following social distancing and safety rules, the person in charge of receiving shall acknowledge receipt.

Section 8. *Payment of Fees.* -- Payment of docket/filing fees, legal research fees, cash deposits, fines, and other fees shall be in the form of cash, manager's check, cashier's check, or postal money order which shall be transmitted by the department/office concerned together with the order of payment to the Cash Division, Administrative Services Department of the Commission.

The parties shall inquire with the concerned office/s as to the assessment and amount of docket/filing fees, legal research fees, cash deposits, fines, and other fees. If the fees were not paid, the Commission may refuse to take action thereon until they are paid.

Section 9. Proof and Completeness of Service by a Party. -- Electronic service is complete at the time of the electronic transmission of the document, or when available, at the time that the electronic notification of service of the document is sent. Electronic service is not effective or complete if the party serving the document learns that it did not reach the addressee or person to be served.

Proof shall be made by an affidavit of service executed by the person who sent the E-mail, together with a printed proof of transmittal, copies of which shall be attached to the verified pleadings, memoranda, comments, briefs, and other submissions filed pursuant to Section 1, Rule 2.

Rule 3

HEARINGS/INVESTIGATIONS/INQUIRIES THROUGH VIDEO CONFERENCE OR FILING OF APPROPRIATE PLEADINGS

Section 1. Hearing/Investigations/Inquiries through Video Conferences. -- Hearings/investigations/inquiries, including preliminary conferences and marking of exhibits, via video conference may be made available to all cases (except election offense) falling within the jurisdiction of the Commission, if the same are necessary and cannot be substituted by filing of appropriate pleadings, upon motion of both parties or as may be directed by the Commission sitting *en banc* or in the Division where the case is pending, or the CFO, or by the OCOC for preliminary conferences and marking of exhibits.

Section 2. Election Offense Cases or Fact-finding Investigations. -- For election offense cases, the preliminary or fact-finding investigations shall be conducted thru submission of pleadings. The 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 thru registered mail or E-mail.

In the event that clarificatory hearing is necessary, the same shall be conducted through submission of judicial affidavits either via registered mail or E-mail.

Section 3. Official Platform. - The conduct of hearing via video conference shall only use the officially approved Microsoft 365 platform which contains the applications to host such hearings (Teams Application) as well as provide for the official E-mail accounts of the concerned personnel and Departments of the Commission.

Section 4. Notice of Hearing. -- Upon orders of the Commission, Notice of Hearing via Video Conference shall be sent by the Clerks of Court of the Commission or the Division Clerk of Court concerned, using their official E-mail account, to the counsel's or party's E-mail addresses on record. The Notice shall include: (a) the time and date of the scheduled hearing; (b) a link to join the hearing; (c) a reminder that all information used to gain access to the proceedings are privileged and strictly confidential and that any unauthorized disclosure thereof or any unauthorized recording of the proceedings shall be dealt with accordingly and/or treated as contempt of court.

Section 5. Proof of Receipt. -- Proof of receipt of the Notice through E-mail by the counsel or parties shall be properly recorded and/or logged.

Section 6. *Conduct of Hearings.* -- Only the Clerks of Court of the Commission or the Division Clerks of Court concerned, or CFO, shall host all hearings by video conference using only the official platform approved by the Commission. For this purpose, the Clerks of Court of the Commission or the Division Clerks of Court concerned, or the CFO, may request the assistance of one (1) personnel from the Information and Technology Department (ITD), whose name must be submitted to the former at least three (3) days prior to the scheduled hearing. The designated staff of the ITD however, shall not participate in the video conference itself but must make himself/herself readily and easily available in case of technical concerns that may arise during the hearing.

Relative thereto, the ITD shall be tasked to distribute instructional materials and demonstrations on how to conduct hearings via video conference, to the Chairman, all Commissioners, COMELEC officers, and personnel attendees to such hearings.

Section 7. *Participants of the Hearing.* -- For hearings facilitated by the OCOC and ECAD, hearing via video conference shall be attended by:

- a) The Chairman or the Presiding Commissioner, as the case may be;
- b) The Member-Commissioners concerned;
- c) The petitioner/s, protestant, their counsel and witnesses, if any;
- d) The private respondent/s, protestee/s, their counsel, and witnesses, if any;
- e) The Clerks of Court of the Commission or the Division Clerk of Court concerned and their deputies;
- f) An official Interpreter;
- g) An official Stenographer;
- h) One (1) staff member for each Commissioner concerned.

For hearings of the CFO and preliminary conferences/marketing of exhibits facilitated by the OCOC or ECAD, hearing via videoconference shall be attended by:

- a) The hearing officer/s;
- b) The complainant/s or petitioner/s, their counsel and witnesses, if any;
- c) The respondent/s, their counsel and witnesses, if any;
- d) An official interpreter;
- e) An official Stenographer;

Section 8. *Visibility of Participants.* -- The attendees of the hearing via video conference shall ensure that they are visible to all the participants at all times during the entire proceedings.

