

*SC Cases 2016, 2017, 2018, 2019, 2020,  
2021, 2022, 2023, 2024 to June 2025*

# Reviewer on Election Law

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# Topics

- [1) Philippine Elections
- [2) Commission on Elections and Election Tribunals
- [3) Voters and Voter Registration
- [4) Elective Officials and Candidates
  - [4.1) Party-List System
- [5) Campaign
- [6) Contributions and Expenditures
- [7) Postponement and Failure of Elections
- [8) Automated Elections
- [9) Pre-Proclamation Cases
- [10) Post-Proclamation Cases
- [11) Election Offenses
- [12) Dispute Resolution

# 1) Election Laws

1. 1987 Constitution
2. Omnibus Election Code (B.P. 881)
3. Automated Election Law (R.A. 9369 amending R.A. 8436)
4. Synchronized Elections Act (R.A. 7166)
5. 1991 Local Government Code (R.A. 7160)
6. Initiative and Referendum (R.A. 6735)
7. Party-List System Act (R.A. 7941)
8. Fair Election Act (R.A. 9006)
9. Voter's Registration Act of 1996 (R.A. 8189)
10. Overseas Absentee Voting (R.A. 10590 amending R.A. 9189)
11. Biometrics (R.A. 10367)
12. Lone Candidate in Special Elections (R.A. 8295)
13. Official Sample Ballots (R.A. 7004)
14. Citizenship Retention and Re-acquisition Act (R.A. 9225)

# 1) Philippine Elections

- General
- Free
- Direct
- Equal
- Secret
- Choices (Person/ Policy/  
Plebiscites – LGU conversion)
- Automated (or Manual)
- All Levels
- Synchronized conduct
- Genuine Periodic Regular
- Plurality Formula (and  
proportional representation)
- Regulated by Law
- Supervised by an autonomous  
body
- CHOPFE: Credible, Honest,  
Orderly, Peaceful and Free  
Elections
- Regulated Contributions and  
Expenditures
- Political Parties
- Public Disclosures

## 2) Commission on Elections

- [Independent **7-Person Constitutional** Body (administrative agency, public office, **2 levels in exercise of quasi-judicial functions**, fixed term, permanent appointments, Chairperson as Head of Agency)
- [ **Plenary authority** to decide all questions affecting elections except the question as to the right to vote (qualifications of voters); **commits grave abuse of discretion when it dismisses an initiative petition on the ground that there were no funds allocated for the purpose; has the power to determine whether the propositions in an initiative petition are within the powers of a concerned *sanggunian* to enact**
- [Enjoys **Fiscal Autonomy** (automatic and regular release of budget; can augment items in its appropriations from its savings)

## 2) Commission on Elections

- **Wide** discretion in adopting means to carry out its mandate of ensuring **CHOPFE**; not straitjacketed by procedural rules but **cannot amend laws**; **fixing length and start date of election period outside the 120-day default period does not amount to undue delegation**; **may disregard use of old forms**; can alter date of plebiscites to determine if same will be successful
- **Power to Schedule elections** (other than 2<sup>nd</sup> Monday of May) **(1) when the law specifically sets date; and (2) when the law delegates the setting of the date of the elections to COMELEC**; postponement of Barangay Elections for the purpose of augmenting Executive's funds, election fatigue, resulting divisiveness violates due process and suffrage (postponement must be based on genuine reasons and must safeguard suffrage; **not bound by schedule of plebiscites prescribed by laws (can go beyond)**)
- **Enforcement Power**: All election laws (persons and policies); exclusion of others; **enforce, not amend laws**; **power to investigate implied from power to enforce**; ballot recount discretionary and request must be substantiated; cannot substitute its decision over removal of officials of a party/ internal affairs

## 2) Commission on Elections

- [ **Quasi-Judicial Power:** Qualifications and Election Contests (excludes Suffrage); **act promptly on cases;** COMELEC's adjudicative function over election contests is quasi-judicial in character since it is a governmental body, other than a court, that is vested with jurisdiction to decide the specific class of controversies it is charged with resolving; the power of the COMELEC to decide questions was explicitly limited to "administrative questions effecting elections"
- [ **Quasi-Legislative:** **can promulgate rules of procedure; issuance mandatory - RA 7166 uses the word "shall" to impose upon the COMELEC the duty to issue rules and regulations to implement the law (bearing of firearms);** rules subject to liberal interpretation to achieve CHOPFE; can suspend rules
- [ **Control and Supervision:** over BEIs and BOCs, **over election officers since its agents**

## 2) Commission on Elections

- **Procurement:** must observe the Government Procurement Reform Act (cannot adopt a discretionary pre-qualification regime)
- **Jurisdiction:** Original (Regional, Provincial and City); and Appellate (Municipal, Barangay and Sangguniang Kabataan)
- **Remedies:** En Banc (MR, administrative) and Division (1st instance, judicial); 2 Divisions when quasi-judicial
- **Process:** Division - MR to En Banc then Certiorari to SC
- **Contempt:** Judicial Proceedings (not Administrative); Indirect contempt for non-appearance pursuant to Comelec's Constitutional power to investigate and CHOPFE
- **Prosecutorial:** anchored on the Constitution and Statute; finding of probable cause subject to discretion; right to speedy disposition applies

# 2) Commission on Elections

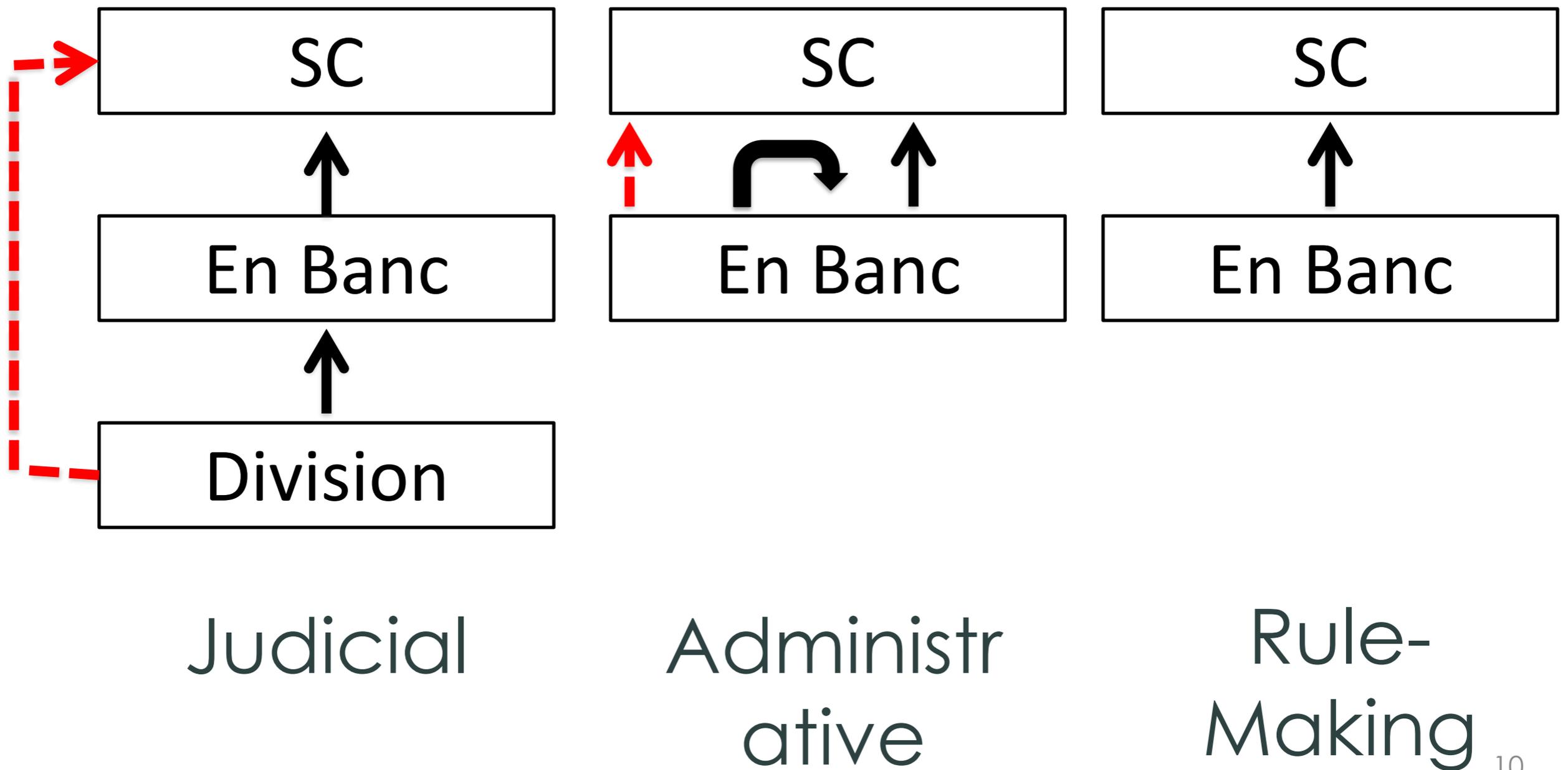
## Quasi-Judicial (Division)

