

# THE AMWSLAI COMMITTEE ON ELECTION (AMWSLAI-COMELEC)

8<sup>th</sup> Floor, AMWSLAI Building, Bonny Serrano corner 18<sup>th</sup> Avenues, Murphy, Cubao, Quezon City

## AMWSLAI-COMELEC RESOLUTION NO. 2020 - 001

### A RESOLUTION PROMULGATED ON 13 OCTOBER 2020 SETTING THE GUIDELINES FOR THE CONDUCT OF ELECTION FOR THE FOUR (4) SEATS ON THE AMWSLAI BOARD OF TRUSTEES TO BE HELD ON 04 DECEMBER 2020

WHEREAS, Pursuant to Article V, Section 1, of the Air Materiel Wing Savings and Loan Association Inc. ("AMWSLAI") By-Laws, as amended, the members of the AMWSLAI Board of Trustees (hereinafter referred to as the "Board") shall be elected through secret balloting not later than the second Friday of February of each year;

WHEREAS, Pursuant to AMWSLAI Board Resolution No. 2020-104 dated 30 September 2020 (for brevity, "Board Resolution 2020-104"), the AMWSLAI Committee on Elections (or for brevity, the "AMWSLAI-COMELEC") was tasked to formulate the policies and guidelines and to control and supervise the conduct of elections ("Elections" for brevity) for the four (4) seats on the Board of Trustees to be held on 04 December 2020;

WHEREAS, with the ongoing threat of the spread of the 2019 Novel Corona Virus, the Department of Health strongly urges the public to avoid attending, participating in, and organizing events that draw a huge number of attendees;

WHEREAS, In addition to the rules herein, the AMWSLAI-COMELEC shall issue AMWSLAI-COMELEC Resolution No. 2020-002, which shall govern the rules and procedure on proxy voting under Article IV, Sections 6 and 7 of the Amended By-Laws of AMWSLAI and AMWSLAI COMELEC Resolution No. 2020-003 which shall govern the rules and procedure on the conduct of Election thru Online Voting;

NOW THEREFORE, upon motion duly made and seconded the COMELEC:

RESOLVED that the following policies and guidelines be adopted to govern the conduct of elections for the four (4) seats on the Board of Trustees to be held on 04 December 2020:

### "POLICIES and GUIDELINES"

**Section 1. The AMWSLAI-COMELEC.** The AMWSLAI-COMELEC shall have exclusive control and supervision in the conduct of the Election. The Committee shall be composed of a Chairman and two (2) members all of whom shall be appointed by the AMWSLAI Board. (Article VI, Section 1, AMWSLAI By-Laws, as amended). For purposes of this Election, AMWSLAI-COMELEC shall hold office at the 8<sup>th</sup> Floor, AMWSLAI Head Office Annex Building, corner Boni Serrano and 18<sup>th</sup> Avenues, Murphy, Cubao, Quezon City.

1.1 As may be granted and approved by the Board, its powers, duties and responsibilities shall include, but not be limited to, the following:

- 1.1. Define, adopt and promulgate rules and regulations for the conduct of clean, safe and orderly elections, including the definition of prohibited acts and election offenses;
- 1.2. Act on or resolve all pre-election and post election controversies, including the actions to disqualify / re-qualify candidates and voters, and any motion for the exclusion of voters;
- 1.3. Exercise exclusive supervision and control over the conduct of the Elections;
- 1.4. Prepare Election Policies and Guidelines, and Calendar of Election Activities and to post it in conspicuous areas at AMWSLAI's head office and branches including offices of 410<sup>th</sup> MW and 420<sup>th</sup> SW, AMWSLAI Website (<https://amwslai.com.ph>) and Official Facebook Page on 22 to 23 October 2020;
- 1.5. Review and certify the list of qualified voters to be posted on or before 02 December 2020 in accordance with Article III (Membership), Sections 1.A., 1.B., 1.C., and 1.D. of AMWSLAI's By-Laws, as amended, Rule 5 (Who May Vote in Elections) of AMWSLAI Board Resolution 2020-104, and Section 6 (The Qualified Voters), Subsections 6.1 up to 6.2 hereof;
- 1.6. Appoint not more than four (4) poll poll deputies; administer their oaths of office, and brief them on the AMWSLAI Election Policies and Guidelines; to designate from among the appointed poll deputies the precinct in charge, inspector, clerk-canvasser and reserve.
- 1.7. Maintain a bulletin board at conspicuous places at AMWSLAI's head office and branches for all notices, orders, decisions it shall issue or promulgate;

