

**[ NEA MEMORANDUM NO. 2005-012, March 21, 2005 ]**

**GUIDELINES ON THE CONDUCT OF EC DISTRICT ELECTIONS**

The previous amendments to the Electric Cooperatives Guidelines took effect on 01 August 1993. At present, the conduct of district elections has turned intricate and contentious, oftentimes resulting to the filing of election protests.

The latest amendments to the election guidelines, pursuant to the NEA Board of Administrators Resolution No. 18, Series of 2005, as herein presented, are meant to minimize and/or steer clear of election protests and maintain uniformity and consistency in ruling over election cases.

These guidelines supersede all other NEA issuances on district elections, including the 1990 and the 1993 Electric Cooperative Election Code.

The salient amendments to the guidelines are found in the following provisions:

1. Article II, Sections 8, 12, and 13;
2. Article II, Section 11, (2), (c);
3. Article VI, Section 18;
4. Article VIII, Section 27;
5. Article VIII, Section 28, (f);
6. Article XI, Section 45; and,
7. Article XII, Sections 51 and 52.

Provisions pertaining to the Regional Electrification Office (REO) in the election guidelines are likewise repealed as a result of the closure of the REOs.

These guidelines shall henceforth be the regulatory policy that will govern all district elections in electric cooperatives, after filing of the same at the UP Law Center and shall take effect 15 days after publication in the Official Gazette. Further, the 2005 Election Guidelines shall not increase nor diminish the term of office of the incumbent members of the Board of Directors.

Kindly cause the timely and widest circulation of these guidelines to all concerned.

Please be guided accordingly.

Adopted: 21 March 2005

(SGD.) EDITA S. BUENO  
*Administrator*

GUIDELINES ON THE CONDUCT OF DISTRICT  
ELECTIONS FOR ELECTRIC COOPERATIVES

Article I - General Provisions

*SECTION 1. Applicability* - These guidelines shall govern the elections of the Board of Directors of all electric cooperatives established/organized under the provisions of PD No. 269 as amended.

*SECTION 2. Definition of Terms* - As used in this Guidelines the following words or terms have the following meanings unless a different meaning clearly appears in the context.

- a. Election refers to the process of choosing a director in a district through secret balloting to represent its members in the cooperative Board of Directors.
- b. Board of Directors is the body composed of representatives elected in every district to promulgate policies, rules and regulations necessary for the operation of the electric cooperative.
- c. Voter refers to a bonafide member of the cooperative who possesses all the qualifications to vote.
- d. Resident refers to a bonafide member of a district who has been residing in said district for not less than one (1) year immediately preceding the elections.
- e. Juridical person refers to any firm, corporation, association, body politic or subdivision thereof.
- f. Masterlist of Voters is a roster of bonafide members who are qualified to vote in a particular district election, indicating the address, membership certificate number or official receipt number, status of membership whether single or joint or juridical, and the date and resolution number under which the membership was approved.
- g. Voting Center denotes the designated place where the election of the Board of Directors of the cooperative will be conducted.
- h. Election Precinct is the designated place in the voting center wherein the members of the cooperative within a designated territory will register and cast their votes.
- i. Screening Committee (SC), for purposes of reviewing official records and final screening of the qualification requirements of candidates, refers to a body composed of the following: Engineering or Technical Services Department Manager, Finance or OSD Manager as members and Member Services or Institutional Services Department Manager as Chairman.
- j. District Election Committee (DECOM) shall mean a body of three (3) members delegated to exercise supervision and control of the election of the Board of Directors in particular district in the electric cooperative.
- k. Precinct Election Committee (PECOM) is a body of three (3) members deputized by the DECOM to take charge of the registration and voting in the precinct.

*SECTION 3. Date of Election* - It shall be the responsibility of the Board of Directors to call, schedule and provide appropriation for, by resolution, the regular conduct of district elections. Such resolution shall be passed in not less than 90 days nor more

than 120 days before the annual meeting of the cooperative as provided for in the By-Laws. Copy of the resolution shall be submitted to NEA, within 2 weeks after the Board meeting.

a. In not less than thirty (30) days, nor more than sixty (60) days before the annual meeting of the cooperative as provided for in the By-Laws, election shall be held for districts where the terms of office of the incumbent board members as fixed by the By-Laws are due to expire. The thirty (30) days shall be reckoned from the date of the last elections scheduled for the year.

b. Special election shall be called by the Board, by resolution, to fill any vacancy due to death, incapacity, resignation, disqualification and other similar causes, if the unexpired term is two (2) years or more. A duly elected director under this provision shall serve only the unexpired portion of the term. However, if the remaining term is less than two (2) years, the Board, by a majority vote, shall appoint through a resolution, the successor to the vacant position from among the nominees submitted by the District Electrification Committee or Member-Consumers Electrification Committee of the district where the vacancy occurs, subject to the confirmation of the National Electrification Administration.

c. The Board shall pass the resolution calling the Special Election not later than five (5) days after the vacancy occurs, to be held in not less than twenty-five (25) days nor more than thirty-five (35) days after the vacancy. The same masterlist of voters used in the regular election immediately preceding shall be used.

