



## **RULES OF PROCEDURE FOR ATTENDANCE BY REMOTE COMMUNICATION AND VOTING BY PROXY AND IN ABSENTIA**

### **ANNUAL GENERAL MEMBERSHIP MEETING 14 October 2023; 1:30 P.M.**

In line with COVID-19 pandemic protocols, the Annual General Membership Meeting of The Neighborhoods at Anvaya Cove Homeowners Association, Inc. (the “*Association*”) will be held by a combination of face-to-face and remote communication via Zoom videoconferencing. The following are the rules of procedures for the members’ meeting:

#### **I. ATTENDANCE BY REMOTE COMMUNICATION**

##### **A. Registration**

1. Members of record in good standing as of 31 August 2023 (“Members”) who wish to attend the meeting through remote communication via Zoom or in person must register online by clicking this [Online Registration](#) or by scanning the QR code provided below. Members should follow the instructions and complete the online registration form and submit it for validation.



2. Members of record in good standing as of 31 August 2023 who wish to attend the meeting must inform the Association through the online registration whether the member or his proxy intends to attend the meeting by remote communication or in person at Horizon Hall 1 & 2, Anvaya Cove Golf and Sports Club, Anvaya Cove, Morong Bataan.
3. In the meeting of the Board of Trustees on 09 September 2023, the Board approved that for the purpose of the 2023 Annual General Membership Meeting, to be considered a member in good standing, a member must have paid all association dues and other assessments and charges imposed by the Association, and must have not failed to attend at least three (3) consecutive general membership meetings of the Association personally or through a valid proxy.
4. Once the online registration form has been submitted, the Member shall send the following documents by email to [nhoai.agm2023@gmail.com](mailto:nhoai.agm2023@gmail.com) on or before 05 October 2023 at 5:00 P.M.:
  - (a) For individual Members–
    - (i) A recent photo of the Member, with the face fully visible (in JPG format). The file size should be no larger than 2MB; and
    - (ii) A scanned copy of the front and back portions of the Member’s valid government-issued ID. The file size should be no larger than 2MB.
  - (b) For Corporate Members –



- (i) A Secretary's certificate attesting to the authority of the representative to vote on behalf of the Corporation (in JPG format). The file size should be no larger than 2MB;
- (ii) A recent photo of the corporate member's representative, with the face fully visible (in JPG format). The file size should be no larger than 2MB; and
- (iii) A scanned copy of the front and back portions of the valid government-issued ID of the corporate member's representative (in JPG format). The file size should be no larger than 2MB.

**Important Note:** The submission of incomplete or inconsistent information may result in an unsuccessful registration in which case the Member will not be allowed to attend the meeting and to access the remote meeting and vote electronically *in absentia*. However, depending on the reason for the unsuccessful registration, the Member who was not able to register successfully may still be allowed by the Association to vote through the Chairman of the Meeting as proxy by submitting a duly accomplished proxy form on or before **09 October 2023 at 5:00 p.m.**

5. The validation process will be completed by the Association within three (3) business days from the date the Association receives the required documents. Once validated, the Member will receive an e-mail confirmation on his or her successful registration together with the link to the meeting and the digital voting ballot for members who chose to attend the meeting by remote communication via Zoom videoconferencing. All materials of the meeting, including the Minutes of the Previous Meetings, President's Report, 2022 Audited Financial Statements, and List of Acts of the Board for Ratification, shall be sent to the email address indicated during the online registration.
6. The Association reserves the right to reject the registration or require the submission of other documents or information to ensure the identity of the Member and/or the integrity of the registration process.
7. The Association shall respect the rights of the Members with respect to his/her personal data as provided under the Data Privacy Act. The information obtained under these Rules shall be used exclusively for purposes of determining the identity of the Members of the Association and providing them the opportunity to attend the meeting through remote communication.

