



NOTICE OF MEETING FOR ELECTION OF TRUSTEES

TO ALL MEMBERS:

NOTICE IS HEREBY GIVEN that the Special Membership Meeting of The Neighborhoods at Anvaya Cove Homeowners Association, Inc. (the “*Association*”) for the election of trustees will be conducted by remote communication via Zoom and ElectionBuddy on **February 20, 2021, Saturday, at 10:00 a.m.** with the following agenda:

1. Call to Order
2. Certification of Notice and Determination of Quorum
3. Election of Trustees
4. Adjournment

Only members of record in good standing as of December 29, 2020 are entitled to participate in, and vote at, this meeting.

Given the health and safety concerns arising from the Covid-19 pandemic, as well as the restrictions on travel and gatherings, members may only attend the meeting by remote communication via Zoom videoconferencing and participate by voting *in absentia*, or by appointing the Chairman of the meeting as their proxy pursuant to the Rules of Procedure for Attendance by Remote Communication, Voting by Proxy and in Absentia and Election of Trustees. Members interested to participate through any of these means should register online and submit the required documents not later than February 13, 2021 by scanning the QR Code provided in the attached Rules of Procedure or clicking this link: [Online Registration System](#).

All members who wish to be represented thereat, are encouraged to fill out, date, sign and send a proxy in the form attached hereto to the Village Administration Office not later than 5:00pm on February 17, 2021. Proxies submitted shall be validated on February 18, 2021 at the Village Administration office. For corporate members, the proxy should be accompanied by a Secretary's Certificate attesting to the designation of the proxy and the authority of the corporate officer or representative to sign the proxy. If you already submitted a proxy, it is not necessary to submit a new proxy. No proxy is being solicited.

In addition, should you desire to nominate trustees to the Board of Trustees, please send your nominations by email to **nhoai.election@anvayacove.com** starting January 21, 2021 until February 13, 2021 at 5:00pm.

Enclosed are the following: (i) Rules of Procedure for Attendance by Remote Communication, Voting by Proxy and in Absentia and Election of Trustees; (ii) Proxy Form; and (iii) Nomination Form.

Signed on January 20, 2021.

ATTY. JIHAN G. MERRERA-GONZALES
Corporate Secretary



RULES OF PROCEDURE FOR ATTENDANCE BY REMOTE COMMUNICATION, VOTING BY PROXY AND IN ABSENTIA AND ELECTION OF TRUSTEES

SPECIAL MEMBERSHIP MEETING February 20, 2021

In line with COVID-19 pandemic protocols, the Special Membership Meeting of The Neighborhoods at Anvaya Cove Homeowners Association, Inc. (the “*Association*”) for the election of members of the board of trustees will be held virtually and conducted by remote communication through Zoom and ElectionBuddy. The following are the rules:

I. ATTENDANCE BY REMOTE COMMUNICATION

A. Registration

1. Members in good standing as of December 29, 2020 (“Members”) who wish to attend the meeting by remote communication via Zoom videoconferencing and vote *in absentia* or by proxy must register online not later than **February 13, 2021** by scanning the QR Code provided below or clicking this link: [Online Registration System](#). To register, Members should follow the instructions and complete the online registration form and submit it for validation.



2. Once the online registration form has been submitted, the Member shall send the following documents by email to nhoai.election@anvayacove.com:
 - (a) For individual Members or their Proxy –
 - (i) A recent photo of the Member or Proxy, 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 or Proxy’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 access to 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 **February 17, 2021 at 5:00 p.m.**

Considering the extraordinary circumstances due to COVID-19, the Association shall allow electronic signatures for the required documents (as applicable). Notarization shall also be dispensed with at this time. However, the Association reserves the right to request additional information, and original signed and notarized copies of these documents at a later time

3. 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.
4. 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.
5. 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 Videoconferencing

1. Members who are registered under the online system during the registration period can attend the meeting on February 20, 2021 at 10:00 a.m. by clicking the link 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 videoconferencing 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 participate in the meeting by remote communication through Zoom videoconferencing shall be deemed present for purposes of determining the presence of quorum, together with the Members who voted *in absentia* and by proxy.
3. The Special Membership Meeting of the Association will be held via a one-way videoconferencing and shall be recorded.



4. This Rules and all materials of this meeting may be accessed by the Members at the Association's website at www.anvayacovehoa.com.

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**

1. A proxy shall be in writing, dated, signed by the member and his two (2) witness 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.election@anvayacove.com on or before **February 17, 2021 at 5:00 p.m.**
2. 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. For the purpose of the election of trustees to be held on February 20, 2021, the Association shall allow facsimile or electronic copy of the proxy. However, the Association reserves the right to request additional information, and original signed and notarized copies of these documents at a later time
3. 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.
4. 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.
5. 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 to exist until the same is expressly revoked by the member in writing, expressly stating in a separate document that he or she revokes the other proxy issued.
6. 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. Should the proxies fail to come to an agreement on whom to vote, the Committee on Election (COMELEC) may invalidate the vote made by the proxies.



