

Rules of Procedure

For National COMELEC Endorsed Protest / Complaint

RULE 1. Election Protest; Complaint. All complaints, protest or request for disqualification shall be initiated by the filing by a member in good standing of the PMA of a duly notarized written document and evidences before the commission within fifteen (15) days after the proclamation of the winner

RULE 2. Summary Dismissal of Election Protest / Complaint. An election protest or complaint may be summarily dismissed by the Tribunal without the necessity of requiring the protester or respondent to answer if:

[1] The petition is filed beyond the period of fifteen (15) days.

The period of fifteen days shall not be exteabdable.

[2] The petition or copies thereof and the annexes thereto endorsed with the Tribunal are not clearly legible.

[3] Failed to submit a duly notarized written document and evidences within fifteen (15) days after the proclamation of the winning candidate.

RULES OF THE ELECTORIAL TRIBUNAL OF THE PHILIPPINE MEDICAL ASSOCIATION

TITLE AND CONSTRUCTION

RULE 1. Title. These rules shall be known and cited as the “Rules of the Electoral Tribunal for Philippine Medical Association.”

RULE 2. Construction. In case of doubt, the rules shall be liberally construed in order to achieve a just, expeditious and inexpensive determination and disposition of every protest or complaint brought before the Tribunal.

RULE 3. Composition. The tribunal shall be composed of five (5) members, two (2) members chosen by the Board of Governors from among themselves, two (2) shall be chosen by the National Comelec from among themselves and one (1) PMA member at large shall be chosen and named by the Board of Governors from among the members in good standing. The members of the Electoral shall serve for a term ending at the formation of the succeeding electoral tribunal. The members of the tribunal shall elect a Chairman, Vice Chairman and Secretary from among themselves. All members cannot seek any elective position in the PMA while serving in the tribunal except for those who are members of the Board of Governors who may continue serving their position.

RULE 4. Meeting, Quorum. The tribunal shall meet on such days and hours as it may designate or at the call of the Chairman or of a majority of its members. The presence of three (3) members shall be necessary to constitute a quorum.

RULE 5. Place of Meeting. The tribunal shall meet at the PMA offices in Quezon City or at such other place in Metro Manila as it may designate. When in its judgment the interest of justice so requires, it may also meet outside Metro Manila.

RULE 6. Control of Own Functions. The tribunal shall have exclusive control, direction, and supervision of all matters pertaining to its functions and operation.

RULE 7. Express and Implied Powers. The tribunal shall exercise all powers as are vested in it by the PMA Election Code and such other powers as may be necessary or incidental to the accomplishment of its purpose and functions.

RULE 8. Inherent Powers. When performing its functions, the Tribunal shall have inherent power to:

- [1] Preserve and enforce order in its immediate presence;
- [2] Enforce order in proceeding before it or before any of its officials acting, under its authority;
- [3] Compel obedience to its judgments, and processes;
- [4] Compel the attendance of witnesses and the production of evidence in any case or proceeding before it;
- [5] Authorize a copy of a lost or destroyed pleading or other paper to be filed and used instead of the original, and supply deficiencies in its records and proceedings.

RULE 9. The Chairman; Powers and Duties. The Chairman shall have the following powers and duties:

- [1] Act as Chief Executive Officer of the Tribunal;
- [2] Issue calls for the meetings of the tribunal and preside over such meeting;
- [3] Take care that the orders, resolutions and decisions of the Tribunal are enforced;
- [4] Perform such other functions and acts as may be necessary or appropriate to ensure the independence and efficiency of the Tribunal.

RULE 10. Administrative Staff. The Tribunal shall have the power to avail of the services of any employee of the PMA and the facilities of the association to carry out its tasks.

ELECTION CONTESTS

RULE 11. Jurisdiction. The tribunal shall be the sole judge of all complaints or protests relating to the election, returns, and qualifications of the national officers of the association and members of the Board of Governors. The jurisdiction of the electoral tribunal shall start upon the proclamation of any of the National Officers or members of the Board of Governors by the National COMELEC.

RULE 12. How Initiated. An election protest is initiated by the filing by a member of good standing of the PMA of a duly notarized complaint or protest before the tribunal. A complaint may likewise be initiated before the National Comelec. When the winners are proclaimed by the National Comelec, the said body may refer the undecided complaints and protests to the Tribunal.

RULE 13. Election Protests, Complaints. A verified petition contesting the election of a National officer or any member of the Board of Governors shall be filed by any candidate who has duly filed a certificate of candidacy and has been voted for the same office, within fifteen (15) days after the proclamation of the winner. The period of fifteen (15) days shall not be extendable.

RULE 14. Filing with the Tribunal. Petitions for election protests or complaints shall be made by filing personally with any one of the members of the Electoral Tribunal or by sending them by registered mail addressed to the tribunal, together with five (5) clearly legible copies thereof.

