



Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
Intramuros, Manila

**IN THE MATTER OF THE  
GUIDELINES IN THE CONDUCT  
OF PRELIMINARY  
CONFERENCE PROCEEDINGS,  
CLARIFYING RESOLUTIONS  
NO. 9523 AND 10673**

**ABAS, S.M.**, Chairman  
**GUANZON, M.R.AV.**, Commissioner  
**INTING, S.B.**, Commissioner  
**CASQUEJO, M.S.**, Commissioner  
**KHO, JR, A.T.**, Commissioner  
**FEROLINO, A.P.**, Commissioner

Promulgated on October 6, 2021

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**RESOLUTION NO. 10722**

**WHEREAS**, numerous Special Action (SPA) cases are anticipated to be filed in connection with the May 2022 National and Local Elections (2022 NLE);

**WHEREAS**, there is a need to ensure the continuity of case proceedings and the timelines set for the 2022 NLE are met by the Commission;

**WHEREAS**, there is a need to augment the Office of the Clerk of the Commission (OCOC) through the Electoral Contests Adjudication Department (ECAD);

**WHEREAS**, the Commission promulgated *Resolution No. 10673*, otherwise known as the Guidelines on Electronic Filing, Conduct of Hearings/Investigation/Inquiries via Video Conference, and Service, due to the health risks posed by the COVID-19 pandemic, on 25 June 2020;

**NOW THEREFORE**, the Commission on Elections (COMELEC), by virtue of the powers granted to it by the Constitution and the Omnibus Election Code, **RESOLVED**, as it hereby **RESOLVES**, to promulgate the following guidelines in preliminary conference proceedings in connection to Section 4 (7) to (8) of COMELEC Resolution No. 9523 and Resolution No. 10673:

**Sec. 1. *Filing of Petitions, Answers and Other Submissions*** - The filing of petitions, answers, other pleadings and submissions must strictly comply with *Section 1, Rule 2 of Resolution No. 10673*. All submissions shall be filed through the official electronic mail (e-mail) address of the Clerk of the Commission (clerkofthecommission@comelec.gov.ph).

**Sec. 2. *Preliminary Conference Committees (PCC)*** - There shall be two (2) preliminary conference committees, composed of the following:

a. *For First Division cases:*

The ECAD Division Clerk of Court of the First Division and other ECAD lawyers and staff to be designated by Director IV of the ECAD;

b. *For Second Division cases:*

The ECAD Division Clerk of Court of the Second Division other ECAD lawyers and staff to be designated by Director IV of the ECAD.

**Sec. 3. *Nature and Purpose*** - The preliminary conference is mandatory. The hearing officer shall consider the following:

a. Production of a special power of attorney;

b. The comparison between the original/certified true copies of the documentary and physical evidence, and the electronic and physical copies of the submissions;

c. The simplification of issues;

d. The necessity or desirability of amendments to pleadings;

e. The possibility of obtaining stipulations or admissions of facts and of documents to avoid unnecessary proof;

- f. Setting of the period to file parties' respective memorandum, which shall not be later than three (3) days from the date of the conference; and
- g. Such other matters as may aid in the prompt disposition of the action.

**Sec. 4. *Mode, Proof and Completeness of Service*** - Due to the adversarial nature of SPA cases, in addition to electronic service, service of the initiatory pleadings by the petitioner, the completeness thereof, and proof of such service shall also be made through personal service, registered mail, or special courier services.

**Sec. 5. *Applicability of Electronic Service*** - Electronic service shall only be applicable upon the confirmation or submission of the respondent of their valid e-mail address or upon the filing of their pleadings, motions, memoranda, comments, briefs, and other submissions, using their valid e-mail address. Electronic service shall be governed by the provisions of *Resolution 10673*.

**Sec. 6. *Summons with Notice of Preliminary Conference*** - Upon confirmation of the date of preliminary conference with the necessary videoconferencing links from the PCC, the OCOC shall serve the *Summons with Notice of Preliminary Conference* to the parties.

