

Republic of the Philippines
COMMISSION ON ELECTIONS
 Intramuros, Manila

COMMISSION ON ELECTIONS OFFICE OF THE EXECUTIVE DIRECTOR	
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REVISED RULES AND REGULATIONS FOR INSTITUTING RECALL OF ELECTIVE LOCAL GOVERNMENT OFFICIALS UNDER REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE "LOCAL GOVERNMENT CODE OF 1991", AS AMENDED BY REPUBLIC ACT NO. 9244¹.

ABAS, Sheriff M.,
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NOTED: FOR INFO OF ALL EAs

BARTOLOME J. SINOCRUZ, JR.
 Acting Executive Director

DATE: 2/3/2020

Promulgated: January 31, 2020

RESOLUTION NO. 10649

WHEREAS, on 06 June 2005, the Commission on Elections (Commission) issued Resolution No. 7505 entitled "*Rules and Regulations for the Recall of Elective Local Government Officials As Provided for Under the Local Government Code, As Amended*";

WHEREAS, there is a need to streamline the procedures described in Resolution No. 7505 to the end that a recall election is set: (a) only by a valid petition for recall; and (b) on a date that allows enough time to prepare for the recall elections considering the limitations on the conduct of recall under Section 74 of Republic Act No. 7160, to wit:

"Section 74. Limitations on Recall. – (a) *Any elective local official may be the subject of a recall election only once during his term of office for loss of confidence.*

(b) *No recall shall take place within one (1) year from the date of the official's assumption to office or one (1) year immediately preceding a regular election."*

NOW, THEREFORE, the Commission, by virtue of the powers vested in it by the Constitution of the Republic of the Philippines, Batas Pambansa Blg. 881, Republic Act No. 7160, Republic Act No. 9244, and other election laws, **RESOLVED**, as it hereby **RESOLVES** to promulgate the following **REVISED RULES AND REGULATIONS FOR INSTITUTING RECALL OF ELECTIVE LOCAL GOVERNMENT OFFICIALS UNDER REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE "LOCAL GOVERNMENT CODE OF 1991", AS AMENDED BY REPUBLIC ACT NO. 9244."**

¹ Entitled "An Act Eliminating the Preparatory Recall Assembly As A Mode of Instituting Recall of Elective Local Government Officials, Amending for the Purpose Sections 70 and 71, Chapter 5, Title One, Book 1 of Republic Act No. 7160, Otherwise Known as the 'Local Government Code of 1991', and for Other Purposes."

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Section 1. *Definition of terms.* – As used in this Rules and Regulations,

- a) Recall refers to the power of the electorate to remove an elected local official from office before the end of that official's term of office for loss of confidence through an election called for the purpose;
- b) Recall election refers to the election process conducted pursuant to a valid petition for recall;
- c) Election Officer (EO) refers to the highest official or authorized representative of the Commission in a city or municipality, or district;
- d) Provincial Election Supervisor (PES) refers to the highest official or authorized representative of the Commission in a province;
- e) Voting Population refers to the document issued by the Philippine Statistics Authority (PSA) as to the number of persons aged 18 years old or over in a local government unit;
- f) Initiating Petitioner refers to the registered voter with an "active" registration record status of the local government unit concerned, who is registered as such during the election in which the official sought to be recalled was elected;
- g) Supporting Petitioners refer to the registered voters supporting the petition with "active" registration record status of the local government unit concerned, who is registered as such during the election in which the official sought to be recalled was elected.

Section 2. *Who may exercise the power of recall.* – The power of recall shall be exercised by the registered voters with "active" registration record status of a local government unit to which the local elective official subject of the petition for recall was elected.

Section 3. *Subject of a recall election; Ground.* – Any elective provincial, city, municipal or barangay official may be the subject of a recall election on the ground of loss of confidence. Elective Sangguniang Kabataan (SK) positions are not subject to a recall election pursuant to Sec. 27 (d) of Republic Act No. 8189².