*SECTION 4. Postponement of Election* - When for any serious cause such as violence, terrorism, loss or destruction of election paraphernalia or records and force majeure, the holding of a free, honest and orderly election shall become impossible, the DECOM shall postpone the election therein. Such decision shall be subject to affirmation of the NEA representative, if any, supervising the actual conduct of election. In no case shall the postponement of election extend to more than twenty (20) days within which the Board with the affirmation of NEA, shall reset the holding of the election. Conduct of such elections shall be covered by the prescriptive period in the posting/sending of notices, and in the filing of additional Certificate of Candidacy, if any, as provided for in Sections 6 and 10 hereof. Unless any or all of the members of the District and Precinct Election Committees as originally constituted shall have withdrawn, the same members shall supervise and control the conduct of the re-scheduled elections. In case of withdrawal, their alternates shall take their place, otherwise, the NEA shall appoint new members of the DECOM. Also, the same masterlist shall be used.

*SECTION 5. Failure of Election* - If in any event, the Board fails or refuses to call and hold the election as mandated by the Co-op By-Laws or as prescribed in Section 3 hereof, the National Electrification Administration, in the exercise of its power of supervision and control over electric cooperatives shall have the right to call and conduct the election for and in behalf of the cooperative.

If in the conduct of election, the total number of voters who registered in the form provided for (voters' register) fails to meet the quorum requirement as set forth in the Co-op By-Laws, the same shall be deemed a failure of election and in such case,

another election shall therefore be held. However, in case of a lone candidate the above requirements may be waived.

*SECTION 6. Notice of Regular Election* - Written notices stating the purpose, place, date and time of the election and the deadline for filing of Certificate of Candidacy shall be posted in strategic places within the voting district not less than twenty (20) days before the date of the election. The same written notice shall be delivered either personally or by mail to each member of the concerned DECOM. In addition, print and/or broadcast media may also be availed of, if necessary.

## Article II - Eligibility to Run and Certificate of Candidacy

*SECTION 7. Qualifications for Board of Directors* - Bonafide members who possess the following qualifications are eligible to become and/or to remain as members of Board of Directors:

1. He/she is a Filipino citizen.
2. He/she is a bonafide member and a qualified voter of the cooperative in the district he/she seeks to represent at least ninety (90) days before election.
3. He/she is at least 21 years of age on the day of the election.
4. He/she is a resident of the district he/she seeks to represent for at least one (1) year immediately preceding the election.
5. He/she must be a consumer in the district he/she seeks to represent at least sixty (60) days before the deadline set for the filing of the Certificate of Candidacy.
6. He/she must be a member of good standing. A member of good standing shall mean that said member.
  - a. must have no unsettled or outstanding obligations to the cooperative at the time of his/her filing of the Certificate of Candidacy, including accountabilities of commercial or industrial connections of which he/she is the owner or co-owner;
  - b. has not been apprehended of electric pilferage, by the co-op; and
  - c . has not been removed for cause as director or as employee from the electric cooperative.
7. He/she is not in any way employed by or financially interested in a competing enterprise or business selling electric energy or electrical hardware to the cooperative and/or doing business with the cooperative including the use or rental of poles.
8. He/she nor the spouse does not hold an elective office in the government nor appointed to an elective position above the level of a Barangay Captain .
9. He/she has not been convicted of crime involving moral turpitude.
10. He/she has not been terminated for cause from government or private employment.

11. For government employees, he/she must have a permit from his/her Department Secretary/Regional Director/Elective Local Official or his duly authorized representative allowing him/her to run and/or sit as director at the time of his/her filing of Certificate of Candidacy, unless a law expressly provides otherwise.

12. His/her spouse is not disqualified under Nos. 6, 7 and 8. *The disqualification of one of the spouses shall be the disqualification of the other.*

13. *Any person related to any member of the incumbent Board, General Manager and employees within the fourth civil degree of consanguinity or affinity shall be disqualified to run as Board Director.*

14. Any person who ran in the local or national elections is disqualified from running for co-op director within one (1) year from the date of said local or national elections. He shall likewise be disqualified for appointment to the post for the same period.

15. Any bonafide member seeking election or re-election and any incumbent director shall satisfy all of the above mentioned qualifications. Non-compliance with any single item shall mean disqualification or termination.

*SECTION 8. Ineligibility of Representatives of Juridical Person* - Representative of juridical persons shall not be eligible to be candidates for Board Member.

*SECTION 9. Certificate of Candidacy* - No qualified member of the cooperative shall be elected as member of the Board unless he/she filed a sworn Certificate of Candidacy.

*SECTION 10. Filing of Certificate of Candidacy* - Interested members may secure from the Member Services Department official form of the Certificate of Candidacy. After it is duly accomplished, the same, together with the other required documents, shall be filed at the cooperative office during office hours, not later than ten (10) days before the election, through the Member Services or Institutional Services Department Manager.

*SECTION 11. Screening Procedures* - The application by and screening of candidate shall involve the following procedures:

1. Application -

a. Prospective applicant/candidate shall secure a form or Certificate of Candidacy from the duly authorized MSD personnel and shall acknowledge receipt thereof.

Applicant/candidate shall submit to the duly designated MSD personnel a duly Sworn Certificate of Candidacy with necessary attachments as specified in Article II, Section 6 (11 &13) hereof which shall be accomplished in three copies.

MSD personnel assigned shall acknowledge receipt thereof, indicating attachments, date and time of receipt to be compiled in a control book.

2. Screening -