RULE 15. Summary Dismissal of Election Protest. An election protest or complaint may be summarily dismissed by the Tribunal without the necessity of requiring the protester or respondent to answer if:

[1] The petition is filed beyond the period provided in Rule 13 hereof;

[2] The filing fee is not paid within the fifteen (15) day period provided for filing the protest or complaint;

[3] The cash deposit is not paid within ten (10) days after the filing of the protest or complaint;

[4] The petition or copies thereof and annexes thereof filed with the tribunal are not clearly legible.

ANSWER AND COUNTER PROTESTS

RULE 16. Notice or Summons. Upon the filing of the petition, the Tribunal shall issue the corresponding notice to the protester or respondent together with a copy of the petition, requiring him within ten (10) days from receipt thereof to file his answer or position paper.

RULE 17. Answer. The answer may set forth special and affirmative defenses and must be notarized.

The protester may incorporate in his answer a counter protest.

RULE 18. Counter Protest. A counter protest must be filed within ten (10) days from receipt of the summons and protest. Such counter protest must be answered by the counter protester within ten (10) days from receipt of a copy thereof.

RULE 19. Motion to Dismiss – Demurrer to evidence. No motion to dismiss or demurrer to evidence shall be entertained. Grounds for a motion to dismiss shall be pleaded as affirmative defenses in the answers to the protest or counter protest. The tribunal in the exercise of its discretion may hold a preliminary hearing before it on such grounds.

RULE 20. Extensions of Time. No motion for extension of time to file an answer or counter protest shall be granted.

RULE 21. Failure to Answer; Effect. If no answer is filed to the protest or counter protest within the time limit fixed, a general denial shall be deemed to have been entered.

RULE 22. Amendments; Limitations. After the expiration of the period for the filing of the protest, counter protest, substantial amendments which broaden the scope of the action or introduce an additional cause of action shall not be allowed. Any amendment on matters of form may be admitted at any stage of the proceedings.

When the Tribunal admits an amended petition, it shall require the other party to answer the same within ten (10) days from service of a copy of the amended petition and the resolution admitting the same.

FILING FEES, CHARGES, DEPOSIT

RULE 23. Filing Fees. A filing fee of P2,500.00 shall be charged by the tribunal for every protest or complaint. When the protest or complaint includes the prayer for a recount of ballots, the complainant or protestant shall make a cash deposit in the amount of P20,000.00 which shall be spent by the tribunal for its expenses in hearing the protest or complaint. If there remains an amount after deducting the exoenses, said amount shall be returned to the protestant or complainant. However; if in the opinion of the tribunal the cash deposit is not sufficient to defray the expenses, the Tribunal shall inform the protestant to make additional deposit which additional deposits shall be paid within five (5) days from notice.

RULE 24. Effect of Failure to Make Cash Deposit. If a party fails to pay the filing fee or make the cash deposits or additional deposits herein provided within the prescribed time limit, the tribunal may dismiss the protest; counter protest or take such action as it may deem equitable under the circumstances.

PRODUCTION OF ELECTION DOCUMENTS AND REVISIONS OF BALLOTS

RULE 25. When Ballot Boxes and Election Documents Brought Before Tribunal. Where the allegations in a protest or counter protest so warrant or whenever in its opinion the interest of justice so demands, the Tribunal shall immediately order the list of voters, ballot boxes and their keys, and ballots and documents used in the election and all other paraphernalia, effects or goods which in the opinion of the Tribunal is necessary for a decision or order in the protest or complaint, to be brought before the Tribunal. The Tribunal may do any act or make any order to enforce this rule.

RULE 26. Revision Teams. Upon receipt of the paraphernalia and documents mentioned in the next preceding section, the tribunal may create such number of revision teams as it may deem necessary to complete the revision of the ballots,

within the period herein below provided. If there are no revision teams created, it is presumed that the Tribunal shall be the Revision team.

RULE 27. Order to Start Revisions. The tribunal either motu proprio or upon motion of either party shall issue an order setting the date for the start of the revision of ballots, Except for failure of a party to make an additional cash deposit required by the Tribunal, the revision, once started, shall continue without interruption until completed.

RULE 28. Procedure During revision. No arguments in support of or against objections or claims to ballots shall be entertained. Such arguments shall be embodied by the parties in their Memoranda. After examination, the ballots shall be returned to the respective boxes under lock, but disputed ballots shall be placed in a separate sealed envelope before being returned to the box.

RULE 29. Where Revision Done: Who may be Present. The revision of ballots shall be undertaken before the Tribunal. During the revision, only the Members of the Tribunal, employees of the PMA designated to assist the Tribunal, the revisers or their alternates if a team has been created and the parties, one attorney for each party or one duly authorized representative for each party, shall be present and shall have access to the area where the revision is taking place.