Section 4. *Period to file a petition for recall.* – A petition for recall may be filed at any time after the assumption to office of the official sought to be recalled: *Provided, That the recall election shall be conducted not earlier than one (1) year from the date of assumption to office and not later than one (1) year immediately preceding the next regular local election. The term "next regular local election" means the regular local election where the position of the official sought to be recalled is to be contested and filled by the electorate.*

Section 5. *Where to file a petition for recall.* – A petition for recall shall be filed in the following field offices of the Commission:

² Under Section 27 (d) of Republic Act No. 8189, otherwise known as "Providing for General Registration of Voters, Adopting a System of Continuing Registration, Prescribing the Procedures thereof and Authorizing the Appropriation of Funds therefor", (d) Any person who did not vote in the two (2) successive preceding regular elections as shown by their voting records. For this purpose, regular elections do not include the Sangguniang Kabataan (SK) elections.

- a) A petition for the recall of an elective city, municipal or barangay official shall be filed with the Office of the Election Officer (OEO) of the city or municipality where the official sought to be recalled belongs.

In case the official sought to be recalled is the Mayor or Vice Mayor of cities with two or more OEOs, the petition may be filed with any of the OEO.

In case the official sought to be recalled is a member of the *Sangguniang Panlungsod* in cities divided into legislative or councilor districts, the petition may be filed with the OEO of the district where the official sought to be recalled belongs.

- b) A petition for recall of an elective provincial official shall be filed with the Office of the Provincial Election Supervisor (OPES) of the province where the official sought to be recalled belongs.

Section 6. *Who may file a petition for recall.* – Any registered voter in a local government unit supported by the registered voters in the same local government unit, who are registered as such during the election in which the local official sought to be recalled was elected, may file a petition for recall, subject to the following percentage requirements:

Voting Population of Local Government Unit Concerned	Required Percentage and/or Minimum Number of Petitioners
Not more than 20,000	At least twenty-five percent (25%) of the voting population
At least 20,000 but not more than 75,000	At least twenty percent (20%) but not less than 5,000
At least 75,000 but not more than 300,000	At least fifteen percent (15%) but not less than 15,000
Over 300,000	At least ten percent (10%) but not less than 45,000

Section 7. *How to file.* -- In case the subject of a petition for recall is an elective official of a city, municipality or barangay, the initiating petitioner shall personally sign the petition before the EO concerned, or the EO's authorized representative, and file the petition with the office of the same EO.

In case the subject of recall is an elective provincial official, the initiating petitioner shall personally sign the petition before the PES concerned, and file the petition with the office of the same PES.

Section 8. *Form of the petition and contents.* - The petition shall be in writing and under oath, prepared in one (1) original, and eight (8) duplicate copies and shall contain the following:

- a) The name, address, and signature of the initiating petitioner. In case the initiating petitioner is an illiterate, a thumbmark will suffice, provided that the fact of illiteracy is shown in petitioner's registration records;

In case the initiating petitioner is unable to write due to a disability or a condition which may exist at the time of or subsequent to registration, a thumbmark or any fingerprint will suffice, provided that the fact of disability or existence of the condition is apparent.

In case the initiating petitioner has lost one or both hands and is unable to sign by reason thereof, the petition may be signed by any relative within the fourth civil degree of consanguinity or affinity upon the instruction and direction of the former.

- b) The name of the official sought to be recalled and the elective position being held by such official;
- c) A brief narration of the reasons and justifications for the filing of the petition;
- d) A statement that the initiating petitioner and the supporting petitioners are registered voters of the local government unit, and registered as such during the election in which the official sought to be recalled belongs;
- e) That the initiating petitioner's and supporting petitioners' registration records are all on "active" status as of the election in which the official sought to be recalled belongs;
- f) That during the period for the verification and authentication of signatures to the petition, the initiating petitioner commits that the supporting petitioners will appear before the Office of the Election Officer concerned to confirm their signatures or thumbmarks appearing in the petition, and to affirm that the initiating petitioner explained to them the purpose of the petition and that they have read and understood the petition;
- g) That the initiating petitioner explained to the supporting petitioners the purpose of the petition before the supporting petitioners signed the petition or imprinted their thumbmarks in the case of illiterate voters.
- h) The petitioners shall likewise submit simultaneously with the petition and its supporting documents, soft copies of the same and their annexes (the latter in PDF) by compact disc (CD), USB thumb drive, or any other storage device.

