

OCA CIRCULAR NO. 81-2009, July 06, 2009

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TO:

ALL JUDGES OF FIRST AND SECOND LEVEL COURTS

SUBJECT:

RESOLUTION OF ALL PETITIONS FOR INCLUSION/EXCLUSION OF VOTERS WITHIN THE REGLEMENTARY PERIOD PRESCRIBED UNDER REPUBLIC ACT 8189, AS AMENDED

In Resolution No. 8603 promulgated on May 28, 2009, the Commission on Elections (COMELEC) in order to accomplish the pre-election activities in pursuit of its mandate to conduct clean, honest, orderly, peaceful, credible and informed elections through the use of Automated Election System, and by virtue of the power vested in it by Constitution, the Omnibus Election Code, Republic Act 8189, and other election laws (resolved to amend Sections 5, 28, and 29 of Resolution No. 8514, which shall be read as 'follows:

" SECTION 5, Procedure in case of Defective PCM and/or its Peripherals - a) In case the Data Capturing Machine (DCM) and/or its peripherals are defective during the registration period, the accomplished application forms shall be accepted with the condition that, the applicants shall return for the taking/capturing of their biometrics. For this purpose, the applicant shall be given until October 31, 2009 to have his biometrics captured.

SEC. 28. Petition for Inclusion of Voters in the List.- Any person whose application for registration has been disapproved by the ERB or whose name has been stricken out from the list may file with the court a petition to include his name in The permanent list of voters in his precinct at any time but not later than November 30, 2009 . It shall be supported by a certificate of disapproval of his application and proof of service of notice of his petition upon the EKB. The petition shall be decided within fifteen (15) days after its filing.

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SECTION 29. Petition for Exclusion of Voters from the List. -Any registered voter, representative of a political party or the EC), may file with the court a sworn petition for The exclusion of a voter from the permanent list of voters giving The name, address and the precinct of the challenged voter at any time but not later than December 4., 2009. The petition shall be accompanied by proof of notice to the EKB and to the challenged voter and shall be decided within ten (10) days from its filing.

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In the same Resolution the COMELEC resolved further to appeal to the Honorable Chief Justice of the Supreme Court, through the Court Administrator for the issuance of a directive to all judges of the Municipal Trial Courts/Municipal Circuit Trial Courts to resolve all petitions for inclusion/exclusion of voters, and judges of the Regional Trial Courts in case of appeal to dispose the same within the reglementary period prescribed under Republic Act No. 8189.

In view of the foregoing, strict observance of the reglementary period to resolve all s for inclusion/exclusion of voters is hereby enjoined.

July 6, 2009

JOSE P. PEREZ

Court Administrator

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