RULE 30. Report on Result of Revision. If a revision team has been created the revision team(s) shall submit a report on the result of their revision. Copies of such report, duly signed by the members of the revision team, shall be furnished the protestant and protester:

RULE 31. Experts. The tribunal if it so desires, may avail of the services of experts to guide the tribunal.

RULE 32. Presence of Witnesses. The tribunal may require the presence of PMA members or employees during the hearings. Failure on the part of the PMA member or a PMA employee to appear before it or follow the orders and directives of the Electoral Tribunal will mean an act inimical to the association and the tribunal may submit a report to the Board of Governors requesting for the termination of membership of said PMA members or termination of the employment of such employee. Transportation and lodging expenses of the witnesses or the other persons required by the Tribunal to be present may be provided for by the tribunal. The Tribunal may likewise defray the compensation of experts invited by the Tribunal.

Rule 33. Attorneys. At any stage of the proceedings before the tribunal, any party has the right to counsel but the role of the lawyer is only to advise a party of his rights. The lawyer shall not be allowed to speak nor may he engage in oral arguments with the Tribunal or with the other party. Only a PMA member may be allowed to speak before the Tribunal. All papers including the complaint or protest shall be signed by the PMA member who is the protestant, protester, complainant or respondent.

Rule 34. Examination of Party. No party shall be allowed to question another party. Questions to be propounded by one party to the other party shall be coured in writing to the Tribunal. Only members of the tribunal are allowed to ask questions from any party or any witness or member.

An executive hearing attended only by the members of the tribunal, the parties and the legal counsel may be called before, during or after the tribunal has decided on the case.

RULE 35. Ethics. For ethical reasons, the parties and their respective counsel or representative are prohibited to issue statements in the media, be it in the print or broadcast, TV or the Internet or Texting (SMS) pending the resolution of the complaint. Violation of this rule if proven after due process will be solid ground to dismiss the complaint outright. Any PMA member violating this rule is construed to have done an act inimical to the association and the tribunal may request the Board of Governors to terminate the membership of said PMA member.

RULE 36. Rules on Evidence. The tribunal shall conduct all its proceedings, hearings and meeting bearing in mind the rules of fairness, justice, and equity. The strict technical rules on evidence shall not be applied by the tribunal. The rules embodied in the Election Code of the Philippines shall be followed in a liberal manner for the appreciation of ballots.

RULE 37. Memoranda. When the tribunal is of the opinion that it has enough evidence to render a decision, the parties shall submit their respective memorandum within five (5) days from notice, after which the complaint or protest is deemed submitted for resolution with or without such memoranda.

RULE 38. Time to Decide on Case. The Tribunal must decide on a case within one hundred twenty (120) days from receipt of the complaint or protest.

RULE 39. Form and finality of Decisions. The decisions of the electoral tribunal shall be in writing and signed by at least three (3) of its members. The decision of the Tribunal becomes final ten (10) days from receipt of the decision by the parties.

RULE 40. The Tribunal cause the delivery of the decision either personally or by registered mail or any other practicable and efficient mode to the parties and to the Board of Governors of the PMA. The addresses of the parties shall be that as started in their papers or documents submitted or filed before the Tribunal. If the address is not shown in the paper or documents or if there are conflicting addresses, the decision should be mailed to the last known address of the party. If there is no delivery yet of the decision despite the steps stated herein, the sending of the decision to the Board of Governors shall be considered a valid receipt by a party.

RULE 41. Motion of Reconsideration. The Tribunal may entertain at its sole discretion the filing of Motions for Reconsideration which shall be filed within ten (10) days from the receipt of the decision. Motion for Reconsideration not acted upon by the Tribunal within (10) days from receipt of said motion shall be deemed to be denied and the decision shall be considered final upon the lapse of the ten day period.

MISCELLANEOUS MATTER

RULE 42. The Tribunal may avail of the services of the Legal Counsel of the PMA. The Legal Counsel may, upon request of the Tribunal speak at any stage of the proceedings.

RULE 43. The Tribunal, in addition to whatever actions it may make, may consider the cash deposit or the balance thereof forfeited if the complaint or protest is frivolous in character, when Rule 35 is violated or when a party making the deposit fails to or refuses to comply with any order from the Tribunal.

RULE 44. When a decision becomes final, any officer or governor unseated by the Tribunal shall immediately be deemed to have vacated the position and the person proclaimed by the Tribunal shall immediately assume the position. Person proclaimed by the Tribunal shall immediately assume the position.

RULE 45. A complain may be filed by any member in good standing especially those pertaining to irregularities or violations of the ELECTION CODE without any respondent or protester.

RULE 46. The Tribunal may at any time amend thsesse Rules.

Amended and Approved on this 9th day of june 2005 in Quezon City Philippines.