- Disqualification
- Election Protest
- Quo Warranto
- Pre-Proclamation
- Annulment of Proclamation
- Intra- and inter-party
- Cancellation of a certificate of candidacy
- Leadership (not expulsion of member)
- Registration of Political Parties
- Deficiencies in CoCs/ CONAs

## Administrative (En Banc)

- Canvassing
- Failure of Elections
- Postponement of Elections
- Election Offense (filing of information)
- Annulment of Book of Voters
- Cancellation of certificate of candidacy based on final judgment of conviction with ancillary penalty of DQ
- Accreditation of Party-Lists
- Allocation of party-list seats
- Accreditation of Major Parties
- Receives CoCs/ CONAs

## 2) Commission on Elections



# 2.1) Public Offices

Branch	Public Office
Regular Courts	<ul style="list-style-type: none"><li>○ Supreme Court (judicial review over SET and HRET; not trier of facts; review decisions of COMELEC that have not attained finality but became executory, i.e. SC not issue restraining order over a COMELEC resolution)</li><li>○ Court of Appeals</li><li>○ Regional Trial Court</li><li>○ Municipal Trial Court</li></ul>
Tribunals	<ul style="list-style-type: none"><li>○ Presidential Electoral Tribunal</li><li>○ Senate Electoral Tribunal (exclusive and only task; exclusive jurisdiction over irregularities on canvassing and proclamation; cannot declare void or unconstitutional contracts)</li><li>○ House of Representatives Electoral Tribunal (assumes jurisdiction when: (1) validly proclaimed, (2) taken proper oath before the Speaker (not just oath authorized public officers) and (3) assume office/ discharge functions; no appellate jurisdiction over Comelec en banc decisions; cannot declare a nuisance candidate and cancel CoC; can annul results in precincts; members from Judicial and Legislative branches indispensable for quorum; factual findings must be respected unless no substantial evidence or manifestly gross errors; no jurisdiction over removal in party-list and cancellation of party-list registration)</li></ul>
Executive	<ul style="list-style-type: none"><li>○ Department of Justice</li></ul>

# 2.1) Electoral Offices

	<i>Elective Positions</i>							
<i>Cases</i>	<i>Pres/ VP</i>	<i>Senators</i>	<i>District Reps.</i>	<i>Part-List Reps.</i>	<i>Regional Officials</i>	<i>Provincial Officials</i>	<i>City Officials</i>	<i>Municipal Officials</i>
<i>Disqualification</i>	<u>Comelec</u> Division							
<i>Proclamation</i>	Congress	<u>Comelec</u> En Banc	Local/ District Board of Canvassers	<u>Comelec</u> En Banc	<u>Comelec</u> En Banc	Provincial Board of Canvassers	City Board of Canvassers	Municipal Board of Canvassers
<i>Annulment of Proclamation</i>	[Congress]	[ <u>Comelec</u> En Banc]	[ <u>Comelec</u> Division]	[ <u>Comelec</u> En Banc]	<u>Comelec</u> Division			
<i>Election Protests</i>	Presidential Electoral Tribunal	Senate Electoral Tribunal	House of Representatives Electoral Tribunal	<u>Comelec</u> Division				Regional Trial Court
<i>Quo Warranto</i>								
<i>Postponement of Elections</i>	COMELEC En Banc							
<i>Failure of Elections</i>								
<i>Election Offenses</i>	[Immunity after Proc.]	<u>Comelec</u> Law Department or Prosecutors ( <u>Comelec</u> En Banc filing of Information; Regional Trial Court for Trial)						

# 3) Voters: Concept

- **What?** Suffrage is a Right (not an obligation), reckoned on election day
- **Who?** Qualifications defined in Constitution; Disqualifications defined in Statute; Allow Absentee Voting, Dual Citizens, Disabled and Illiterates to Vote
- **Regular Elections?** Suffrage requires holding of periodic and regular elections
- **How?** Procedural Requirements allowed to be imposed, Substantive not allowed like property ownership
- **Reckoning Date of Qualifications/ Right of Suffrage?** Election Day (distinguished from Right to Register which is reckoned on date of application)

# 3) Voters: Qualifications

- [Filipino **Citizen**
- [At least 18 years of **age** on election day
- [**Resident in Philippines** for at least 1 year prior to election day (domicile [not lost even if maintain several residences]; permanent residency)
- [**Resided in place** wherein propose to vote for at least 6 months prior to election day (domicile, permanent or temporary residency); multiple residency allowed but only singular registration; a barangay certification is not conclusive proof of evidence; declarations must be accompanied by proof
- [**Free** from Disqualifications
- [In order to vote, must be a **registered voter**

# 3) Voters: Disqualifications

- [Sentenced by final judgment – imprisonment of 1 year or more
- [Sentenced to suffer accessory penalty – political rights
- [Adjudged by final judgment – crime involving disloyalty
- [Court-declared insane and incompetent persons
- [*Note: post-registration circumstances*]

# 3) Voters: Registration

- **Nature:** Continuing
- **Listing:** Computerized List at all Levels
- **Number:** 200 Voter-Precinct (several precincts can be clustered); precinct – voting unit
- **Biometrics:** Mandatory for new; for registered voters, validation
- **Changes:** Permanent but subject to changes (+ or -)

# 3) Voters: Registration

## Addition (+)

- New Voters
- Transfer of Residence to
- Reactivation
- Inclusion

## Deletion (-)

- Cancellation (death)
- Transfer of Residence from
- Deactivation
- Exclusion
- Annulment of Book of Voters

# 3) Voters: Deactivation

- [Disqualified to Vote
- [Failed to Vote in 2 preceding elections
- [Registration excluded by the Court
- [Lose Filipino Citizenship
- [Failure to have biometrics taken (validation)
- [*[Note: not permanent disenfranchisement; can apply for reactivation]*

# 3) Voters: Opposition

- **What?** Applications pending/ not yet resolved
- **Where Oppose?** Election Registration Board
- **Who may Oppose?** Voter, Candidate or Political Party
- **When?** Specified Period
- **How Oppose?** File Written Opposition/ Challenge
- **Why Oppose?** Not Qualified, Fictitious
- **Appearance?** Mandatory if application opposed

# 3) Voters: Inclusion/ Exclusion

- **What?** Applications resolved/ already acted upon
- **Where File?** MTC (not Comelec), then RTC (not Comelec), then SC (question of law)
- **Grounds?** Inclusion - Disapproval or Name Stricken Out (not failure to apply); Exclusion - Not Qualified or Fictitious Voter
- **When?** Specified Period

# 3) Voters:

## Annulment of Book of Voters

- **Annul What?** Book of Voters per precinct
- **Where File?** Comelec
- **When Filed?** Normally, after period to file inclusion/exclusion lapses
- **Who Files?** Any Voter, EO or Party
- **What Grounds?** (1) Book Prepared Improperly, Preparation Attended with Vice or Fraud, and (2) Book contains Statistically Improbable Data (*procedural, not substantive, not qualification of voters*)

# 3) Voters: Election Day

## Illegal Voter

- [Not registered; Use another name; Disqualified; Multiple Registrant (*allowed to vote if properly identified by BEI*)

## Illegal Act

- [Vote-Buying; Vote-Selling; Vote-Betting: Promise to induce or withhold vote (*allowed to vote if take oath before BEI*)