Section 9. *Authority to administer oath.* -- The EO or the PES, as the case may be, is authorized to administer the oath required under Section 8 hereof.

Section 10. *Filing fees.* -- No petition for recall shall be accepted unless the petitioners have paid the requisite filing fees in accordance with the following schedule:

Voting Population of Local Government Unit Concerned	Required Percentage and/or Minimum Number of Petitioners
Not more than 20,000	Ten Thousand Pesos (Php 10,000.00)
At least 20,000 but not more than 75,000	Twenty Thousand Pesos (Php 20,000.00)
At least 75,000 but not more than 300,000	Forty Thousand Pesos (Php 40,000.00)
Over 300,000	Seventy-Five Thousand Pesos (Php 75,000.00)

The filing fee shall be tendered to the EO or PES, as the case may be, payable to the Cash Division, Commission on Elections, Intramuros, Manila, in the form of manager's check, bank draft or postal money order. The EO or PES shall issue an acknowledgment receipt upon tender of the amount for the filing fees and shall immediately remit the same to the Cash Division of the Commission.

Section 11. *Supporting documents to a petition for recall.* – The petition shall be supported by the following documents which shall be prepared in one (1) original and eight (8) duplicate copies:

The signatures sheets shall be in the form prescribed by the Commission which shall contain the names, addresses and signatures of the supporting petitioners. Sample format is attached herein as Annex "A".

In case any of the supporting petitioners is an illiterate, a thumbmark will suffice, provided that the fact of illiteracy is shown in the petitioner's registration records. In case the initiating petitioner is unable to write due to a disability or a condition which may exist at the time of or subsequent to registration, a thumbmark or any fingerprint will suffice, provided that the fact of disability or existence of the condition is apparent.

In case any of the supporting petitioners has lost one or both hands and is unable to sign by reason thereof, the petition may be signed by any relative within the fourth civil degree of consanguinity or affinity upon the instruction and direction of the former.

Each page of the signature sheet shall also indicate the name of the official sought to be recalled and the elective position being held by such official; a brief narration of the reason (s) or justification (s) for the filing of the petition; and the barangay, municipality, city, *Sangguniang Bayan* or *Sangguniang Panlungsod District* (if applicable), the province, *Sangguniang Panlalawigan* district (if applicable) to which each of the petitioner is registered.

The signature sheets shall be accomplished by barangay. In case of a petition for the recall of a provincial official, the signature sheets shall be accomplished by barangay per city or municipality or district.

- a) The voting population (18 years old or over) in the local government unit in which the official sought to be recalled belongs, issued by the Philippine Statistics Authority (PSA), based on the latest census of population conducted immediately preceding the filing of the petition for recall;

In the case of a petition for the recall of a Member of a *Sangguniang Panglungsod* in cities divided into legislative districts or councilor districts, the voting population shall be that of all the barangays in the legislative district or councilor district in which the Member of the *Sangguniang Panlungsod* was elected.

In case of a petition for the recall of a Member of a *Sangguniang Bayan* in a municipality divided into councilor districts, the voting population shall be that of all the barangays in the councilor district in which the Member of the *Sangguniang Bayan* was elected.

- b) Certificate of Assumption to Office of the official sought to be recalled issued by the Office of the Department of the Interior and Local Government (DILG) in the local government in which the official sought to be recalled belongs. In case of failure to obtain a certification from the DILG, petitioner must establish the fact of such failure to obtain and the reason therefor and submit any document showing proof of assumption.
- c) Acknowledgment Receipt issued by the EO or PES pursuant to Sec. 10 of this Resolution.

A petition which lacks any of the supporting documents mentioned above shall not be accepted. For this purpose, the EO or PES concerned shall issue to the initiating petitioner a Certificate of Non-Acceptance of the petition, and the reason for its non-acceptance.

Section 12. *Verification of sufficiency or insufficiency of the required number of signatures.* – If the petition is accepted, the EO shall within fifteen (15) days from the acceptance of the petition, verify if the required number of signatures is sufficient in relation to the percentage or minimum number of petitioners required in Section 6 hereof.