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:

- (a) membership in good standing;
- (b) whether the person who actually signed the proxy is the member;
- (c) whether the member-corporation attached a duly signed and notarized Secretary's Certificate to the proxy; and
- (d) 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.

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. Submission of Validated Proxies to the COMELEC

The Secretary and the Property Manager shall submit the list of validated proxies to the COMELEC.

III. ELECTION OF TRUSTEES

A. Committee on Election

1. Creation. Section 2(i), Article VII of the By-Laws of NHOA, provides that the Board of Trustees shall, as and when it shall deem proper, organize the formation of a COMELEC. For the purpose of the election of trustees to be held on February 20, 2021, the Board of Trustees shall create and form the COMELEC in its board meeting set prior to the meeting for election of trustees.
2. Composition. The COMELEC shall be composed of three (3) members in good standing as defined in Section 3, Article III of the By-Laws of NHOA, appointed by the Board of Trustees who shall serve until the next annual meeting. Any member of the COMELEC shall be chosen and appointed by the Board of Trustees as Chairman of COMELEC.



3. Powers. The COMELEC shall:

- (a) Implement the nomination procedure pursuant to Section 3, Article V of the By-Laws of NHOA and the election rules of procedure as approved by the Board of Trustees;
- (b) Supervise all election activities;
- (c) Conduct the election process; and
- (d) Hear and decide election contests.

4. Prohibition. Nominees to the Board of Trustees shall be disqualified for being appointed as member of the COMELEC.

B. Qualification of Voters

The Property Manager shall determine the qualification of voters in the election of members to the Board of Trustees by ensuring that the voters are members of NHOA, as stated in Section 1 Article III of the By-Laws of NHOA, and members in good standing as defined in Section 3, Article III of the By-Laws of NHOA, as of **December 29, 2020**.

For the purpose of the election of trustees to be held on February 20, 2021, 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 attended at least one (1) meeting of the Association personally or through a valid proxy or must have registered or submitted a valid proxy prior to the February 20, 2021 meeting.

The Property Manager shall submit the list of qualified voters to the COMELEC for its reference.

C. 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.
2. Nominations for trustees shall be made at least seven (7) calendar days but not more than thirty (30) calendar days before the special meeting of the members on February 20, 2021. Nominations for the members of the Board of Trustees must be submitted and sent by email to **nhoai.election@anvayacove.com** starting January 21, 2021 until February 13, 2021 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 Secretary of the petition(s) for nomination, she 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 special 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 special meeting on February 20, 2021, 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 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.
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.

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 by attending the meeting by remote communication via Zoom videoconferencing or by voting *in absentia* or by proxy.



The COMELEC shall comply with all laws, rules and regulations in relation to whether a quorum is required or not in the election of the Board of Trustees.

F. Vote of Members

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.

In the election of the Board of Trustees, no cumulative voting shall be permitted; provided that, each member may cast his or her vote for as many persons as there are trustees to be elected. For purposes of the February 20, 2021 election, only five (5) candidates may be elected to the Board of Trustees.

G. Election Process

The election shall proceed as follows:

- (a) Once validated, the Member or the proxy will receive an e-mail confirmation of the successful registration together with this [ElectionBuddy link](#). The access key required to vote via ElectionBuddy shall be sent at exactly 8:00 a.m. on February 20, 2021 at the e-mail address used upon registration.
- (b) Voting will open at 8:00 a.m. and end at 4:00 p.m. on February 20, 2021 via [ElectionBuddy link](#). Beyond this date, Members may no longer vote in absentia or by proxy.
- (c) After the electronic vote has been submitted, the votes may no longer be changed.
- (d) The meeting for the election of trustees will start on February 20, 2021 at 10:00 a.m. to welcome and inform the members that the election is in process.
- (e) On February 20, 2021 at 4:01 p.m., the COMELEC and the Property Manager will count and tabulate the votes cast in absentia and by proxy.
- (f) After all the votes have been tallied, the name of the candidates who obtained the five (5) highest votes shall be announced by the COMELEC on February 20, 2021 at 5:00 p.m. as winners and shall serve as members of the Board of Trustees for the term fixed under the By-Laws.
- (g) After the winning candidates have been announced, the COMELEC shall issue a Certification of Election Results.

H. Election Protests

Under Section 22 of 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.

I. Election Contests

Under Section 61 of the IRR, "Election contests and their resolutions shall be governed by the by-laws of the association. Unless otherwise provided by the Association's by-laws, the election contest shall be in writing and filed by any aggrieved candidate/s within five (5) days after the proclamation of the winning candidates, specifically stating the grounds thereof. The duly constituted Election Committee shall decide on the controversy brought before it within the non-extendible period of five (5) days.

"The aggrieved candidate/s may file the necessary complaint before the HLURB [Department of Human Settlements and Urban Development] Regional Office within ten (10) days from receipt of the decision of the Election Committee. The complaint shall be accompanied by a certification that the dispute was referred to, and resolved by the appropriate committee duly constituted by the association.

"In the absence of an Election Committee and Grievance Committee or refusal to issue the certification, an affidavit attesting to this fact shall be made further stating that complainant has exhausted administrative remedies, which shall be attached to the complaint."

-Nothing follows-