# 3) Voters - Summary

<b>What Cases</b>	<b>When Raised</b>	<b>What Grounds</b>	<b>Where File</b>	<b>Effect if Granted</b>	<b>Effect if Denied</b>
<i>Opposition</i>	Application pending	Not qualified Fictitious	ERB	Application rejected – excluded	Application accepted – included
<i>Inclusion</i>	Application acted upon - Rejected	Disapproved Name stricken out	MTC to RTC to SC/ CA	Voter included in list – can vote	Voter remains not listed – cannot vote
<i>Exclusion</i>	Application acted upon – Accepted	Not qualified Fictitious	MTC to RTC to SC/ CA	Voter removed from list – cannot vote	Voter will remain in list – can vote
<i>Annulment</i>	Pre-election day	Flaw or vice in BoV preparation	Comelec En Banc	BoV annulled, voters cannot vote	BoV confirmed valid, voters can vote
<i>Challenges</i>	Upon casting	Illegal Voter Illegal Act	BEI	Not allowed to vote	Voter can vote

# 3.1) Voters: Local and Overseas

## Absentee Voting

### Local

- Vote prior to Election Day
- Not in their precinct because of work (*government official/ employee, AFP, PNP and media*)
- Nationally-elective positions
- Manual system

### Overseas

- Qs – Citizens | Not DQ | 18 yo
- DQs – Not citizen | renounced and allegiance with another country | convicted | insane
- Nationally-elective positions
- Registration and/or certification as an overseas voter (*in person at any post abroad or at designated registration centers*)
- Voting may be done either personally, by mail or by any other means

# 3.1) Voters: Detainee Voting

- Persons Deprived of Liberty (PDL) qualified to vote:
  - formally charged and awaiting trial while confined in jail
  - serving prison sentence for less than 1 year
  - convicted for rebellion or sedition
- National and Local Elections
- Vote:
  - special voting centers established in the detention facility
  - voting precincts if their registered hometown is in the same city or municipality where the jail is located (*with court approval*)

# 4) Officials: Elective

## **National Office (Constitutional)**

— [President; Vice-President; Senators (24; ½ every election); Representatives (District and Party-List)]

## **Local Office (Statutory)**

— [LCE: Regional Governor, Provincial Governor, City or Municipal Mayor, Punong Barangay, SK Chairperson]

— [VLCE: Vice-Governor and Vice-Mayor; Sanggunian Members]

# 4.1) Types of Representatives

<i>Features</i>	<i>District Representatives</i>	<i>Party-List Representatives</i>
<i>Candidate</i>	Natural Person	Party or Organization
<i>Persons</i>	Directly, Natural Persons	Indirectly
<i>Portion of House</i>	80%	20%
<i>Formula</i>	Plurality	Proportional Representation
<i>Electorate</i>	District/ Local	National
<i>Nominee Qualifications</i>	Natural-Born; 25 yo; Literate; 1 year residency; Registered in District	Same; except 25-30 if youth; registered anywhere

# 4.1) Number of PL Seats

- 20% of House of Representatives
- All seats are “reserved”
- All seats must be filled up
- Formula:  $(\# \text{ of DRs} / 0.8) \times 0.2$
- In **2025**: 317 (254 + 63)

$$254 / 0.8 \times 0.2 = 63.5$$

# 4.1) Qualified Participants

<b>National Parties/ Organizations</b>	<ul style="list-style-type: none"><li>• need not be sectoral</li><li>• geographical presence/ track record</li></ul>
<b>Regional Parties/ Organizations</b>	<ul style="list-style-type: none"><li>• need not be sectoral</li><li>• geographical presence/ track record</li></ul>
<b>Sectoral Parties/ Organizations</b>	<ul style="list-style-type: none"><li>• principal advocacy</li><li>• no need to show track record</li><li>• represents 12 marginalized sectors</li><li>• list of 12 not exclusive</li></ul>
<b>Political Parties</b>	<ul style="list-style-type: none"><li>• Register under system</li><li>• Not field district representatives</li><li>• If field district representatives, through sectoral wing</li></ul>
<b>Registration/ Cancellation</b>	<ul style="list-style-type: none"><li>• Not SEC, “transferred” to Comelec (2019 Revised Corporation Code)</li><li>• <b>COMELEC, not HRET, has jurisdiction over cancellation of party-list registration (not prescribe since revocable anytime)</b></li><li>• <b>COMELEC cannot interfere in party-list internal affairs/ removal of officers</b></li></ul>

# Nominees

1. Membership: Belong to accredited party or organization *and*
  - a) Must belong to the sector (organic) or
  - b) Must have track record of sectoral advocacy (synthetic)
2. Nominees must consent in writing
3. Possess qualifications under the Constitution
4. Qualifications/ fitness determined by Party (internal matter unless nominee disqualified)
5. Submit List of 5 Nominees (**COMELEC deadline on Substitution must be followed**)

# Nominees

6. Continuing requirement from appointment and during entire tenure (qualifications, party membership)
7. Nominated by 1 Party only
8. Not losing candidate in previous elections (any position)
9. List in order of priority cannot be altered except when nominee:
  - a) Dies
  - b) Withdraws (party cannot unilaterally withdraw)
  - c) Incapacitated, then substituted by next in list
10. COMELEC duty to proclaim based on ranking

## 4.1) Disqualified Parties

Religious Sect

Advocates  
Violence

Adjunct of,  
Funded by  
Government

Foreign or  
Foreign-  
Assisted Party

## 4.1) Statutory Thresholds

2% of 2<sup>nd</sup>  
votes per seat

Maximum  
3 seats (only 2  
parties)

*Real Threshold: <2%, fill up 20%*

# Procedure in Seat Allocation

1. Rank parties according to plurality
2. Determine 1<sup>st</sup> Party (most number of votes)
3. Calculate percentage per Party: # of votes of Party/ total # of 2<sup>nd</sup> votes
4. Parties that obtain at least 2% gets 1 guaranteed seat (*1<sup>st</sup> round*)
5. No rounding-off
6. For additional seats (*2<sup>nd</sup> round*), # of votes of that party/ # of votes of first party x number of seats of 1st party
7. Only Top 2 Parties can get 3 seats each

# 4) Officials: Qualifications

**List:** Set by the Constitution (national) and statutes (local)

- [Citizenship (naturalized: oath and renounce; foundling presumed natural-born unless proven otherwise; clerical error in date of notarization of Affidavit of Renunciation [dual citizenship] not fatal; a dual citizen by birth need not renounce as this requirement only applies to dual citizen by naturalization; dual citizenship remains if naturalized person fails to renounce; renunciation is a pre-condition to seek public office; failure to renounce not an eligibility but a DQ under 1991 LGC)
- [Age
- [Residency (physical presence may be broken; not require 24/7)
- [Registered Voter
- [Literacy
- [Free from Disqualifications
- [Not perpetually disqualified (grave misconduct; repeated failure to file SOCE)
- [Undertake Drug Test under CDDA OF 2002, unconstitutional]
- [National Office: Finite/ exclusive list (local office: inclusive list)

**Procedure:** Electoral aspect of DQ (administrative proceeding): summary

# 4) Officials: Qualifications

Position	Citizen	Age	Literacy	Voter	Resident	Term
President/ Vice-President	Natural-Born	40	R and W	Registered	10 years Phl	P: 6 yr x 1 VP: 6 yr x 2
Senator	Natural-Born	35	R and W	Registered	2 years Phl	6 x 2
District Representative	Natural-Born	25	R and W	Registered in District	1 year in District	3 x 3
Party-List Representative	Natural-Born	25 (if youth: 25-30)	R and W	Registered	1 year Phl	3 x 3
BARMM Parliament	Citizen	25	R and W	Registered in BARMM	---	3 x 3
LGU Officials	Citizen	P/ HUC: 23 Other M/ VM: 21 Others: 18	R and W Filipino or Local Dialect	Registered in LGU	1 year LGU	3 x 3

*Term is not analogous to assumption of office = discharge of duties*

# 4) Officials: Candidate

- **Definition:** (1) Seeks public office, (2) files certificate of candidacy *and* (3) campaign period has started (under automated system) (February 11 and March 28, 2025) – operative fact
- **Nature of CoC:** only 1 CoC; filing during usual government office hours; announce and declare eligible; if CoC void, candidate not considered a candidate from the beginning even if cancelled after elections; perpetual disqualification [guilty of grave misconduct] renders CoC void, cannot be re-elected; law does not demand from candidates perfect accuracy and absolute certainty in the information that they supply in a CoC, but only such facts which they believe to be true to the best of their knowledge
- **Ministerial Duty:** If filed in due form, ministerial duty to receive COC; Comelec may look into patent defects (appearing on the face) of CoCs; CoC must be accepted if filed 3 minutes after deadline if there was attempt to file before the deadline but was asked to refile for missing a 5<sup>th</sup> copy and documentary stamps