#### **B. Participation by Remote Communication via Zoom**

1. Members who are registered under the online system during the registration period can attend the meeting on 14 October 2023 at 1:30 P.M. by clicking the live feed access provided to the Member by email. For purposes of verifying the identity of the Members or their proxies, the Members or their proxies shall be required to turn on the video mode of the Zoom and shall use his or her complete name and address at The Neighborhoods at Anvaya Cove (i.e. Juan dela Cruz 55 Mango St); otherwise, they shall not be authorized to enter the virtual meeting.
2. Only Members or their proxies who successfully registered under the online system and who communicated its intention to participate in the meeting by remote communication through Zoom shall be deemed present for purposes of determining the presence of quorum.
3. The meeting will be held by a combination of face-to-face and remote communication via a one-way live webcast on **14 October 2023 at 1:30 P.M.** Members who have questions and/or comments for Management must submit their questions on or before **09 October 2023 at 5:00 p.m.** by email to **nhoai.agm2023@gmail.com**. The Property Manager shall endeavor to answer all questions and address all comments within the time allowed during the meeting.



4. Members of record in good standing as of 31 August 2023 who are over sixty-five years of age, with immunodeficiency, comorbidity, or other health risks, and pregnant women who wish to attend the meeting are encouraged to participate through remote communication.
5. The Annual General Membership Meeting of the Association shall be recorded.

## **II. VOTING BY PROXY OR IN ABSENTIA**

Members who have successfully registered will be given the opportunity to vote by proxy or *in absentia*.

**A. Proxy.** A proxy shall be in writing, dated, signed by the member and his two (2) witnesses authorizing any person of legal age to act as his proxy, including but not limited to any of the members of Board of Trustees or officers of the Association. Members who wish to vote by proxy will need to submit the duly filled up and signed proxy form and send it by email to [nhoai.agm2023@gmail.com](mailto:nhoai.agm2023@gmail.com) on or before **09 October 2023 at 5:00 p.m.**

A proxy shall be deemed filed when the original or facsimile or electronic copy of the same is received by the Property Manager at the Village Administration Office, Anvaya Cove, Morong, Bataan, who shall turn over the proxy to the Secretary, prior to the date of meeting, provided that in case of a facsimile or electronic copy, the original thereof is presented to the Secretary or her authorized representative on or before **14 October 2023 at 12:00 P.M.**

Additionally, if an individual member has his or her authorized representative sign the proxy form, then the authorized representative must also attach a duly executed and notarized Special Power of Attorney in his or her favor to sign the proxy form on behalf of the member.

If the member is a corporation, a duly executed and notarized Secretary's Certificate that attest to the designation of the member-corporation's representative to the meeting must be attached to the proxy.

The proxy shall cover all the lots owned by the member and shall prevail over any other previous proxies given by him or her, except that the personal presence of the member at the election will suspend the effectivity of the proxy. The proxy shall continue its effectivity until the same is expressly revoked by the member in writing, expressly stating in a separate document that he or she revokes the proxy.

In case a member has more than one proxy and all of the proxies attend, the proxies for the member concerned are entitled to only one vote which vote they must agree upon amongst themselves.

**B. Validation of Proxies.** The Secretary and the Property Manager shall conduct the initial verification of all proxy forms submitted by the members by establishing the following:

1. membership in good standing;
2. whether the person who actually signed the proxy is the member;
3. whether the member-corporation attached a duly signed and notarized Secretary's Certificate to the proxy; and
4. if the person who signed the proxy is not the member, whether such person is duly authorized by the member to sign on his or her behalf as evidenced by a duly signed and notarized Special Power of Attorney;
5. whether all registration requirements have been complied by the member.



For an orderly validation procedure, the Property Manager shall fill out the following portion of every proxy form as well as sign the verification portion as follows:

*Information in the box below to be accomplished by the Village Administrator for monitoring purposes:*

This proxy pertains to:  Lot No(s). _____ Block No. _____ Phase No. _____	Total number of lots _____  Verified By: _____
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**C. Nominations**

Under Section 2 and 3, Article V of the By-Laws of NHOA, the nomination procedure for the members of the Grievance and Adjudication Committee and Committee on Election shall be as follows:

1. Only members in good standing shall be eligible for nomination for and election as members of the Committees.
2. Nominations shall be made at least seven (7) calendar days but not more than thirty (30) calendar days before the annual general membership meeting of the members on 14 October 2023. Nominations for the members of the Grievance and Adjudication Committee, and Committee on Election must be submitted and sent by email to [nhoai.agm2023@gmail.com](mailto:nhoai.agm2023@gmail.com) starting 14 September 2023 until 05 October 2023 at 5:00 pm.
3. Upon receipt by the Secretary of the petition(s) for nomination, he shall post or cause to be posted the name(s) of the nominees in the bulletin board of NHOA and/or the Association's website at [www.anvayacovehoa.com](http://www.anvayacovehoa.com).
4. No other nominations shall be entertained at the floor on the date of the meeting if at least three (3) candidates have been validly nominated in accordance herewith.
5. The COMELEC together with the Property Manager shall determine the qualification of the nominees in accordance with the By-Laws of the Association and applicable laws.
6. Only nominees who possess all the qualifications and none of the disqualifications under the By-Laws of the Association and applicable laws are qualified to be nominated.