Section 9. *Proper Decorum.* -- The formality, dignity, and solemnity of court proceedings shall be observed at all times. All participants are expected to be in appropriate attire.

Section 10. *Location/Place of the Hearing.* -- The Chairman or the Presiding Commissioner and the Member-Commissioners may choose, at their discretion, to be in their respective offices, or in the Commission's session/conference halls, or in their places of residence during the hearing through video conference. Commission personnel attendees to the hearing may access the same either from their respective offices or from their respective places of residence depending on their approved workforce arrangement.

Parties and their counsel may attend the hearing through video conference in their respective offices or places of residence.

Section 11. *Witnesses.* -- The names and E-mail addresses of the witnesses earlier subpoenaed to be presented during the hearing shall be submitted to the Clerks of Court of the Commission or the Division Clerks of Court, or the CFO, at least three (3) days before the hearing. When presenting witnesses and in order to prevent coaching, the parties may be required to use cameras that can provide multiple angles or a single camera supplying a full view of said witnesses' surroundings.

Failure to present witness via videoconference, when ordered by the Commission, is considered a waiver to present such witness.

Section 12. *Technical Issues.* -- In the event that difficult technical issues could not be resolved with dispatch, the Chairman or the Presiding Commissioner, at his/her discretion, or the hearing officer of the CFO, or the Clerks of Court of the Commission, or the Division Clerks of Court are authorized to suspend the proceedings. The incident and the reasons underlying the suspension shall be properly recorded.

Section 13. *Official Recording of the Hearings.* -- The proceedings of the hearings shall be recorded by the Clerks of Court of the Commission, CFO, or the Division Clerks of Court, using the approved platform or application with the assistance of the ITD personnel. The Clerk of Court of the Commission, the authorized hearing officer of the CFO, or the Division Clerk of Court shall turn over these video recordings to the Records Division of ECAD or records officer of the office concerned and the same shall form part of the records of the case.

Unauthorized recording of the proceedings by any party is strictly prohibited and may be considered contempt of court. The parties to the case set for hearing must inform the authorized hearing officer of the type of device they shall be using for the video conference and must attest that only one (1) device shall be used for the duration of the scheduled hearing. If, however, there may be a need to change device, the party concerned must inform the hearing officer of such fact.

Section 14. *Transcription.* -- The entire proceedings shall be transcribed by the Stenographers in the same manner as that in regular hearings indicating therein that the same was conducted through video conferencing.

Rule 4

ISSUANCES OF THE COMMISSION, SUBMISSION/TRANSMITTAL OF DOCUMENTS AND SERVICE THEREOF

Section 1. *Routing of Resolutions and Orders.* - Hard copies of resolutions and orders shall be routed to the Offices of the Chairman, or of the Presiding Commissioner and Member-Commissioners, as the case may be, for their signatures, observing stringent health protocols required in the transmittal of the same which includes, but not limited to, proper disinfection of documents, wearing of face masks and gloves, and observance of social distancing.

Section 2. Service of Interlocutory Orders and Provisional Remedies. -- All orders, memoranda and other documents, including summonses, subpoenae, writs, cease and desist orders, and other interlocutory orders and provisional remedies issued by the Commission shall be served to all the counsel, or parties if not represented by counsel, through their official E-mail addresses and/or E-mail addresses on record. Proof of receipt of such E-mail must be properly recorded and/or logged. Hard copies of these orders, memoranda and other documents may be provided upon written request of the parties.

However, whenever service may not be done through E-mail, such as but not limited to the cases filed by the Commission *motu proprio*, all orders, summonses, subpoenae, writs, cease and desist orders, and other interlocutory orders issued by the Commission shall be served to the counsel, or parties if not represented by counsel, and other agencies concerned through registered mail or by special courier service (SCS):

Processes directed to Trial Courts shall likewise be furnished them through their official E-mail addresses. Hard copies thereof shall be furnished to the Courts upon their request.

Section 3. Submission of Documents by the Parties. -- Submission of documents by the parties for presentation during the hearing shall be transmitted via E-mail to the Clerks of Court of the Commission or the Division Clerks of Court at least three (3) days before the scheduled hearing; other parties shall likewise be furnished copies via E-mail.

In addition to the submission of documents through E-mail, the parties are likewise directed to comply with the second paragraph of Section 1, Rule 2 hereof with regard to the submission of the hard copies of said documents.

Section 4. Hard and Soft Copies of Case Records. - For interlocutory orders, soft copies of every pleading filed by parties should be transmitted to the Offices of the Chairman, or the Commissioners thru their official E-mail addresses. Hard copies thereof shall be kept in file in the department/office concerned.