# 4) Officials: Candidate

- [ **Prior to Campaign Period:**

- [ Not a candidate

- [ not liable for unlawful acts and omissions under Election Laws before becoming a candidate, i.e. before start of campaign period

- [ liable for RPC crimes

- [ **Effect of Filing:**

- [ On Tenure of Incumbents (elective – remain in office regardless of position held and vied for; appointive – *ipso facto* resigned)

- [ Inclusion of Name in Official Ballot



# 4) Officials: Substitution

- **Grounds:** (1) Death, (2) Withdrawal (in 2025: only during period to file CoC; **allowed even after deadline to file CoC**), and (3) Disqualification (*not allowed if:* (a) violate term limit; (b) lack of residency; (c) CoC denied due course or cancelled – (c.1) nuisance and (c.2) material misrepresentation); if invalid substitution – not considered a candidate [*Note: substitution only allowed if ground to disqualify existed after filing of CoC*]
- **Who?** Substitute must be Qualified; **not allowed for independent candidate (PP/ Coalition can only nominate 1)**
- **When?** Up to mid-day of election day
- **Substitute?** Qualified (not disqualified) and Same Party
- **Limitations:** Substituted candidate can still run for other elective positions; Withdrawal not affect liabilities

# 4) Officials: Disqualifications

- [Purpose of DQ: prevent candidate from running, or if elected, from serving; **DQ distinct from administrative case**
- [Lack qualifications/ possess some disqualifications
- [Violate Term Rule (1-2-3 terms)
- [Commission of an election offense
- [Nuisance Candidate
- [Sentenced by Final Judgment (accessory penalty)
- [Willfully Commits Material Misrepresentation
- [No valid, timely and properly filed certificate of candidacy
- [Grounds under the 1991 LGC, for local elective officials

# 4) Officials: Disqualifications

**Lack of Qualifications** (fact prevails over statements in CoC)

- **Pleading?** Petition to Disqualify a Candidate
- **Grounds?** Constitution or Statutes; for local officials under OEC and LGC (e.g. fugitives); suspension not a ground since law provides for removal by final judgment; eligibility covers citizenship, a justiciable controversy, and lack thereof will cause removal from office
- **Where File?** Comelec Division
- **When File?** Before Proclamation (reglementary period must be applied strictly; can be filed even after exact time of proclamation for as long as filed within the same day [full 24 hours from proclamation])
- **Process?** Summary, Due Process, requires a complaint/ petition; not motu proprio unless there is final judgment
- **If Not File?** Quo Warranto

# 4) Officials: Disqualifications

## Commission of Election Offenses

— **Pleading?** Petition to Disqualify a Candidate

— **What Offenses?** Enumerated in Section 68 OEC (2 options – DQ case or Election Offense criminal case): Vote-Buying (based on direct, strong, convincing and indubitable evidence, and with testimonies of vote-sellers to prove intent of vote-buyers; **gave material consideration for purpose of influencing/ corrupting voters which is not the case of continuation of a government program**); Terrorism, Unlawful Expenditures, Unlawful Campaign, Coercion of Subordinates, Threats, Prohibition against Release of Public Funds (**covers DSWD or LGU social services even if there is no calamity and not for the purpose of electioneering; continuing projects by way of exception relate to public works, not social services**); **unauthorized use of government resources of public officers and printing of campaign material by a government employee is fraud** (other election offenses not listed in Section 68 – file EO case – RTC hears)

— **Where File?** Comelec Division

— **Nature of Proceedings?** Summary, substantial evidence

— **When File?** Before Proclamation

— **If Not File?** Election Protest; Election Offense

# 4) Officials: Disqualifications

## Nuisance Candidate

- [Petition? Petition to Declare a Candidate a Nuisance Candidate
- [Pivotal Criterion? **Absence of bona fide intention to run for public office**
- [Who Is/ Considerations? **Campaign Capability, Party Affiliation, Track Record for Public Service**, Performance, Exposure, Platform, Organization, Profession, Income, Health, Education, Name; **unpopularity and being an independent candidate not sufficient grounds; disqualifying a candidate on the ground of lack of financial resources to wage a campaign amounts to a property requirement and cannot be done;** erroneous use of nickname in CoC is not enough to declare a candidate a nuisance
- [Who Files? **Real Parties-in-Interest, i.e., those with similar names with nuisance candidates, others are silent observers; vote for nuisance will be credited to legitimate candidate since nuisance was never a candidate (no crediting in a multi-slot office like a Sanggunian); ballots must be examined then added to legitimate candidate;** a winning candidate is not a real party-in-interest/ only an observer
- [Where File? Comelec Division (**has burden to prove by substantial evidence**), **not Electoral Tribunals;** power to suspend proclamation not available for this case
- [When File? Within 5 days from Last Day Filing of Certificate of Candidacy
- [If Not File? No remedy

# 4) Officials: Disqualifications

## Willful Material Misrepresentation

- **Pleading?** Petition to Deny Due Course to or Cancel a Certificate of Candidacy based on material misrepresentation (cancellation not based on lack of qualifications; **may be relaxed to ascertain people's will**)
- **What?** Misrepresentation must be (1) Material (pertains to Qualifications and Disqualifications, **residency; knew conviction of crime involving moral turpitude (libel); violation of 3-term rule [not petition to disqualify]**; not material if pertaining to surname, profession, political party affiliation, civil status, legitimacy; (2) facts which are true to the best knowledge of candidate; (3) Malicious/ Willful/ Deliberate/ Intent to defraud voters (lack of intent presumes good faith; **passage of time from entry of judgment of conviction shows lack of intent**); (4) not actually qualified
- **Where File?** Comelec Division (**summary nature, rule on patent misrepresentations, not make conclusions of law contrary to jurisprudence**)
- **When File?** **25 days from Filing of CoC** (reglementary period must be applied strictly)
- **If Not File?** Quo Warranto

# 4) Compare and Contrast

	<i>Grounds</i>			
<i>Aspects</i>	<i>Lack of Qualifications, etc.</i>	<i>Commission of an Election Offense</i>	<i>Material Misrepresentation</i>	<i>Nuisance Candidate</i>
<i>Pleading</i>	Petition to Disqualify a Candidate	Petition to Disqualify a Candidate	Petition to Deny Due Course to or Cancel a Certificate of Candidacy (CoC)	Petition to Declare a Candidate as a Nuisance Candidate (or Comelec initiates)
<i>Allegations</i>	<ol style="list-style-type: none"> <li>1. Candidate does not possess all qualifications</li> <li>2. Candidate possesses some or all of disqualifications</li> <li>3. Candidate violated rule on term limits</li> </ol>	<p>Candidate committed any of enumerated election offenses:</p> <ol style="list-style-type: none"> <li>1. Vote-Buying</li> <li>2. Terrorism</li> <li>3. Unlawful Expenditures</li> <li>4. Unlawful Campaign</li> <li>5. Coercion of Subordinates</li> <li>6. Threats</li> <li>7. Prohibition against Release of Public Funds</li> <li>8. Failure to submit Statement of Contributions and Expenditures in at least 2 elections</li> </ol>	<ol style="list-style-type: none"> <li>1. Misrepresentation is material, i.e., qualification-related</li> <li>2. Candidate intended to defraud the voters (deliberate)</li> <li>3. Candidate is not actually qualified</li> </ol>	<p>CoC has been filed to:</p> <ol style="list-style-type: none"> <li>1. put the election process in mockery or disrepute</li> <li>2. cause confusion among the voters by the similarity of the names of the registered candidates</li> </ol> <p>Candidate no bona fide intention since no/ not:</p> <ol style="list-style-type: none"> <li>1. Campaign Capability</li> <li>2. Bona fide intention to run for office</li> <li>3. Track Record</li> <li>4. Exposure</li> <li>5. Platform</li> <li>6. Party Affiliation</li> <li>7. Funds</li> <li>8. Good Health</li> <li>9. Appropriate education</li> </ol>