At this stage, the verification shall be limited to the: (1) counting of the number of signatures appearing in the signature sheets, without yet determining the authenticity of the signatures and whether or not petitioners are registered voters of the local government unit concerned, and registered as such on active status, during the election in which the local official sought to be recalled was elected; and (2) elimination of duplicate entries. In identifying duplicate entries, the EO shall make use of the Voters Registration System (VRS) only.

A thumbmark or any fingerprint shall be counted as a signature for purposes of counting.

In case the signature sheets do not contain the petitioner's address although with petitioner's signature, the signature shall not be counted. An address that indicates at least the barangay where the petitioner is registered shall be considered as sufficient for purposes of counting.

In case the petition is for the recall of an elective provincial official, the PES shall, within, three (3) days from receipt of the petition, forward a copy of the petition together with its attachments as well as the signature sheets pertaining to the city or municipality, and direct the EO concerned to do the verification as provided herein without reference as to whether or not the minimum number of signatures required is sufficient, and submit a report within fifteen (15) days from termination of its verification to the PES concerned, together with the copy of the petition for recall and its attachments.

Section 13. *Verification during registration period.* – If a Petition for Recall has been filed while there is an ongoing voters' registration, the EO or PES shall forward a duplicate copy of the petition, together with its attachments, to the Voters' Identification Division (VID) of the Election Records and Statistics Department (ERSD), of the Commission, which shall do the verification in accordance with the procedures provided in Section 12 of this Resolution. The VID shall submit the report on the result of the verification to the EO or PES concerned, together with a duplicate copy of the petition for recall and its attachments. For this purpose, the VID shall be considered the EO's authorized representative.

Section 14. *Verification Report.* – Within twenty (20) days from the termination of the verification, the EO or the PES or VID, as the case may be, shall prepare and submit a report on the result of the verification. The report shall state the following:

- a) Period of the verification;
- b) Number of signatures appearing in the petition;
- c) Number of signatures counted as valid;
- d) Number of signatures not counted as valid and the reason for not counting the signatures; and
- e) Result of the verification as to whether or not the required minimum number of signatures has been attained in relation to the minimum number of signatures required.

The EO shall submit the report to the PES within twenty (20) days from termination of the verification, together with the second copy of the petition for recall and its attachments.

Section 15. *Certification of insufficiency of the required number of signatures.* - If the percentage or number of signatures to the petition did not satisfy the required percentage or minimum number of signatories, the EO shall, within three (3) days from termination of the verification, certify that the required minimum percentage or minimum number of signatures is insufficient to support the petition. In case the verification was done by the VID, EO shall, within three (3) days from receipt of the verification report from VID, certify that the required minimum percentage or minimum number of signatures is insufficient to support the petition.

In case of a petition for recall of an elective provincial official, the PES shall, within three (3) days from receipt of the verification report from the EOs or the VID, as the case may be, certify that the required minimum percentage or minimum number of signatures is insufficient to support the petition.

The certification shall indicate the voting population of the local government unit or legislative or councilor districts concerned, the number of petitioners' signatures appearing in the petition, the number of signatures counted after verification, and a statement that the percentage or minimum number of signatures required to support the petition is insufficient.

Within twenty-four (24) hours from certification, the EO or PES shall send the original copy of the certification to the Clerk of the Commission, together with copies of the verification report and petition for recall and its attachments, through the Special Courier Service (SCS) of the Commission or other means of delivery.

Upon receipt of the certification, the Clerk of the Commission shall issue an Order furnishing the initiating petitioner and the official sought to be recalled copies of the certification, verification report, and the petition for recall and supporting documents, directing both parties to submit comment and/or opposition on the certification of insufficiency of the signatures supporting the petition within five (5) days from receipt of the Order.

Within three (3) days from receipt of the comment and/or opposition or after the lapse of the period to file the same, if no comment and/or opposition is received, the Clerk of the Commission shall submit the matter to the Commission En Banc for confirmation of the certification of insufficiency of the signatures supporting the petition.