The OCOC shall course service through the appropriate field office having jurisdiction to the parties, via e-mail. The appropriate field officer shall print and personally serve the *Summons with Notice of Preliminary Conference* together with a copy of the *Petition* to the parties. It shall be the duty of the field officer to then send *Proof of Service and/or Receipt* to the OCOC through e-mail within five (5) days from receipt of the e-mail from the OCOC.

The counsel served with such summons and notice is charged with the duty of notifying the party being represented.

Upon receipt of the calendar with the e-mail addresses of the participants from the OCOC, the PCC shall host the videoconference platform (MS Teams) and shall be in-charge of the e-mail reminders for the preliminary conference.

**Sec. 7. *Transmittal of Records*** - The OCOC shall also transmit the physical records of the cases to the appropriate PCC upon receipt thereof.

The OCOC shall also create electronic case folders of the filings using an authorized and secured cloud storage platform (MS One Drive), exclusively accessible to its personnel and viewable to the appropriate PCC. The OCOC shall immediately upload the files to the electronic case folder upon receipt thereof.

**Sec. 8. *Appearance of parties*** - It shall be the duty of the parties or their duly-designated counsel to inform the PCC, through the applicable Petition or Answer of the attendees and their valid e-mail addresses and to appear during the conference. In case of a duly-designated counsel, such counsel may only be allowed to appear after having filed a special power of attorney, at least a day prior to the date of the preliminary conference.

**Sec. 9. *Effect of failure to appear*** - Should the petitioner or his authorized counsel fail to appear, the *Petition* shall be dismissed. Should respondent or his authorized counsel failed to appear, the *Petition* shall be deemed submitted for resolution. If the petitioner or respondent is not present during the conference, the failure of the corresponding counsel to file their special power of attorney shall have the effect of non-appearance unless the counsel has previously filed a pleading bearing the conformity of their client.

**Sec. 10. *Filing of memorandum*** - The parties shall file their respective memorandum, in accordance with *Resolution No. 10673*, within three (3) days after the date of the conference.

**Sec. 11. *Submission for resolution*** - Unless the COMELEC in Division or En Banc requires a clarificatory hearing, the case shall be deemed submitted for resolution upon receipt of both parties' *Memoranda* or upon the expiration of the allowable period to file the same, whichever comes first.

**Sec. 12. *Suppletory Application of the Rules of Court*** - Pursuant to the COMELEC Rules on Procedure, the pertinent provisions of the Rules of Court shall have suppletory application.

**Sec. 13. *Effectivity*** - This Resolution shall take effect immediately upon its publication and shall remain in effect until revoked by the Commission. The Education and Information Department (EID) is hereby directed to cause the publication of this Resolution in two (2) daily

newspapers of general publication in the Philippines. The Information and Technology Department is likewise directed to publish the same in the official COMELEC website ([www.comelec.gov.ph](http://www.comelec.gov.ph)).

**SO ORDERED.**

**SHERIFF M. ABAS**

*Chairman*

**MA. ROWENA AMELIA V. GUANZON**

*Commissioner*

**SOCORRO B. INTING**

*Commissioner*

**MARLON S. CASQUEJO**

*Commissioner*

**ANTONIO T. KHO, JR.**

*Commissioner*

**AIMEE P. FEROLINO**

*Commissioner*

**CERTIFICATION**

**APPROVED** by the Commission (*En Banc*) on October 6, 2021 during its Special Online En Banc Meeting pursuant to COMELEC Resolution No. 10671: Supplemental Resolution to COMELEC Resolution No. 9936 Promulgated March 25, 2015 entitled, "Rules on the Enactment and Promulgation of Executive or Administrative Resolutions" Providing for Other Format of Meetings to Include Online Meetings Applicable in Times of the COVID-19 Pandemic and the Imposition of Community Quarantines and Similar Emergency Situations.



**CONSUELO B. DIOLA**  
**ACTING COMELEC SECRETARY**