# 4) Compare and Contrast

	<i>Grounds</i>			
<i>Aspects</i>	<i>Lack of Qualifications, etc.</i>	<i>Commission of an Election Offense</i>	<i>Material Misrepresentation</i>	<i>Nuisance Candidate</i>
<i>Where File</i>	<u>Comelec</u> Division			
<i>When File</i>	Any time before proclamation	Any time before proclamation	Within 25 days from Filing of <u>CoC</u>	Within 5 days from Last Day Filing of Certificate of Candidacy
<i>Who Files</i>	Registered voter or registered political party	[Registered voter or registered political party] <u>Comelec</u> Campaign Finance Office, SEC-registered NGOs and CSOs	Registered voter or registered political party	Registered candidate for the same position
<i>Remedy After Period</i>	Quo <u>Warranto</u> case	Election Offense	Quo <u>Warranto</u>	No remedy
<i>Substitution after Resolution</i>	Not allowed	Allowed	Not allowed	Not allowed

# 4) Effect of DQ

## Succession or Special Elections

- Commission of an election offense

### Note:

- Succession: P/ VP and local officials
- Special elections: Congress

## “2<sup>nd</sup> Placer” is 1<sup>st</sup> Placer

- Violation of 3-term limit
- Not a voter (inclusion denied with finality)
- Conviction of criminal offense involving moral turpitude
- Not a Filipino citizen
- **Dual Citizen**
- Final decision on DQ before elections
- 2<sup>nd</sup> placer rule abandoned regardless of case (runner-up cannot assume; no law; judicial override not allowed; succession operates for local officials)

*[Note: Votes of 1<sup>st</sup> placer = stray*

*Votes of nuisance = added to legitimate]*

# 5) Campaign: Concept

- [ **Definition:** *Act designed to promote the election or defeat of a candidate (candidate-specific); satire of political parties on social issues not election propaganda/ freedom of speech (not follow campaign rules)*
- [ **Operative Act:** *Intent/ Design material (not all acts of beneficence are considered campaigning) and Period (start of campaign)*
- [ **Application:** All Candidates for All Elective Offices
- [ **Framework:** Regulated but Liberalized
- [ **Period:** (period when those who filed CoCs become candidates) 90 days for nationally-elected and 45 days for locally-elected

# 5) Campaign: Allowable Forms

- [Forming Organizations
- [Holding Rallies
- [Making Speeches
- [Distributing Campaign Materials
- [Soliciting Votes
- [Publishing Advertisements

# 5) Campaign: Propaganda

- [Paid Political Advertisements (Comelec debates could be live-streamed)]
- [Free Space and Airtime]
- [Use of Gadgets and Billboards (prohibition repealed by Fair Election Act)]
- [Private Poster Areas]
- [Posting in Private Places, PUVs and terminals (requires consent)]

# 5) Campaign: Forms

- [Printed Materials (8.5" W x 14" L)
- [Letters
- [Posters (2' x 3' ) in Poster Areas (12' x 16' )
- [Rally Streamers (3' x 8' )
- [*Note: Regulation only applies to candidates and political parties, not extend to private persons on private property*

# 5) Campaign: Paid Ads

- [ **Print:** 1/4<sup>th</sup> page in broadsheet; 1/2 in tabloid 3x a week
- [ **Television:** 120 minutes (for national); 60 minutes (for local) per station (**not overall**)
- [ **Radio:** 180 minutes (for national); 90 minutes (for local)
- [ **Social Media:** Not expressly mentioned
- [ *(Note: being in news not counted)*

# 5) Campaign: Unlawful Acts

- [Foreign Intervention
- [Removal or Destruction of Lawful Propaganda
- [Materials not Disclose Payor
- [Exceed Limits (Time and Space)
- [Transportation, Foods and Drinks During Rallies
- [Movie or Video of or by Candidate

# 6) Prohibited Contributions

- [All SEC-registered corporations (if unreasonable)
- [Financing Institutions
- [Public Utility Operator
- [Natural Resources Explorer
- [Government Contractors
- [Franchise Holders
- [Donee Institution from Government (P100,000)
- [Donee Educational Institutions (P100,000)
- [Foreigners/ Foreign Corporations
- [Civil Servants and AFP

# 6) Other Prohibited Acts

- [Not reveal true name of contributor
- [Not report all contributions
- [Exceed Limits (P10, P5, P3)
- [Not file Statement of Contributions and Expenditures (perpetual DQ for repeated failure)
- [Expenditures made by unauthorized persons

# 6) Lawful Expenditures

— [Use of Facilities

— [Travel

— [Compensation

— [Communications

— [Written Materials

— [Pollwatchers

— [Office/ HQ

— [Advertisements

— [Meetings/ Rallies

— [Counsel\*

— [Copying of List of Voters\*

— [Sample Ballots\*

— [Volunteers

*(\* - not included in cap)*

# 7) Postponement of Elections

- [ **Grounds:** (1) Force majeure, (2) Violence, (3) Terrorism, (4) Loss or Destruction of Election Paraphernalia, and (5) Analogous Causes
- [ **Extent:** Serious *and* Impossible to have free and orderly elections
- [ **Area:** Political subdivision (not nationwide)
- [ **Conditions:** Grounds must exist before end of voting/ transmission
- [ **Authority:** Comelec en banc (petition or motu proprio); not BEI or election officers; the power to postpone elections must be deemed to be delegated and subordinate in character (limited in terms of geographical scope and gravity and unforeseeable nature of causes)
- [ **Result:** Special Elections within 30 days from cessation

# 7) Failure of Elections

- [ **Grounds:** (1) Force majeure, (2) Violence, (3) Terrorism, (4) Fraud, and (5) Analogous Causes
- [ **Extent:** Failure to elect *and* affect results of elections (materiality); **relates to entire elections**
- [ **Examples:** *Failure* - transfer of venue of counting without notice, ballots replaced/ burned; *No Failure* – voting resumes after sporadic violence/ gun fire, fake ballots, landslide results, vote-buying, destruction of copies of ERs; **convincing evidence showing will of people muted by causes**
- [ **Conditions:** Election not held or suspended, After voting, During preparations or transmission of election returns, Canvassing
- [ **Authority:** Comelec en banc (petition)
- [ **Result:** Special Elections within 30 days from **cessation (objective of declaration)**

# 7) Compare and Contrast

	<i>Postponement of Elections</i>	<i>Failure of Elections</i>
<b>Legal Bases</b>	Section 5, Omnibus Election Code Section 4, RA No. 7166	Section 6, Omnibus Election Code Section 4, RA No. 7166
<b>Grounds</b>	<ol style="list-style-type: none"> <li>1. Force Majeure</li> <li>2. Violence</li> <li>3. Terrorism</li> <li>4. Loss or Destruction of Election Paraphernalia</li> <li>5. Analogous causes</li> </ol>	<ol style="list-style-type: none"> <li>1. Force Majeure</li> <li>2. Violence</li> <li>3. Terrorism</li> <li>4. Fraud</li> <li>5. Analogous causes</li> </ol>
<b>Extent of Cause</b>	Serious <i>and</i> Impossibility to have free and orderly elections	Failure to elect <i>and</i> affect results of elections (illegality must affect 50% of the votes)
<b>Basis</b>	Expectancy/ potential Effect	Actual outcome/results
<b>Conditions</b>	Grounds must exist before voting	<ol style="list-style-type: none"> <li>1. Election not held or suspended</li> <li>2. After voting or during preparation</li> <li>3. Transmission</li> <li>4. Canvassing</li> </ol>
<b>Area</b>	Any political subdivision	Any polling place
<b>Procedural Requirements</b>	<ol style="list-style-type: none"> <li>1. <u>Motion</u> or by Verified Petition</li> <li>2. Notice and Due Process</li> </ol>	<ol style="list-style-type: none"> <li>1. Verified Petition</li> <li>2. Notice and Due Process</li> </ol>
<b>Authority</b>	<u>Comelec</u> En Banc	
<b>Effect if Petition Granted</b>	<ol style="list-style-type: none"> <li>1. Postpone elections</li> <li>2. Conduct elections reasonable close to elections which was not held; but not later than 30 days from cessation of the cause</li> </ol>	<ol style="list-style-type: none"> <li>1. Declaration of failure of elections</li> <li>2. Holding or continuation of elections reasonably close to elections which was not held; but not later than 30 days from cessation of cause</li> </ol>

