



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

GUIDELINES ON THE CONSTITUTION AND CONVENING OF COMELEC ADVISORY COUNCIL (CAC) AND ITS CONSEQUENT DEACTIVATION IN CONNECTION WITH THE MAY 2025 NATIONAL AND LOCAL ELECTIONS (NLE) AND ALL SUCCEEDING NLEs THEREAFTER

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| GARCIA, Georg Erwin M., | Chairman |
| INTING, Socorro B., | Commissioner |
| CASQUEJO, Marlon S., | Commissioner |
| FEROLINO, Aimee P., | Commissioner |
| BULAY, Rey E., | Commissioner |
| MACEDA, Ernesto Ferdinand Jr. P., | Commissioner |
| CELIS, Nelson J., | Commissioner |

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PROMULGATED: November 16, 2023

RESOLUTION NO. 10959

WHEREAS, under the 1987 Constitution, the **Commission on Elections** (Commission) is mandated to enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall;

WHEREAS, Section 5 of Republic Act (RA) No. 8436, as amended by RA No. 9369, authorizes the Commission to *"use an automated election system or systems in the same election in different provinces, whether paper-based or a direct recording electronic election system as it may deem appropriate and practical for the process of voting, counting of votes and canvassing/consolidation and transmittal of results of electoral exercises"*;

WHEREAS, for purposes of utilizing the Automated Election System (AES), Section 8 of RA No. 8436, as amended by RA No. 9369, mandates the creation of an Advisory Council.

NOW THEREFORE, pursuant to the powers vested by the 1987 Constitution, Omnibus Election Code, and RA No. 8436, as amended by RA No. 9369, the Commission **RESOLVED**, as it hereby **RESOLVES**, to adopt the following guidelines on the constitution and convening of the Advisory Council and its consequent deactivation in connection with the May 2025 National and Local Elections (NLE) and all succeeding NLEs thereafter.

SECTION 1. Constitution and Membership of the CAC. - The Commission shall create an Advisory Council, to be known as the **COMELEC Advisory Council (CAC)**, with the following membership:

- i. The Secretary of the Department of Information and Communications Technology (DICT) who shall act as the Chair of the CAC;
- ii. One (1) member from the Department of Science and Technology (DOST);

- iii. One (1) member from the Department of Education (DepEd);
- iv. One (1) member representing the academe, to be selected by the Chair of the CAC from among the list of nominees submitted by the country's academic institutions;
- v. Three (3) members representing ICT professional organizations to be selected by the Chair of the CAC from among the list of nominees submitted by Philippines-based ICT professional organization.

Nominees shall be individuals, at least one of whom shall be experience in managing or implementing large-scale IT projects.

- vi. Two (2) members representing non-governmental electoral reform organizations, to be selected by the Chair of the CAC from among the list of nominees submitted by the country's nongovernmental electoral reform organizations.

SECTION 2. *Members of the CAC; Qualifications, Disqualifications, Prohibitions, and Penalties -*

- a) The members of the CAC must possess the following qualifications and none of the disqualifications:
 - i. Must be a Filipino, a registered voter, and of known independence, competence and probity;
 - ii. Must not be affiliated with any political party or candidate for any national position, or is related to a candidate for any national position by affinity or consanguinity within the fourth civil degree.

Should any such situation arise at any time during the incumbency of the member, the designation or appointment of such member shall ipso facto be terminated.

- b) The members of the CAC are prohibited from engaging, directly or indirectly, with any entity that advocates, markets, imports, produces or in any manner handles software, hardware or any equipment that may be used for election purposes for personal gain.
- c) Members of the CAC representing the ICT professional organization are excluded from participating in any manner in the Steering Committee and in the Bids and Awards Committee in charge with the procurement of the AES.
- d) Any violation of the provisions on prohibited affiliations and relations as provided in Section 2(a)(ii) and prohibited acts as provided in Section 2(b) shall disqualify the member from the CAC and shall be punishable as provided in RA No. 8436, as amended by RA No. 9369, and shall be penalized in accordance with the Anti-Graft and Corrupt Practices Act and other related laws.