- 1.8. Submit and coordinate with authorized AMWSLAI personnel, the names of deputized election personnel for the issuance of ID tags;
- 1.9. Screen and act on all applications and/or certificates of candidacy on 03 November 2020; to inform the qualified candidates and post a list of prospective candidates in conspicuous places at AMWSLAI's head office and branches including offices of 410<sup>th</sup> MW and 420<sup>th</sup> SW, AMWSLAI Website (<https://amwslai.com.ph>) and Official Facebook Page on 04 to 06 November 2020 and post the final/Official List of Candidates on 16 November 2020;
- 1.10. Notify in writing, through registered mail and/or personal service, the disqualified candidates specifying therein the grounds for their disqualification;
- 1.11. Take custody of the following:
  - 1.11.1. List of qualified voters (with and without proxy);
  - 1.11.2. Official list of candidates;
  - 1.11.3. Forms to be accomplished by the AMWSLAI-COMELEC and the Poll Poll deputies; and
  - 1.11.4. All documents and records on election protests and other complaints;
- 1.12. Render reports on the conduct of Elections to the Board during its next regular meeting;
- 1.13. Ensure the sending of written notices of the Annual General Membership Meeting (GMM) and Elections to all regular members of AMWSLAI and the digital or print publication in two (2) newspapers of general circulation of the Notice of Elections on 22 to 23 October 2020, advising those interested to run in the elections to file their Certificates of Candidacy (COC) from 26 to 28 October 2020;
- 1.14. Decide any pre-election protest filed by a regular member who is a certified voter within 13 November 2020;
- 1.15. Act on or resolve any verified (under oath) complaint and inquiry within twenty-four (24) hours from receipt except pre-election and post election protests, if there is any. Initiate punitive measures against election rules violators;
- 1.16. Proclaim the winners in the Elections;
- 1.17. Exercise such other powers as may be granted by the Board; and
- 1.18. Perform all tasks necessary and incidental to carry out the foregoing powers into effect.

**Section 2. Venue, Date and Time of Election.** The conduct of Elections to fill-up the four (4) vacant seats on the Board shall be held on 04 December 2020 at the AMWSLAI Head Office, corner Boni Serrano and 18<sup>th</sup> Avenues, Murphy, Cubao, Quezon City immediately after the Annual GMM until 12:00 pm.

**Section 3. Meeting Area.** The AMWSLAI Head Office, corner Boni Serrano and 18<sup>th</sup> Avenues, Murphy, Cubao, Quezon City shall be the official meeting area for the conduct of Elections for the four (4) seats on the Board.

**Section 4. The Appointed Poll Poll deputies.** A total of not more than four (4) poll poll deputies shall be appointed on 26 October 2020 to assist the AMWSLAI-COMELEC during the Elections. Qualifications for appointed poll deputies are as follows: (1) Regular members in good standing who are qualified to vote; (2) Not related to any of the candidates either by affinity or consanguinity within the second degree; (3) Members of AMWSLAI for at least five (5) years; and (4) Had not served as poll deputies for the last three (3) years. The duties and responsibilities of the appointed poll deputies shall include, but not limited to, the following:

- 4.1 Report to the AMWSLAI-COMELEC not later than one (1) hour before the opening of the polls for issuance of their ID tags, which they shall wear while on poll duty;
- 4.2 Assist the AMWSLAI-COMELEC in ensuring that only qualified voters are allowed to vote;
- 4.3 Assist the AMWSLAI-COMELEC in validating the digitally printed ballots vis-à-vis the report generated from the Online Voting;
- 4.4 Report to the AMWSLAI-COMELEC any violations of AMWSLAI Board Resolution No. 2020-104 and the AMWSLAI-COMELEC Policies and Guidelines; and
- 4.5 Surrender to the custody of the AMWSLAI-COMELEC all election materials and paraphernalia for safekeeping after the proclamation of winners.

**Section 5. The AMWSLAI Management Support Team.** The Board shall designate a management support team that will provide legal, technical and service support to the AMWSLAI-COMELEC. No member of the management team, however, shall perform any of the AMWSLAI-COMELEC duties.

**Section 6. The Qualified Voters.** Only regular members of AMWSLAI certified by the AMWSLAI-COMELEC as "Qualified Voters" shall be allowed to vote during Elections. Determination of qualified voters shall be done by the AMWSLAI-COMELEC in accordance with Article III, Sections 1.A to 1.D, 2 (d), and 3 of AMWSLAI's By-Laws, as amended, and Rule 5, Section 1, of Board Resolution 2020-104.