# 8) Automated Elections

- [ **When:** 2<sup>nd</sup> Monday of election year (unless law provides otherwise)
- [ **Statutory Bases:** RA 9369 amending RA 8436
- [ **Automated Election System:** voting, counting, consolidating, canvassing, and transmission (not proclamation)
- [ **Paper-Based or Direct Recording Election System:** Ballots, Election Returns, Certificate of Canvass, Statement of Votes (25% shading threshold)
- [ **Comelec Discretion:** AES or AESs, Paper-Based or Direct Recording (contingent rule)

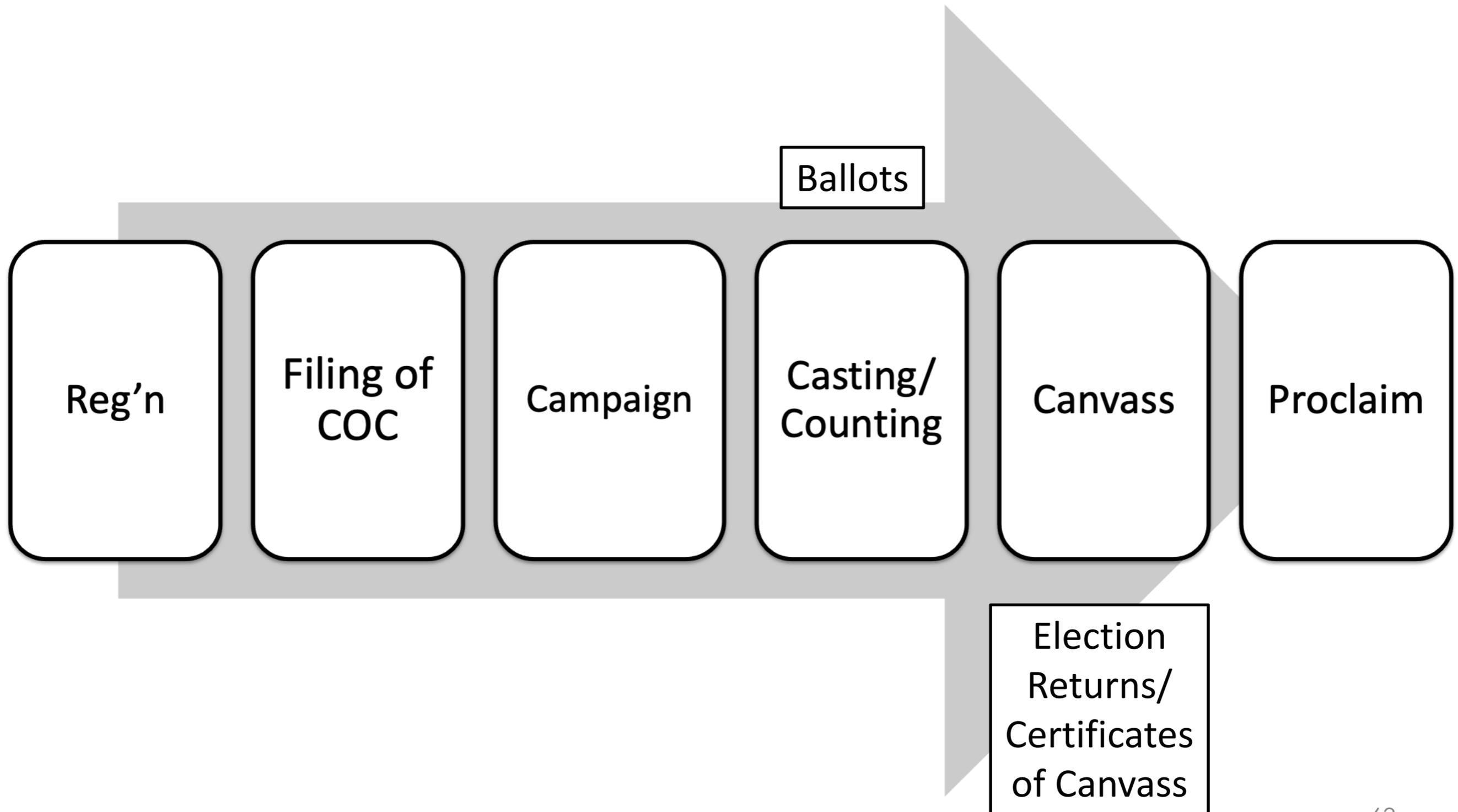
# 8) Automated Elections

— **Features:** Use of Ballots, Stand-alone machine, with Audit Trails, Minimum Human Intervention and Security Measures (*Idem sonans* not applicable since voters only shade ovals)

— **Processes:**

1. Casting, Counting and Transmission at Precinct Level
2. Consolidation and Proclamation at Canvassing Levels

# 8) Electoral Process



# The Ballot



MAY 12, 2025 NATIONAL, LOCAL AND BARMM  
PARLIAMENTARY ELECTIONS  
AMIHAN, QUEZON CITY, NATIONAL CAPITAL REGION -  
SECOND DISTRICT



Clustered Precinct ID: 74040644  
Precincts in Cluster:  
3628A, 3629A, 3630A, 3631A,  
3632A

**INSTRUCTIONS FOR VOTING**

1. Mark the inside of the circle  beside the name of the desired candidate.
2. Only use the Marking pen provided to mark the circles.
3. Do not mark more circles than what is intended.