**D. Submission of Curriculum Vitae**

1. All nominees who accept his or her nomination are encouraged to submit to the Secretary, through the Administration Office, his or her brief curriculum vitae, with picture (1x1 or passport size), which shall serve as guide to the voters in their assessment of the qualifications of the candidates.
2. By submitting his or her curriculum vitae, the nominees agree and voluntarily consent to the posting of his or her curriculum vitae with picture in the Administration Office bulletin board in accordance with the Data Privacy Act of 2012, its implementing rules and regulations, issuances, policies and other applicable and relevant laws.

**E. Quorum**



A quorum is needed to determine whether a majority of the members in good standing have participated in the election of the Board of Trustees, Grievance and Adjudication Committee, and Committee on Election, by attending the meeting by remote communication via Zoom videoconferencing or by participating in person at Horizon Hall 1 & 2, Anvaya Cove Golf and Sports Club, Anvaya Cove, Morong, Bataan, or by voting in absentia or by proxy.

#### **F. Voting and Election Process**

1. Section 6, Article VIII of the By-Laws of the Association, states that qualified voting members shall be entitled to one (1) vote per lot.
2. In all the election, no cumulative voting shall be permitted; provided that, each member may cast his or her vote for as many persons as there are committee members to be elected. For purposes of the 2023 annual general membership meeting on 14 October 2023, only three (3) candidates may be elected each to the Grievance and Adjudication Committee and Committee on Election.
3. Members who wish to vote by proxy or *in absentia* may do so by filling up the digital voting ballot sent to the email address provided by the member in the online registration form.
4. Members may cast their vote until 11 October 2023 at 5:00 p.m. by filling up the digital voting ballot. Beyond this date, Members may no longer vote.
5. All agenda items indicated in the notice of the meeting will be set out in the voting ballot. The registered Member has the option to vote: For, Against, or Abstain. The votes cast *in absentia* will have equal effect as votes as if cast in person or by proxy.
6. After the voting ballot has been submitted, the votes may no longer be changed.
7. The COMELEC and the Property Manager will count and tabulate the votes cast *in absentia* and votes cast by proxy.
8. After all the votes have been tallied, the name of the candidates who obtained the three (3) highest votes each to the Grievance and Adjudication Committee and Committee on Election shall be announced by the COMELEC on 14 October 2023 during the annual general membership meeting, as winners and shall serve as members of the Grievance and Adjudication Committee, and Committee on Election for the term fixed under the By-Laws.
9. After the winning candidates have been announced, the COMELEC shall issue a Certification of Election Results.

#### **G. Election Protests**

Under Section 22 of DHSUD Department Circular No. 2020-003, Series of 2020, November 20, 2020, "All election-related issues, controversies or complaints shall be brought before the Election Committee within three (3) days from the date of election. The Election Committee shall resolve all complaint to election protests before it within five (5) days from the receipt thereof. Any party aggrieved by the decision of the Election Committee may file an election protest or complaint with the Regional Adjudication Branch of the Human Settlements Adjudication Commission within ten (10) days from the receipt of the decision of the Election Committee and in accordance with its Rules of Procedure.

#### **H. Election Contests**



Under Section 96 of the 2021 Revised Implementing Rules and Regulations of the Magna Carta for Homeowners and Homeowners Association, "Election contests and protests shall be in writing and filed before the Election Committee within five (5) days after the proclamation of the winning candidates, specifically stating the grounds thereof, except in issues of qualification or disqualification of candidates and/or voters, in which case it may be filed within three (3) days from the discovery thereof. The Election Committee shall decide on the controversy brought before it within the non-extendible period of five (5) days from the receipt of the protest.

If the complainant or protestant is dissatisfied with the decision of the Election Committee, he/she may file an election protest or complaint before the proper Regional Adjudication Branch of the HSAC pursuant to its Rules of Procedure."

*- Nothing follows -*