6.1 The partial list of qualified voters shall be posted in conspicuous places at AMWSLAI's head office and branches including offices of 410<sup>th</sup> MW and 420<sup>th</sup> SW, other offices and AMWSLAI Website (<https://amwslai.com.ph>) and Official Facebook Page as deemed necessary on or before 23 October 2020. Any member whose name is not included in the Voter's List may file a written request for the inclusion of his/her name with the AMWSLAI-COMELEC, which shall promptly act on the request. Final list of qualified voters shall be posted on 02 December 2020.

6.2 The following are the grounds for disqualification of a voter pursuant to Rule 5, (Who may Vote in the Election), Section 2 of Board Resolution 2020-104:

- 6.2.1 A member who has withdrawn in full his/her capital contribution or membership in AMWSLAI and reacquired his/her membership when he/she was no longer assigned to the 410<sup>th</sup> MW and 420<sup>th</sup> SW at the time of his/her re-application for membership;
- 6.2.2 A member whose membership in AMWSLAI was terminated by the Association;
- 6.2.3 A member with loan arrears of six (6) months or more;
- 6.2.4 A member convicted with finality, of any crime punishable by imprisonment of six (6) years and one day or more;
- 6.2.5 A member who commits election offenses and other prohibited acts, as defined by the AMWSLAI-COMELEC; and
- 6.2.6 Violation of the Association's rules and regulations.

Any member disqualified to vote under Subsection 6.2.1.3 above may be requalified by the AMWSLAI-COMELEC to vote if he/she has shown that such disqualification has ceased to exist by 25 November 2020. The resolution of the AMWSLAI-COMELEC on the requalification of voters herein is final.

**Section 7. The Qualified Candidates.** Only regular members of AMWSLAI certified by the AMWSLAI-COMELEC as "Qualified Candidate" may run for membership in the Board. For emphasis, the following are the minimum qualifications and disqualifications provided in Rule 4 (Qualifications and Disqualifications of a Candidate), Sections 2 and 3 of AMWSLAI Board Resolution 2020-104:

#### QUALIFICATIONS

- 7.1 He/She must be a qualified voter and a regular member of AMWSLAI in good standing for the last five (5) years;
- 7.2 He/She shall be at least 25 years of age at the time of the conduct of Elections;
- 7.3 He/She must be at least a college graduate or have at least five (5) years of experience in business or shall have undergone Bangko Sentral ng Pilipinas ("BSP") training in Non Stock Savings and Loan Association ("NSSLA") or banking operations, *provided*, however, that upon approval by the Monetary Board, undergraduates are eligible to be elected as members of the Board;
- 7.4 He/She must have an unencumbered capital contribution with AMWSLAI in his name of not less than Fifty Thousand Pesos (P50,000.00) at the time of the filing of his/her certificate of candidacy;
- 7.5 He should not be in the active military service;
- 7.6 He should not be a member of the Board of Trustee of any savings and loan association or credit cooperative whose businesses are in competition with that of AMWSLAI;

- 7.7 He possesses all the qualifications provided under relevant rules and regulations promulgated by the Bangko Sentral ng Pilipinas; and
- 7.8 He/She does not possess any of the disqualifications, as follows: [Rule 4 (Qualifications and Disqualifications of a Candidate), Section 3 of AMWSLAI Board Resolution 2020-104]