Signature of chairman

SENATOR / Vote for 12 (Bumoto ng hindi hihigit sa 12)			
<input type="radio"/> 1. ABALOS, BENHUR (PPF)	<input type="radio"/> 18. CAYETANO, PIA (NP)	<input type="radio"/> 35. LAPID, LITO (NPC)	<input type="radio"/> 52. QUERUBIN, ARIEL PORFIRIO (NP)
<input type="radio"/> 2. ADONIS, JEROME (MKBYN)	<input type="radio"/> 19. D'ANGELO, DAVID (BUNYOG)	<input type="radio"/> 36. LEE, MANOY WILBERT (AKSYON)	<input type="radio"/> 53. QUIBOLOY, APOLLO (IND)
<input type="radio"/> 3. AMAD, WILSON (IND)	<input type="radio"/> 20. DE ALBAN, ATTORNEY ANGELO (IND)	<input type="radio"/> 37. LIDASAN, AMIRAH (MKBYN)	<input type="radio"/> 54. RAMOS, DANILO (MKBYN)
<input type="radio"/> 4. ANDAMO, NARS ALYN (MKBYN)	<input type="radio"/> 21. DE GUZMAN, KA LEODY (PLM)	<input type="radio"/> 38. MARCOLETA, RODANTE (IND)	<input type="radio"/> 55. REVILLAME, WILLIE WIL (IND)
<input type="radio"/> 5. AQUINO, BAM (KNP)	<input type="radio"/> 22. DELA ROSA, BATO (PDPLBN)	<input type="radio"/> 39. MARCOS, IMEE R. (NP)	<input type="radio"/> 56. RODRIGUEZ, ATTY. VIC (IND)
<input type="radio"/> 6. ARAMBULO, RONNEL (MKBYN)	<input type="radio"/> 23. DORINGO, NANAY MIMI (MKBYN)	<input type="radio"/> 40. MARQUEZ, NORMAN (IND)	<input type="radio"/> 57. SAHIDULLA, NUR-ANA (IND)
<input type="radio"/> 7. ARELLANO, ERNESTO (KTPNAN)	<input type="radio"/> 24. ESCOBAL, ARNEL (PM)	<input type="radio"/> 41. MARTINEZ, ERIC (IND)	<input type="radio"/> 58. SALVADOR, PHILLIP IPE (PDPLBN)
<input type="radio"/> 8. BALLON, ROBERTO (IND)	<input type="radio"/> 25. ESPIRITU, LUKE (PLM)	<input type="radio"/> 42. MATA, DOC MARITES (IND)	<input type="radio"/> 59. SOTTO, TITO (NPC)
<input type="radio"/> 9. BINAY, ABBY (NPC)	<input type="radio"/> 26. FLORANDA, MODY PISTON (MKBYN)	<input type="radio"/> 43. MATULA, ATTY. SONNY (WPP)	<input type="radio"/> 60. TAPADO, MICHAEL BONGBONG (PM)
<input type="radio"/> 10. BONDOC, JIMMY (PDPLBN)	<input type="radio"/> 27. GAMBOA, MARC LOUIE (IND)	<input type="radio"/> 44. MAZA, LIZA (MKBYN)	<input type="radio"/> 61. TOLENTINO, FRANCIS TOL (PPF)
<input type="radio"/> 11. BONG REVILLA, RAMON, JR. (LAKAS)	<input type="radio"/> 28. GO, BONG GO (PDPLBN)	<input type="radio"/> 45. MENDOZA, HEIDI (IND)	<input type="radio"/> 62. TULFO, BEN BITAG (IND)
<input type="radio"/> 12. BOSITA, COLONEL (IND)	<input type="radio"/> 29. GONZALES, NORBERTO (PDSP)	<input type="radio"/> 46. MONTEMAYOR, JOEY (IND)	<input type="radio"/> 63. TULFO, ERWIN (LAKAS)
<input type="radio"/> 13. BROSAS, ARLENE (MKBYN)	<input type="radio"/> 30. HINLO, JAYVEE (PDPLBN)	<input type="radio"/> 47. MUSTAPHA, SUBAIR (WPP)	<input type="radio"/> 64. VALBUENA, MAR MANIBELA (IND)
<input type="radio"/> 14. CABONEGRO, ROY (DPP)	<input type="radio"/> 31. HONASAN, GRINGO (RP)	<input type="radio"/> 48. OLIVAR, JOSE JESSIE (IND)	<input type="radio"/> 65. VERCELES, LEANDRO (IND)
<input type="radio"/> 15. CAPUYAN, ALLEN (PPP)	<input type="radio"/> 32. JOSE, RELLY JR. (KBL)	<input type="radio"/> 49. ONG, DOC WILLIE (AKSYON)	<input type="radio"/> 66. VILLAR, CAMILLE (NP)
<input type="radio"/> 16. CASIÑO, TEDDY (MKBYN)	<input type="radio"/> 33. LACSON, PING (IND)	<input type="radio"/> 50. PACQUIAO, MANNY PACMAN (PPF)	
<input type="radio"/> 17. CASTRO, TEACHER FRANCE (MKBYN)	<input type="radio"/> 34. LAMBINO, RAUL (PDPLBN)	<input type="radio"/> 51. PANGILINAN, KIKO (LP)	
MEMBER, HOUSE OF REPRESENTATIVES / Vote for 1 (Bumoto ng hindi hihigit sa 1)			
<input type="radio"/> 1. PUMAREN, FRANZ (NUP)	<input type="radio"/> 2. REYES, ALLAN BENEDICT (PPF)		
MAYOR / Vote for 1 (Bumoto ng hindi hihigit sa 1)			
<input type="radio"/> 1. BELMONTE, JOY (SBP)	<input type="radio"/> 3. JOTA, ROLANDO (IND)	<input type="radio"/> 5. VELASCO, DIOSDADO (IND)	
<input type="radio"/> 2. CABALO, JONATHAN (IND)	<input type="radio"/> 4. NAVAT, NOLI (IND)		
VICE-MAYOR / Vote for 1 (Bumoto ng hindi hihigit sa 1)			
<input type="radio"/> 1. FAELANGCO, JUNE (IND)	<input type="radio"/> 2. INGLES, INVENTOR (IND)	<input type="radio"/> 3. SOTTO, GIAN (SBP)	<input type="radio"/> 4. VILLARTA, DANTE (IND)
MEMBER, SANGGUNIANG PANLUNGSOD / Vote for 6 (Bumoto ng hindi hihigit sa 6)			
<input type="radio"/> 1. ANTONIO, CHUCKIE (SBP)	<input type="radio"/> 4. LAGUMBAY, WENCY (NP)	<input type="radio"/> 7. PLANAS, PAU (PPF)	<input type="radio"/> 10. RUFO, NORMA (IND)
<input type="radio"/> 2. COSETENG, JULIAN (SBP)	<input type="radio"/> 5. LIQUIGAN, ATORNI TOPE (IND)	<input type="radio"/> 8. PUMAREN, LUIGI (SBP)	
<input type="radio"/> 3. DE LEON, DON (SBP)	<input type="radio"/> 6. LUMBAD, DOK G (SBP)	<input type="radio"/> 9. REYES, ATTY. ANTON (NPC)	



MAY 12, 2025 NATIONAL, LOCAL AND BARMM  
PARLIAMENTARY ELECTIONS  
AMIHAN, QUEZON CITY, NATIONAL CAPITAL REGION -  
SECOND DISTRICT



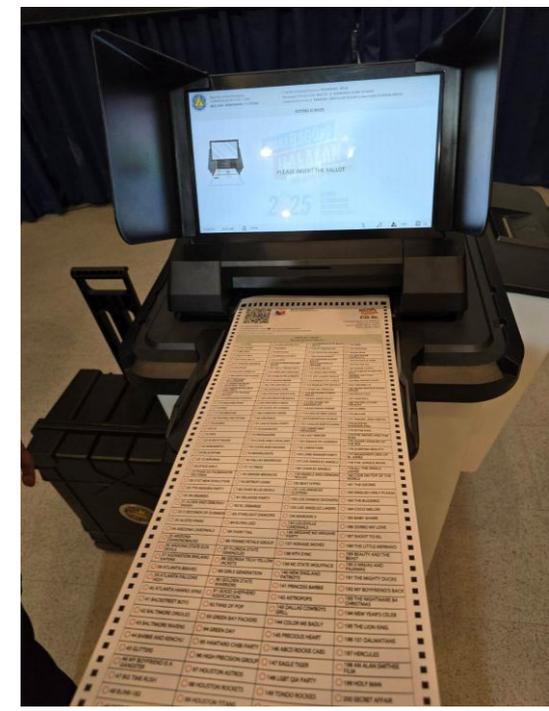
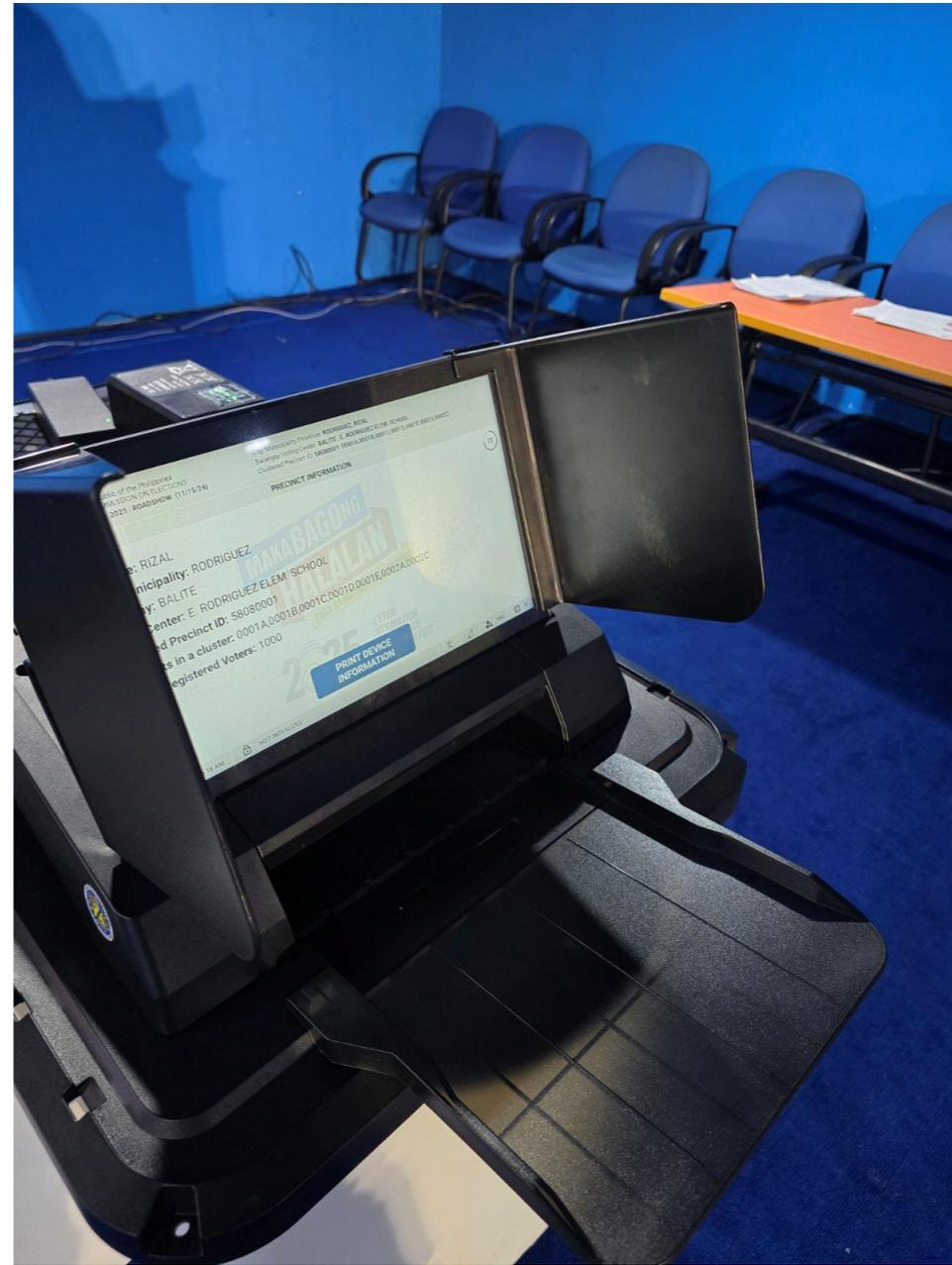
Clustered Precinct ID: 74040644  
Precincts in Cluster:  
3628A, 3629A, 3630A, 3631A,  
3632A