Within three (3) days from the issuance of the confirmation of the certification of insufficiency of the signatures, the Clerk of the Commission shall furnish copies of the confirmation of the Commission En Banc to the initiating petitioner, and to the official sought to be recalled, as well as the EO or PES concerned.

Section 16. *Effect of Confirmation of Certification of Insufficiency.* – Failure to obtain the required number of signatures automatically nullifies the petition.

Section 17. *Certification of sufficiency of the required number of signatures.* – If the percentage or number of signatures to the petition satisfies the required percentage or minimum number of signatories, the EO shall, within three (3) days from termination of the verification, certify that the required minimum percentage or minimum number of signatures is sufficient to support the petition. In case the verification was done by the VID, EO shall, within three (3) days from receipt of the verification report from VID, certify that the required minimum percentage or minimum number of signatures is sufficient to support the petition.

In case of a petition for recall of an elective provincial official, the PES shall within three (3) days from receipt of the verification report from the EOs or the VID, as the case may be, certify that the required minimum percentage or minimum number of signatures is sufficient to support the petition.

The certification shall indicate the voting population of the local government unit or legislative or councilor districts concerned, the number of petitioners' signatures appearing in the petition, the number of signatures counted after verification, and a statement that the percentage or minimum number of signatures required to support the petition is sufficient.

Within twenty-four (24) hours from certification, the EO or PES shall send the original copy of the certification to the Clerk of the Commission, together with copies of the verification report and petition for recall and its attachments, through the Special Courier Service (SCS) of the Commission or other means of delivery.

Upon receipt of the certification, the Clerk of the Commission shall issue an Order furnishing the initiating petitioner and the official sought to be recalled copies of the certification, verification report, and the petition for recall and directing both parties to submit comment and/or opposition on the certification of sufficiency of the signatures supporting the petition within five (5) days from receipt of the Order.

Within three (3) days from receipt of the comment and/or opposition or after the lapse of the period to file comment/opposition, if no comment or opposition is received, the Clerk of the Commission shall submit the matter to the Commission En Banc for confirmation of the certification of sufficiency of the signatures supporting the petition.

Within three (3) days from the issuance of the confirmation of the certification, the Clerk of the Commission shall furnish copies of the confirmation of the Commission En Banc to the EO or PES concerned who shall:

- a) Provide the official sought to be recalled copies of the petition and its supporting documents and confirmation of sufficiency, by personal service to the official sought to be recalled. If personal service cannot be effected, substituted service may be resorted to in the following order: (1) by tendering it to any person of sufficient age and discretion who is in charge of the office sought to be recalled; or (2) by posting a copy in the bulletin board of the city, municipal or provincial hall.

In all cases, the EO or PES concerned shall submit a report stating the following: (1) mode of service (whether personal or substituted); (2) name of the person to whom it was served; (3) if substituted service was resorted to, the reason why personal service was not effected and the mode of substituted service used.

- b) Cause the publication of the petition, excluding the signature sheets, in a national newspaper of general circulation and a newspaper of general circulation in the locality, once a week for three (3) consecutive weeks at the expense of the petitioner; and
- c) Post copies of the petition including the signature sheets in at least five (5) public and conspicuous places in the locality at least for a period of not less than ten (10) days but not more than twenty (20) days, for the purpose of allowing interested parties to examine and verify the validity of the petition and the authenticity of the signatures contained therein;

- d) Schedule the authentication and proceed independently with the authentication of the signatures in accordance with Section 18 of this Resolution.

Section 18. *Authentication of thumbmarks and signatures.* – Within three (3) days from receipt of the confirmation, the EO or PES shall schedule the authentication of the signatures appearing in the petition.

The EO or PES shall schedule the authentication not earlier than five (5) days from receipt by the official sought to be recalled of the certification of sufficiency of the required number of signatures.

In scheduling the authentication of signatures or thumbmarks, the EO or PES shall consider the number of signatures to be authenticated. Unless authorized by the Commission, the number of days for authentication shall not exceed thirty (30) working days.