#### **DISQUALIFICATIONS**

- 7.8.1 Conviction for a crime involving moral turpitude, and other offenses provided under BSP Circular No. 396, Series of 2003;
- 7.8.2 He/She is a delinquent borrower as defined in Article 3 (Membership), Section 10 (c) AMWSLAI's Amended By-Laws; (Upon a unilateral action of the Board of Trustees in case of the member's habitual delinquency in the payment of his obligations due to the Association; Provided, that said habitual delinquency shall mean the failure to pay the monthly amortization on any of the member's loans for at least three (3) consecutive months;)
- 7.8.3 He/She possesses any disqualification under existing laws and regulations of the BSP or the Securities and Exchange Commission (SEC);
- 7.8.4 He/She violated the Rules and Regulations of Board Resolution 2020-104;
- 7.8.5 He/She was disqualified as a voter in accordance with Rule 5, Section 2 of Board Resolution 2020-104; and
- 7.8.6 He/She is an incumbent member of the Board of Trustees or Officer of another NSSLA or related business activity.
- 7.9 Any member who desires to run for a seat in the Board shall file a verified Certificate of Candidacy ('COC'), attaching thereto the following documents:
- 7.9.1 A certification from the Corporate Secretary that he/she is a qualified and regular member in good standing;
- 7.9.2 A certified photocopy of his/her certificate of birth or, in lieu thereof, any other proof of his/her age;
- 7.9.3 A photocopy of his/her college diploma or, in lieu thereof, a certification to the effect that he/she has at least five (5) years' experience in business or has undergone BSP training in NSSLA or banking operations or approval of the Monetary Board for an undergraduate to be eligible to run as member of the Board;
- 7.9.4 A certification from designated AMWSLAI personnel that he/she has an unencumbered capital contribution in his/her own name of not less than ₱50,000.00;
- 7.9.5 An affidavit stating that he/she possesses all the qualifications and none of the disqualifications to run for a seat in the Board; and
- 7.9.6 The COC shall contain a pledge by the candidate that he/she shall abide by any final decision of the AMWSLAI-COMELEC on any pre-election protest that may be filed against him/her from Posting of List of Prospective Candidates (04 to 06 November 2020) until the Deadline for filing of Petitions for Disqualification (10 November 2020).

**Note:** The COMELEC reserves the right to require additional documents/proofs to establish qualification, as well as to eliminate doubt about a member's capacity to serve as a member of the Board.

- 7.10 The filing of the COC shall be done personally and shall start on 26 October 2020 and end on 28 October 2020. In case a candidate fails to complete all the requirements as of the last date of filing, he/she shall complete the same by 5:00PM of 29 October 2020. Failure of the prospective candidate/s to comply with all the prescribed requirements shall result in his/her automatic disqualification. The AMWSLAI-COMELEC shall immediately notify the concerned

prospective candidate/s of his/her automatic disqualification through registered mail, personal service and/or posting at AMWSLAI's Head Office and Branches [Rule 6 (Certificate of Candidacy, Section 2 of AMWSLAI Board Resolution No. 2020-104)]

7.11 The candidates shall observe the following guidelines:

7.11.1 A candidate shall distribute cards/leaflets during the campaign period and campaign within places and units where there are regular members, as may be allowed by proper authority and in conformity with the health protocols starting 23 November 2020 until 27 November 2020;

7.11.2 In the course of the campaign, candidates are expected to comply with all the base policies and regulations;

7.11.3 No candidate shall be authorized to join the meeting area during Elections.

**Section 8. A Written, Verified Pre-Election Protest.** A written, verified pre-election protest may be filed not later than 10 November 2020 by any regular member who is a qualified voter, *provided*, that the protest shall be limited to any controversy or dispute involving qualifications and disqualifications of a candidate. The AMWSLAI-COMELEC shall decide the pre-election protest within 13 November 2020. In turn, the AMWSLAI-COMELEC shall furnish the affected candidate/s and the party that lodged the protest with its order twenty-four (24) hours from resolving the pre-election protest. The decision of the AMWSLAI-COMELEC shall be final and executory.

**Section 9. A Verified Post-Election Protest.** Any losing candidate may contest the result by filing a verified protest with the AMWSLAI-COMELEC within twenty-four (24) hours from the proclamation, exclusively on the following grounds: (a) an irregularity in the canvassing of votes occurred; or (b) failure to comply with the rules on canvassing in accordance with Rule 10 (Post-Election Protests), Section 2 of Board Resolution 2020-104 pointing out the error or the particular rule or rules violated. The protesting candidate may file the protest in person or through his/her authorized counsel with the AMWSLAI-COMELEC, after serving copies of his/her protest on the winning candidates affected by said protest. Forthwith, the protesting party shall post a non-refundable cash bond in the amount of One Hundred Thousand Pesos (₱100,000.00) with the AMWSLAI Treasurer within forty-eight (48) hours from filing of the protest. The cash bond shall answer for expenses for the AMWSLAI-COMELEC members, two (2) poll deputies, one (1) clerk who will undertake the recount, and the legal consultant who shall hear the protest. If no deposit is made by the protestant within the prescribed period, the protest shall be considered abandoned. The hearing and, if warranted, recounting of votes shall commence and conclude within three (3) days from receipt of the cash bond. The protestant and candidates affected by the protest or their respective representatives shall observe the proceedings. If no protest is filed within the period, the AMWSLAI-COMELEC shall destroy all used ballots.

