



DEPARTMENT CIRCULAR NO. 2025-017
Series of 2025

**GUIDELINES IN THE IMPLEMENTATION OF SECTION 96 OF THE
2024 REVISED IMPLEMENTING RULES AND REGULATIONS OF
REPUBLIC ACT NO. 9904 ON UNAUTHORIZED ELECTIONS**

WHEREAS, pursuant to Republic Act (RA) No. 11201, also known as the *Department of Human Settlements and Urban Development Act*, the Department shall exercise regulatory and supervisory functions over homeowners associations and similar associations in all residential subdivision projects and government housing projects;

WHEREAS, Sections 21.1 and 25.3 of the Implementing Rules and Regulations (IRR) of Republic Act No. 11201 mandates the Homeowners Association and Community Development Bureau (HOACDB) to formulate and amend rules and regulations for the implementation of Republic Act No. 9904 (RA No. 9904), otherwise known as the *Magna Carta for Homeowners and Homeowners Associations*, and to regulate and supervise the activities and operations of homeowners associations, neighborhood associations, federations, confederations or umbrella organizations of associations, and other similar associations (all hereafter referred to as homeowners associations) in subdivision projects and government housing projects;

WHEREAS, the conduct of unauthorized elections, defined under Section 96 of the 2024 Implementing Rules and Regulations of RA No. 9904 (2024 Revised IRR of RA 9904) as those called or conducted by any member or group of members other than by the incumbent Board on record with the DHSUD, has been a perennial problem faced by many homeowners associations that have resulted in controversies, factions and disunity within the association;

WHEREAS, under the same 2024 Revised IRR of RA 9904, the results of such elections shall not be recognized by the DHSUD and shall be deemed null and void in accordance with the guidelines issued by DHSUD;

WHEREAS, due to divergent interpretations resulting in the differing implementation of the said provisions, there arises a need to issue guidelines establishing the procedure in determining what are unauthorized elections;

WHEREFORE, to ensure a uniform application and implementation of the provision on unauthorized elections in homeowners associations, this *Guidelines* is hereby promulgated.



**RULE I
GENERAL PROVISIONS**

Section 1. Title. This shall be known as the *Guidelines in the Implementation of Section 96 of the 2024 Revised Implementing Rules and Regulations of Republic Act No. 9904 on Unauthorized Elections*, hereafter as a whole referred to as "Guidelines".

Section 2. Objectives. This Guidelines aims to:

- a. Provide a standard and uniform process by which the DHSUD Regional Office may determine and administratively declare an election conducted as unauthorized;
- b. Ensure that due process is observed in such determination; and,
- c. Provide an expeditious process in declaring unauthorized elections.

Section 3. Construction. This Guidelines shall be liberally construed to provide uniform and expeditious process in determining and declaring unauthorized elections.

Section 4. Coverage. This Guidelines shall cover all elections called and/or conducted by any homeowner, member, and/or group of homeowners or members other than the incumbent Board of Directors/Trustees on record with the DHSUD Regional Office and/or conducted by a group of persons other than the duly constituted Election Committee.

Section 5. Mode of Service. Service is the act of providing a party with a copy of the legal processes and/or any other party submission. Mode of service shall primarily be through electronic mail. In the absence thereof, alternative mode through special courier may be resorted to. To fully effectuate this, the parties shall indicate in their letter-complaint, reply, or whatever legal correspondence their respective official email.

**RULE II
VENUE AND PROCEEDINGS**

Section 6. Declaration of Unauthorized Election upon Determination of the Regional Office Motu Proprio. The following process shall be observed by the Homeowners Association and Community Development Division (HOACDD) of the Regional Offices upon receipt of the election reports:

- a. **Motu Proprio Monitoring.** Pursuant to its monitoring functions, the HOACDD shall motu proprio examine the election reports within five (5) days from the submission thereof.
- b. **Order to Explain.** The said Order shall direct the homeowner or member, and/or group of homeowners or members who called and/or conducted the election to submit, within a non-extendible period of five (5) days from receipt of the order, a sworn statement explaining why the election conducted shall not be declared unauthorized and why no sanctions shall be imposed against them.

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- c. **Docketing.** An Order to Explain must be duly docketed as: **UAE¹-Region- mm/dd/yy² of issuance of Order – 0001.**
- d. **Resolution.** After the lapse of the five (5)-day period, with or without the sworn statement or explanation, the Regional Office shall resolve the matter within three (3) days therefrom, by issuing a Resolution or Order disposing of the case. The same shall be duly served pursuant to Section 6 hereof.

When the Regional Office finds the explanation unsatisfactory and/or it appears that an unauthorized election was actually held, it shall issue a Resolution or order declaring the election unauthorized and therefore *void ab initio* pursuant to par. 2 of Sec. 96 of the 2024 Revised IRR of RA No. 9904.