Section 19. *Manner and Venue of authentication of petitioners' signatures, thumbmarks and status of registration.* – The authentication of the petitioners' signatures or thumbmarks appearing on the petition, and the determination of the status of their registration, shall be conducted by the EO or the EO's authorized representatives, at the Office of the Election Officer or at any authentication centers upon prior authority of the Commission, during regular office hours, in the following manner:

- a) The supporting petitioners shall personally appear before the EO or the EO's authorized representative to confirm their signatures or thumbmarks and affirm that the initiating petitioner explained to them the purpose of the petition and that they had read and understood the petition.
- b) EO or the EO's authorized representative shall establish the identity of the person presenting to be a supporting petitioner through the supporting petitioner's signature and photograph contained in the VRS of the city, or municipality, and at the same time determine whether or not the supporting petitioner was a registered voter of the city or municipality with active status during the election in which the official sought to be recalled was elected.
- c) If the EO or the EO's authorized representative is satisfied that the person is really the supporting petitioner, and a registered voter of the city or municipality with an active registration status during the election in which the official sought to be recalled was elected, the EO or the EO's authorized representative shall ask the supporting petitioner to confirm the signature in the petition, and affirm that the initiating petitioner explained to the supporting petitioners the purpose of the petition and that the supporting petitioner has read and understood the said petition by signing in the appropriate space in the signature sheets and indicating the date and time of confirmation.
- d) The EO or the EO's authorized representative shall ratify the fact of confirmation, affirmation and status of registration by signing in the appropriate space in the signature sheet and indicating the date and time of ratification.

The petitioner and the official sought to be recalled may send their representatives to the authentication proceedings mentioned above to serve as observers with the right to file objections. The elective official sought to be recalled, or his representative, may challenge the supporting petitioners personally appearing before the EO, on the following grounds:

- a) The person appearing to be one of the supporting petitioners is not really the supporting petitioner;
- b) The supporting petitioner is not a registered voter or the supporting petitioner's registration record is not active during the election in which the local official sought to be recalled was elected;
- c) The name of the supporting petitioner appeared in the petition more than once.

The objection shall be made orally before the EO or the EO's representative. Thereafter, the oral objection shall be reduced in writing and submitted to the EO or the EO's representative within the authentication day when the oral objection was raised.

At the end of the authentication period, or when all supporting petitioners have appeared before the EO or his authorized representative, whichever comes first, the EO shall terminate the authentication.

On the day following the last day of authentication, the EO shall proceed to count the total number of petitioners registered in the city or municipality who have:

- a) active registration status during the election in which the official sought to be recalled was elected;
- b) confirmed having signed the petition;
- c) affirmed that the initiating petitioner explained to them the purpose of the petition;
- d) read and understood the petition.

If the total number of petitioners registered in the city of municipality with active registration status during the election which the official sought to be recalled was elected, who confirmed having signed the petition and affirmed that the initiating petitioner explained to them the purpose of the petition, and that they have read and understood the petition, meets the percentage requirement or the required minimum number of petitioners, the EO need not rule on the objections.

If the total number of petitioners registered in the city of municipality with active registration status during the election which the official sought to be recalled was elected, who confirmed having signed the petition and affirmed that the initiating petitioner explained to them the purpose of the petition, and that they have read and understood the petition, is lower than the percentage requirement or the required minimum number of petitioners, the EO shall within fifteen (15) days from termination of authentication, rule upon all objections raised during the authentication period, and furnish the petitioner and official sought to be recalled with copies with the ruling.

In case the authentication coincides with the period of registration of voters, the Commission shall constitute field Verification Teams from the VID ERSD or, at the discretion of the Commission En Banc, from other offices of the Commission, to do the authentication within the time frame set by the EO or PES. For this purpose, the authentication team shall be deemed as the EO's authorized representative.

Section 20. Certification of Insufficiency or Sufficiency of the percentage or minimum number of petitioners required. – In case of recall of an elective city, municipal, or barangay official, the EO shall, within two (2) days from the termination of the authentication period, the EO shall issue a Certification as to whether the total number of petitioners satisfy the percentage or minimum number of petitioners required in relation to the voting population of the city or municipality under Section 6 hereof.