**Section 10. Determination of Quorum.** For the Elections, quorum shall be determined by the actual number of regular members present, either in person or represented by proxy, at the Annual GMM constituting a majority [at least fifty percent (50%) plus one (1)] of the total regular members entitled to vote.

**Section 11. General Guidelines.**

11.1 Start of Election. – Upon the determination of the existence of the quorum, the COMELEC Chairman shall open the election immediately after the Annual GMM, for the casting of online votes.

11.2 Voting Hours. – The period of voting shall start immediately after the Annual GMM to 11:00 am.

11.2.1 Shortening of Voting Hours. The COMELEC shall have the power to shorten the voting hours specified in Section 11.2 herein and Section 3 Rule 9 of Board Resolution 2020-104 and proceed with the canvassing of ballots and proclamation of winners upon **occurrence of all of the following conditions:**

- a) The existence of a quorum in accordance with Section 10 herein; and
- b) When the number of candidates is equal to the number of vacant seats on the Board.

11.2.2 Upon determination of the existence of all the foregoing conditions, or in the event of adverse weather condition, any member of the COMELEC may move for the early closing of the voting hours. Once concurred by the majority of the COMELEC members, the COMELEC Chairman may announce the shortening of the voting hours and proceed with the canvassing of votes and thereafter the proclamation of winners.

11.3 Single Voting Not Allowed. – No single voting shall be allowed. He/she shall fill out the ballot by putting a check mark on the spaces provided before the name of the person he/she will vote for. Thereafter,

the voter shall click the **Submit** button to cast the vote. Only fully accomplished ballots shall be accepted and be counted.

11.4 Proxy Votes – Voting by proxy shall be allowed and shall be subject to the guidelines and rules on proxy voting as contained in AMWSLAI-COMELEC Resolution No. 2020-002.

11.5 Canvassing. – The Online Voting shall close at 11:00 a.m. or earlier as provided for in Sections 11.2.1 and 11.2.2. The canvassing of online votes cast shall start fifteen (15) minutes after the closing of the online voting, in accordance with Rule 9 (Voting, Canvassing and Proclamations of Winners), Section 5 of Board Resolution 2020-104.

11.6 The vote in favor of the candidates as marked in the ballot shall be posted on the tally sheet opposite the name of the candidate in whose favor the vote was cast;

11.7 As soon as the counting of the ballots is completed, the AMWSLAI-COMELEC, through its poll deputies, shall add the votes for each candidate and write the same on the space provided for in the tally sheet.

11.8 For purposes of the Elections, the posting of orders, resolutions, decisions of the AMWSLAI-COMELEC at the Head Office, Branches and/or sending through registered mail shall constitute sufficient notice to the affected parties.

**Section 12. Proclamation of Winners.** After the Members of AMWSLAI-COMELEC shall have affixed their signatures on the Consolidated Election Results, the Chairman shall proclaim as winners the four (4) candidates who obtained the four (4) highest votes in successive order by calling aloud the names of the winners, starting with the name of the candidate obtaining the highest number of votes first (1<sup>st</sup>) and ending with the name of the candidate garnering the fourth (4<sup>th</sup>) highest number of votes.

12.1 In case of a tie for the last seat, the Chairman of the AMWSLAI-COMELEC shall come out with an equal term-sharing arrangement where the candidates locked in the tie will draw lots to determine who should serve first.

12.2 In case one or all the candidates involved in the tie are not available fifteen (15) minutes after their names are called publicly, the Chairman of the AMWSLAI-COMELEC or any of its members will draw the lots on behalf of the unavailable tying candidates.

**Section 13. Dissolution.** After the proclamation of the winners, all digitally printed ballots together with the tally sheet shall be secured in a sealed envelope, then turned over to the AMWSLAI Board Secretariat. After the Election, AMWSLAI-COMELEC shall be considered dissolved. However, the AMWSLAI-COMELEC shall retain its powers in connection with (a) election protests as described under Section 9, hereof; (b) rendering of reports on Elections to the Board; and (c) the issuance of the proper certification when requested.

Done this 13<sup>th</sup> day of October 2020 at the AMWSLAI Head Office, Quezon City.

**Approved By the COMELEC:**

(original signed)  
**MGEN VICENTE L GUERZON JR AFP (RET)**  
Chairman

(original signed)  
**BGEN FERNANDO M REBOJA AFP**  
Member

(original signed)  
**CMS MELMAR R BITONG PAF**  
Member