For cases already submitted for resolution, the *ponente* of the case may either:

- a) Use the hard copies of the original folder transmitted to his/her office for those working under the skeleton workforce (SWF) arrangement; or,
- b) Secure digitized copies of the original case folder from ECAD, OCOC, Law Department, or CFO thru USB or E-mail for those working under the work from home (WFH) arrangement. The request should be coursed thru the Chairman for *En Banc* cases or the Presiding Commissioner for Division cases.

After the purpose of securing the digitized copies of the original case folder is obtained, the said digitized copies should be deleted. A certification as to the fact of deletion shall be submitted to the Chairman or the Presiding Commissioner, as the case may be, and furnishing a copy thereof to the department/office concerned.

In all instances, the records and all information related thereto shall remain strictly confidential, in accordance with the provision of the "Data Privacy Act of 2012" (R.A. 10173) and its Implementing Rules and Regulations as well the Data

Privacy Management Policies (DMPP) of the Commission on Elections, including the issuances of Non-Disclosure Agreements (NDA).

Section 5. Service of Resolutions and Final Orders. -- Resolutions or final orders of the Commission shall be served to all counsel, or parties if not represented by counsel, concerned through their official E-mail addresses and/or E-mail addresses on record. Proof of receipt of such E-mail must be properly recorded and/or logged. Hard copies of these Resolutions or final orders may be provided upon written request of the parties subject to pertinent rules on fees and approval.

Certificates of Finality and Entries of Judgment shall likewise be served in the same manner provided above.

However, whenever service may not be done through E-mail, such as but not limited to the cases filed by the Commission *motu proprio*, all resolutions, final orders, certificates of finality, or entries of judgment issued by the Commission shall be served to all counsel, or parties if not represented by counsel, and other agencies concerned through registered mail or by special courier service (SCS).

Section 6. Proof and Completeness of Service to the Parties. -- Electronic service is complete at the time of the electronic transmission of the document, or when available, at the time that the electronic notification of service of the document is sent. Electronic service is not effective or complete if the party serving the document learns that it did not reach the addressee or person to be served.

Proof shall be made by an affidavit of service executed by the person who sent the E-mail, together with a printed proof of transmittal, which shall form part of the records of the case.

Rule 5 MISCELLANEOUS

Section 1. Effectivity. -- This Resolution shall take effect immediately upon its publication and shall remain in effect for the duration of the declaration of a national emergency due to the COVID-19 or until revoked by the Commission. The Education and Information Department (EID) is hereby directed to cause the publication of this Resolution in two (2) daily newspapers of general publication in the Philippines. The Information and Technology Department is likewise directed to publish the same in the official COMELEC website (www.comelec.gov.ph).

Section 2. Repealing and Amendment Clause. - The COMELEC Resolution entitled "*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 the Commission, Electoral Contests Adjudication Department, Law Department, and the Campaign Finance Office Relative to the COVID-19 Pandemic*" approved by the Commission (*En Banc*) on May 08, 2020 is hereby revoked and/or repealed. All rules and regulations inconsistent with the provisions of this Resolution are hereby amended accordingly.

Section 3. Transitory Provision. -- All rules and regulations promulgated by the Commission, as far as applicable, are hereby adopted, incorporated, and made integral parts of this resolution.

Section 4. *Applicability* -- The E-Commerce Law (R.A. No. 8792), Rules on Electronic Evidence, and other laws, rules and regulations shall be applicable to the pleadings, memoranda, comments, briefs, and other submissions filed before the Commission under this Resolution.

Section 5. *Suppletory Application of the Rules of Court*. -- In the absence of any applicable provision in these Rules, the pertinent provisions of the Rules of Court in the Philippines (as amended A.M. No. 19-10-20-SC) shall be applicable by analogy or in suppletory character and effect.

Section 6. *Separability Clause*. -- If, for any reasons, any part or provisions of this Resolution is declared invalid or unconstitutional, any parts or provisions not affected thereby shall remain in full force and effect.

SO ORDERED.

SHERIFF M. ABAS
Chairman

MA. ROWENA AMELIA V. GUANZON
Commissioner

SOCORRO B. INTING
Commissioner

MARLON S. CASQUEJO
Commissioner

ANTONIO T. KHO, JR.
Commissioner

CERTIFICATION

APPROVED by the Commission (*En Banc*) on June 25, 2020 during its Special Online En Banc Meeting pursuant to COMELEC Resolution No. 10671: Supplemental Resolution to COMELEC Resolution No. 9936 Promulgated March 25, 2015 entitled, "Rules on the Enactment and Promulgation of Executive or Administrative Resolutions" Providing for Other Format of Meetings to Include Online Meetings Applicable in Times of the COVID-19 Pandemic and the Imposition of Community Quarantines and Similar Emergency Situations.


CONSUELO B. DIOLA
ACTING COMELEC SECRETARY