



ELECTION RULES
ANNUAL GENERAL MEMBERSHIP MEETING
12 October 2024; 9:00 AM.

The following are the rules of procedures for the 2024 election of the members of the Board of Trustees; Election Committee; and Grievance and Adjudication Committee:

I. Nominations

Under Section 2 and 3, Article V of the By-Laws of NHOA, the nomination procedure shall be as follows:

1. Only members in good standing shall be eligible for nomination for and election as trustees and members of committees. *(Section 4, Article III and Section 2, Article V of the By-Laws of NHOA)*
2. Nominations for trustees 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 12 October 2024. Nominations for the members of the Board of Trustees, Grievance and Adjudication Committee, and Committee on Election must be submitted to the Village Administration Office starting 11 September 2024 until 02 October 2024 at 5:00 pm.
3. Any five (5) or more members in good standing may, by written petition, nominate candidates to the Board of Trustees. A member in good standing may nominate at least five (5) nominees.
4. Upon receipt by the Election Committee 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.
5. No other nominations shall be entertained at the floor on the date of the meeting if at least five (5) candidates have been validly nominated in accordance herewith.
6. In the event that there no valid nominations or there are less than five (5) nominees nominated for the position of trustees of NHOA, then nominations for the Board of Trustees may be made by at least ten (10) members in good standing in the annual general membership meeting of the members or in any other meeting of the members at which the trustees are to be elected, such that the maximum number of nominees, including those made prior to the meeting, shall be equal to the number of Board seats. In case the nominations exceed the said maximum number of Board seats, then all nominations made during said meeting shall be void.
7. In case of failure to nominate at least three (3) candidates prior to the annual general membership meeting on 12 October 2024, the Board of Trustees shall meet to reschedule the date of the meeting at which the trustees are to be elected.
8. All nominations for the Board of Trustees shall be made in accordance with Section 6, Article VIII of the By-Laws of NHOA.
9. The Election Committee together with the Property Manager shall determine the qualification of the nominees in accordance with the By-Laws of the Association and applicable laws.
10. 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.

II. Qualifications and Disqualifications of a Trustee



1. Qualifications

In accordance with Section 72 of the 2021 Revised Implementing Rules and Regulations of the Magna Carta for Homeowners and Homeowners Association (“2021 Revised IRR”), a trustee of an association:

- a. Must be a Filipino citizen;
- b. Must be of legal age;
- c. Must be a member in good standing as of three (3) months prior to the date of the election;
- d. Must be an actual resident of the subdivision/village, housing or relocation project as certified by the association secretary, or in default thereof, by a member in good standing having personal knowledge of his/her residency;
- e. Has not been convicted by final judgment of an offense involving moral turpitude

2. Disqualifications

Section 73 of the 2021 Revised IRR provides that a trustee of an association shall not have any of the following disqualifications:

- a. Those found guilty of having committed fraud, falsification, defalcation, or any other act inimical to the interests of the association;
- b. Former officers and/or trustees or directors who, despite demands by the previous or incumbent Board or officers, have not turned over the books, funds, records and properties of the association established to be in their custody during their term;
- c. Former members or the incumbent Board who unjustifiably refused to call an election;
- d. Those who unreasonably failed and/or refused to comply with the orders of HLURB, DHSUD and/or HSAC;
- e. Members who are trustees or directors and/or officers of another registered homeowner’s association;
- f. Those who have been declared or found by HSAC in an adversarial case filed before it, to have instigated, incited or initiated the conduct of an unauthorized election in accordance with Section 90 hereof, and those who have actively participated therein, either as members of the election committee or as candidates; and
- g. Those imposed with penalty of disqualification in any case filed before the HLURB and/or HSAC.

III. **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.

IV. **Quorum and Proxies in Elections**

1. 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 and/or participating in person at Horizon Hall 1 & 2, Anvaya Cove Golf and Sports Club, Anvaya Cove, Morong, Bataan, or by proxy.