Should the Regional Office find the explanation and/or justification satisfactory, it shall issue a Resolution or Order terminating the investigation.

- e. **Finality.** The Resolution or Order shall become final and executory after fifteen (15) days from the date of receipt thereof by the parties unless an appeal to the Office of the Secretary has been filed within the reglementary period. No motion for reconsideration shall be entertained.

Section 7. Declaration of unauthorized election upon filing of a letter- complaint.

- a. **Letter-complaint.** Any member and/or aggrieved party may file a letter-complaint before the Regional Office, copy furnished the incumbent Board of Directors of the association, against the parties who initiated, called and/or conducted the election subject of the complaint, and other parties-in-interest.

The letter-complaint shall contain the name and address of the association, names, addresses, contact details of the complainant(s) and the respondent(s), and narration of facts pertinent to the alleged unauthorized election. Documents or any evidence in support of the allegations therein shall be attached to the letter-complaint.

- b. **Docketing.** Upon receipt of filing of the letter complaint, the RO shall immediately docket the same as: **UAE³-Region-dd/mm/yy⁴ of filing – 0001** 

¹ Unauthorized Election (UAE).
² Date of issuance of Order
³ Unauthorized Election (UAE).
⁴ Date of letter/complaint filed

- c. **Venue.** The letter-complaint shall be filed before the Regional Office where the association is registered. If filed in an improper venue, it shall be referred immediately to the proper Regional Office.
- d. **Procedure.** The following process shall be observed upon receipt of the letter-complaint:

1. Within five (5) days from the receipt of the letter-complaint, the Regional Office shall issue an Order duly docketed pursuant to Section 5, directing the homeowner or member, and/or group of homeowners or members who called and/or conducted the election to submit, within a non-extendible period of five (5) days from receipt of the order, a sworn statement explaining why the election conducted shall not be declared unauthorized and why no sanctions shall be imposed against them.
2. After the lapse of the five (5)-day period, with or without the sworn statement or explanation, the Regional Office shall resolve the complaint by issuing a resolution or order disposing the same within three (3) days therefrom, and serving the parties a copy thereof.

When the Regional Office finds the explanation unsatisfactory and/or it appears that an unauthorized election was actually held, it shall issue a resolution or order declaring the election unauthorized and therefore *void ab initio*, pursuant to par. 2 of Sec. 96 of the 2024 Revised IRR of RA No. 9904.

Should the Regional Office find the explanation and/or justification satisfactory, it shall issue a resolution or order terminating the investigation.

The resolution or order shall become final and executory after fifteen (15) days from the date of receipt thereof by the parties and no motion for reconsideration or appeal to the Office of the Secretary has been filed within the same period.

Section 8. Effect of the Declaration of Unauthorized Election.

- a. The conduct and result of the election declared as unauthorized shall be deemed null and void.
- b. All actions taken by the members who acted as directors or trustees, and/or officers arising from the declared unauthorized election shall be *void ab initio*.
- c. Those found to have instigated, incited or initiated the conduct of an unauthorized election and those who have actively participated therein, either as members of the Election Committee or as

candidates, shall be disqualified to run for any elective or appointive office in the association in the immediately two (2) succeeding elections, without prejudice to any further administrative and/or criminal liability of the said members.

- d. The Board of Directors on record prior to the conduct of the unauthorized election shall be recognized as the legitimate Board by the DHSUD until the expiration of their term of office. In the event the term of office of the Board has lapsed, the Regional Office shall call and conduct an election for the members of the Board of Directors.
- e. The election reports submitted to the Regional Office pertaining to the declared unauthorized election shall be retained or shall still form part of the records of the association as evidence thereof. The same shall be stamped as "UNAUTHORIZED" on each page upon finality of the declaration.

RULE III MISCELLANEOUS PROVISIONS

Section 9. *Transitory Provision.* Upon the effectivity of this Guidelines, all matters and/or complaints for unauthorized elections, including those currently being processed and/or reviewed but not yet resolved by the Regional Offices, shall hereafter be processed and/or reviewed in accordance with this Guidelines.

Section 10. *Separability Clause.* If for any reason or reasons, any portion or provision of this Guidelines is declared invalid or unconstitutional, all other parts or provisions not affected shall remain valid.

Section 11. *Addendum.* This Guidelines shall form an integral part of the 2024 Revised Implementing Rules and Regulations of Republic Act No. 9904, as guidelines to Section 96 thereof.

Section 12. *Effectivity.* This Guidelines shall take effect immediately after its publication in a newspaper of general circulation and a certified true copy hereof is furnished the Office of the National Administrative Register of the University of the Philippines Law Center pursuant to Executive Order No. 292, otherwise known as the Administrative Code of 1987.

Quezon City, 08 SEP 2025.


ENGR. JOSE RAMON P. ALILING
Secretary



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