SECTION 3. *Functions of the CAC. -*

- a) The CAC shall have the following functions:

- i. Recommend the most appropriate, secure, applicable and cost-effective technology to be applied in the AES, in whole or in part, at that specific form in time;
 - ii. Participate as non-voting members of the Bids and Awards Committee in the conduct of the bidding process for the AES, subject to the exclusion of the members representing the ICT Professionals as provided in Section 2(c);
 - iii. Participate as nonvoting members of the Steering Committee tasked with the implementation of the AES, subject to the exclusion of the members representing the ICT Professionals as provided in Section 2(c);
 - iv. Provide advice and assistance in the review of the systems planning, inception, development, testing, operationalization, and evaluation stages.
 - v. Provide advice and/or assistance in the identification, assessment and resolution of systems problems or inadequacies as may surface or resurface in the course of the bidding, acquisition, testing, operationalization, re-use, storage or disposition of the AES equipment and/or resources as the case may be.
 - vi. Provide advice and/or assistance in the risk management of the AES especially when a contingency or disaster situation arises.
 - vii. Prepare and submit a written report, which shall be submitted within six (6) months from the date of the election to the oversight committee, evaluating the use of the AES.
- b) The CAC may avail itself of the expertise and services of resource persons who are known independence, competence and probity, are nonpartisan, and do not possess any of the disqualifications applicable to a member of the CAC as provided herein. The resource persons shall also be subject to the same prohibitions and penalties as the members of the CAC.

SECTION 4. *Convening and Duration of the CAC.* – The CAC must be convened not later than eighteen (18) months prior to the next scheduled electoral exercise. For this purpose, the Commission shall issue the necessary resolution to formalize the convening of the CAC; provided that the resolution must specifically enumerate the powers, authority and limitations of the CAC.

SECTION 5. *Deactivation of the CAC.* – The CAC shall be deactivated six (6) months after the completion of canvassing. For this purpose, the Commission shall issue the necessary resolution to formally effect the deactivation of the CAC.

SECTION 6. *Compensation and Operational Expenses.* –

- a) The CAC shall be entitled to a just and reasonable amount of *per diem* allowances and/or honoraria to cover the expenses of the services rendered chargeable against the budget of the Commission.

- b) The DICT shall include in its annual appropriations the funds necessary to enable the CAC to effectively perform its functions.

SECTION 7. *Non-Diminution of the Powers of the Commission.* - Nothing in the role of the CAC or any outside intervention or influence shall be construed as an abdication or diminution of the Commission's authority and responsibility for the effective development, management and implementation of the AES and of RA No. 8436, as amended by RA No. 9369.

SECTION 8. *Publication and Dissemination.* - The Education and Information Department (EID) shall cause the publication of this Resolution in at least two (2) daily newspapers of general circulation in the Philippines while the Information Technology Department shall cause its posting in the official website of the Commission.

Further, the EID shall furnish a copy of this Resolution to the DICT, DOST, and DepEd.

SECTION 9. *Effectivity.* - This Resolution shall take effect on the seventh (7th) day after its publication in at least two (2) daily newspapers of general circulation in the Philippines.

SO ORDERED.

GEORGE ERWIN M. GARCIA
Chairman

SOCORRO B. INTING
Commissioner

MARLON S. CASQUEJO
Commissioner

AIMEE P. FEROLINO
Commissioner


REY E. BULAY
Commissioner

ERNESTO FERDINAND P. MACEDA, JR.
Commissioner

NELSON J. CELIS
Commissioner

CERTIFICATION

APPROVED by the Commission En Banc during the Referendum on 16 November 2023.


ATTY. CONSUELO B. DIOLA
Director IV
Office of the COMELEC Secretary

This Resolution can be verified at this number (02)85272987; email address comsec@comelec.gov.ph.