2. At all elections, there must be present or votes cast by majority of the association members in good standing, either in person or by proxy. (*Section 91, 2021 Revised IRR*)
3. Association members in good standing may vote in person or by proxy in all elections of trustees or directors. Proxies shall be writing, signed by the member and submitted to the Election Committee in accordance with the schedule provided in the By-laws or, in the absence of such provision in the Bylaws, as set by the Election Committee. Unless otherwise provided in the proxy, it shall be valid only for the election for which it is intended. No proxy shall be valid and effective for a period longer than three (3) years at any one time unless earlier revoked by the member. (*Section 92, 2021 Revised IRR*)

V. 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 trustees or committee members to be elected. For purposes of the 2024 annual general membership meeting on 12 October 2024, only five (5) candidates may be elected to the Board of Trustees, and 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 may do so by filling up the Proxy form sent to the Member together with the Notice of the Meeting.
4. Should there be exactly Five (5) nominees for the Five (5) Board seats, Three (3) nominees for the Committee on Election and Grievance and Adjudication Committee, the nominees shall be elected by a unanimous vote through a motion in favor of those nominated as the duly elected members of the Board of Trustees, Committee on Election and Grievance and Adjudication Committee, respectively, for the ensuing year or until their successors are elected and qualified.
5. Should there be nominees more than the number of seats for the Board of Trustees and Election Committee and Grievance and Adjudication Committee. Members shall be given a voting ballot upon successful registration at the Registration Table and may cast their vote on 12 October 2024 starting from 8:00 AM until 9:30 AM at Horizon Hall 1 & 2, Anvaya Cove Golf and Sports Club, Anvaya Cove, Morong, Bataan, by filling up the voting ballot and dropping them into the ballot box provided for the purpose at the back of the room. Beyond this time, Members may no longer vote.
6. All agenda items indicated in the notice of the meeting will be set out by a unanimous voting through a motion during the meeting.
7. After the voting ballot has been submitted, the votes may no longer be changed.
8. The Election Committee, the Property Management team, and the Association's legal counsel will count and tabulate the votes cast in person, and votes cast by proxy.



9. After all the votes have been tallied, the name of the candidates who obtained the five (5) highest votes to the Board of Trustees and three (3) highest votes each to the Grievance and Adjudication Committee and Committee on Election shall be announced by the Election Committee on 12 October 2024 during the annual general membership meeting, as winners and shall serve as members of the Board of Trustees, Grievance and Adjudication Committee, and Committee on Election for the term fixed under the By-Laws.
10. In accordance with Section 2, Article V of the By-Laws of the Association, at least two (2) trustees to be elected at every annual meeting shall be members of the preceding Board of Trustees. A trustee cannot be elected for more than two (2) successive terms, provided that holding office in a hold-over capacity shall not be considered as service of a term.
11. After the winning candidates have been announced, the Election Committee shall issue a Certification of Election Results.

VI. Postponement or Failure of Election

Under Section 93 of the 2021 Revised IRR, the following shall be observed when there is postponement or failure of elections:

1. When a regular or special election cannot be held or conducted due to lack of candidates, or the number of qualified candidates did not reach a number as to constitute majority of the entire Board, or for any other serious cause such as violence, terrorism, force majeure, and other analogous causes of such a nature that the holding of a free, orderly and honest election should become impossible, the Election Committee shall postpone the election and call another election within a period of thirty (30) days from the initial date of the election or the cessation of the cause for such postponement of election.
2. In the event of lack of quorum or for any other serious cause such as violence, terrorism, force majeure, and other analogous causes of such a nature that the holding of a free, orderly and honest election should become impossible, the Election Committee shall declare a failure of election, and shall call for another election within a period of thirty (30) days from the date of the failed election or the cessation of the cause for such failure of election.
3. In case a regular or special election was not held on the date fixed in the bylaws, was postponed, or declared a failure, and the second call for the conduct of an election by the Election Committee was still a failure, the following shall be submitted by the Election Committee to the Regional Office:
 - a. Notice of postponement of the regular or special election; and
 - b. Affidavit of non-holding of election stating categorically the reasons why no election was conducted. The affidavit shall be executed by the members of the Election Committee and shall be filed with the Regional Office within five (5) days from the date of the scheduled election.

VII. 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.

VIII. 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 their resolutions 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 complaint 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 -

*Election Rules Adopted by the Committee on Election for the
2024 Annual General Membership Meeting.*

MS. MARIA TERESA GUANZON-HAYWARD
Chairman

MR. REYNALDO YAP
Member

MR. NICOLAS LANSANG, JR.
Member

Attested by:

MR. JOSE MARIA CARDENAS
President