The EO shall submit the certification, together with the eight (8) copies of the petition and signature sheets, to the Clerk of the Commission within two (2) days from issuance of the Certification through the SCS or, if there be none, via other parcel delivery system.

In case of recall of an elective provincial official, the EOs shall, within two (2) days from termination of the authentication period, submit the Certifications stating (a) the total number of signatures for authentication; (b) total number of authentic signatures; and (c) total number of not authentic signatures to their PES. In turn, the PES shall, within two (2) days from receipt of all Certifications coming from the EOs in the province, issue a Certification as to whether the total number of petitioners satisfies the percentage or minimum number of petitioners required in relation to the voting population of the province.

The PES shall submit the Certification, and that of the Certifications submitted by the EOs, together with the eight (8) copies of the petition and signature sheets, to the Clerk of the Commission.

Section 21. *Notice of hearing.* – Upon receipt of the Certification of insufficiency or sufficiency as well as the petition and the signature sheets, the Clerk of the Commission shall immediately set the petition for hearing within three (3) days from the receipt of the certification, and shall send notices of the date and time of hearing to the EO or PES concerned, the initiating petitioner and the official sought to be recalled.

Section 22. *Opposition to the petition; time to file.* – Any aggrieved party may file a verified opposition to the petition not later than five (5) days from receipt of the Notice of Hearing issued by the Clerk of the Commission.

Section 23. *Decision.* – The Commission shall decide the petition within fifteen (15) days from the date the petition was submitted for resolution.

If the Commission determines that the petition for recall is valid, the Commission shall set the date for recall election.

If the Commission determines that the petition for recall is not valid, the Commission shall dismiss the petition for recall.

Section 24. *Setting of recall election.* – If the Commission determines that the petition for recall is valid, the Commission shall set the date of the recall election, taking into consideration the limitations on the conduct of recall elections provided in Section 28 of this Resolution.

The official or officials sought to be recalled shall automatically be considered as duly registered candidate or candidates to the pertinent positions and, like other candidates, shall be entitled to be voted upon.

Section 25. *Who may participate in a recall election.* – All registered voters of the local government unit concerned, with active registration status, as of the day of the recall election, may vote in the recall election.

Section 26. *Effectivity of recall.* – The recall of an elective official shall be effective only upon the election and proclamation of a successor in the person of the candidate receiving the highest number of votes cast during the recall election. Should the official sought to be recalled receive the highest number of votes, confidence in him is thereby affirmed, and he shall continue in office.

Termination from office of the official sought to be recalled due to causes such as removal from office, death, total disability, permanent incapacity or succession to the next higher position, shall bar the recall and render it moot and academic.

Section 27. *Prohibition from resignation.* – The official sought to be recalled shall not be allowed to resign upon the filing of a petition for recall and while the recall process is in progress.

Section 28. *Limitations on recall.* – Any elective official may be the subject of recall election only once during his term of office.

No recall shall take place within one (1) year from the date of the official's assumption to office or one (1) year immediately preceding a regular local election.

Section 29. *Expenses incident to recall elections.* – All expenses incident to recall elections shall be borne by the Commission.

Section 30. *Pending petition for recall.* – Any pending petition for recall initiated pursuant to Comelec Resolution No. 7505 dated 06 June 2005 is hereby dismissed without prejudice to its refiling in accordance with this Resolution.

Section 31. *Repealing clause.* – Comelec Resolution No. 7505 dated 06 June 2005 and all other resolutions issued by the Commission which are inconsistent herewith are hereby repealed or modified accordingly.

Section 32. *Effectivity.* - This Resolution shall take effect on the seventh (7th) day after its publication in two (2) daily newspapers of general circulation in the Philippines.

Section 33. *Publication.* – The Education and Information Department (EID) of the Commission shall cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines.

SO ORDERED.


SHERIEF M. ABAS
Chairman


AL A. PARRENO
Commissioner


MA. ROWENA AMELIA V. GUANZON
Commissioner


MARLON S. CASQUEJO
Commissioner


LUEJITO F. GUIA
Commissioner


SOCORRO B. INTING
Commissioner


ANTONIO T. KHO, JR.
Commissioner

See my Memo
dated 22 Jan 2020