**PARAAN NG PAGBOTO**

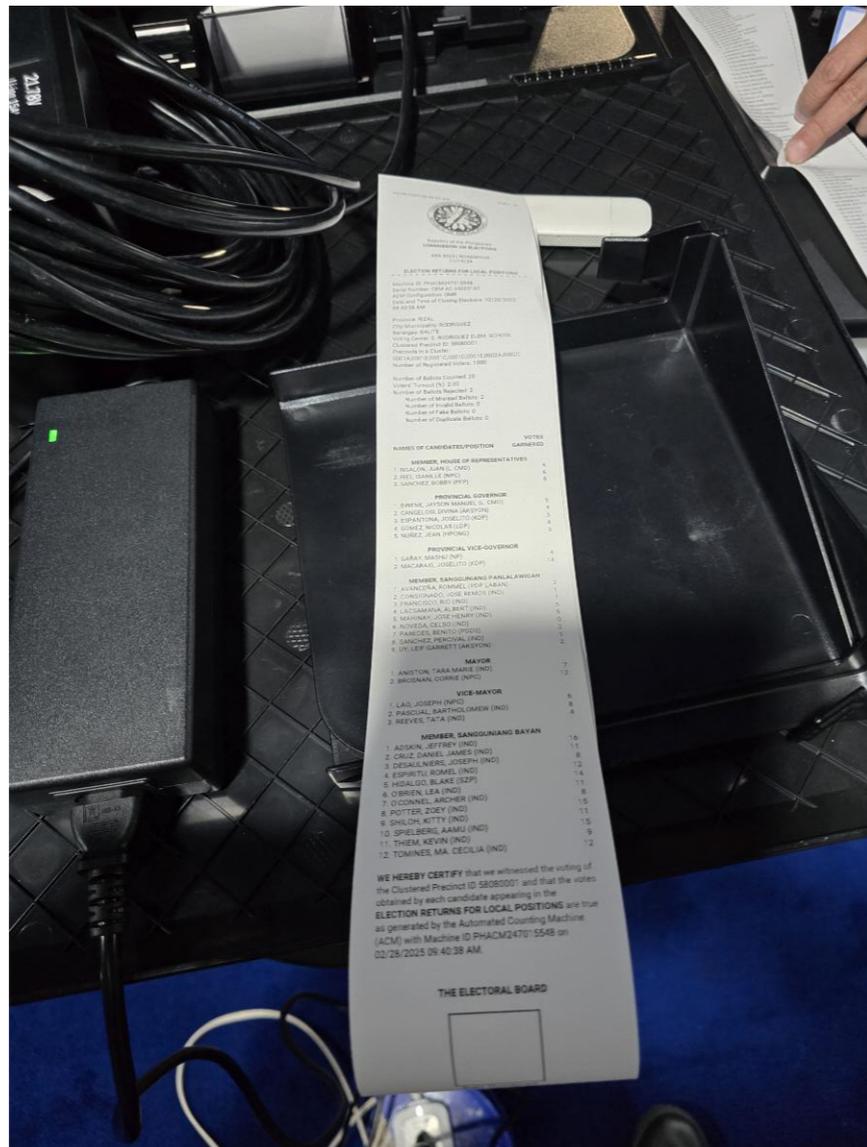
1. Markahan ang loob ng bilog  sa tabi ng nais ibotong kandidato.
2. Gamitin lamang ang marking pen na ibinigay para sa pagmarka ng mga bilog.
3. Huwag markahan ng hihigit sa dapat.

PARTY LIST / Vote for 1 (Bumoto ng hindi hihigit sa 1)			
<input type="radio"/> 1 4PS	<input type="radio"/> 40 BABAE AKO	<input type="radio"/> 80 BOSES PARTY-LIST	<input type="radio"/> 119 COOP-NATCCO
<input type="radio"/> 2 PPP	<input type="radio"/> 41 ARISE	<input type="radio"/> 81 ARANGKADA PILIPINO	<input type="radio"/> 120 KABAYAN
<input type="radio"/> 3 FPJ PANDAY BAYANIHAN	<input type="radio"/> 42 MAGDALO	<input type="radio"/> 82 AANGAT TAYO	<input type="radio"/> 121 1MUNTI
<input type="radio"/> 4 KABATAAN	<input type="radio"/> 43 APEC	<input type="radio"/> 83 OFW	<input type="radio"/> 122 PINOY WORKERS
<input type="radio"/> 5 DUTERTE YOUTH	<input type="radio"/> 44 MAGBUBUKID	<input type="radio"/> 84 BIDA KATAGUMPAY	<input type="radio"/> 123 API PARTY
<input type="radio"/> 6 ML	<input type="radio"/> 45 SSS-GSIS PENSYONADO	<input type="radio"/> 85 KAMANGGAGAWA	<input type="radio"/> 124 AKO BISAYA
<input type="radio"/> 7 PBBM	<input type="radio"/> 46 GABRIELA	<input type="radio"/> 86 BFF	<input type="radio"/> 125 KAMALAYAN
<input type="radio"/> 8 P3PWD	<input type="radio"/> 47 TINGOG	<input type="radio"/> 87 BUNYOG	<input type="radio"/> 126 AKO TANOD
<input type="radio"/> 9 MURANG KURYENTE	<input type="radio"/> 48 APAT-DAPAT	<input type="radio"/> 88 AGRI	<input type="radio"/> 127 PROBINSYANO AKO
<input type="radio"/> 10 BICOL SARO	<input type="radio"/> 49 AHON MAHIRAP	<input type="radio"/> 89 SENIOR CITIZENS	<input type="radio"/> 128 KABABAIHAN
<input type="radio"/> 11 IPATUPAD	<input type="radio"/> 50 UGB	<input type="radio"/> 90 4K	<input type="radio"/> 129 RAM
<input type="radio"/> 12 PATROL	<input type="radio"/> 51 AKBAYAN	<input type="radio"/> 91 PBP	<input type="radio"/> 130 ALONA
<input type="radio"/> 13 JUAN PINOY	<input type="radio"/> 52 AGIMAT	<input type="radio"/> 92 ONE COOP	<input type="radio"/> 131 AKO BICOL
<input type="radio"/> 14 ARTE	<input type="radio"/> 53 PHILRECA	<input type="radio"/> 93 CIBAC	<input type="radio"/> 132 GP (GALING SA PUSO)
<input type="radio"/> 15 WIFI	<input type="radio"/> 54 KAPUSO PM	<input type="radio"/> 94 BH - BAGONG HENERASYON	<input type="radio"/> 133 KAUNLAD PINOY
<input type="radio"/> 16 MAAGAP	<input type="radio"/> 55 ILOCANO DEFENDERS	<input type="radio"/> 95 1AGILA	<input type="radio"/> 134 ABP
<input type="radio"/> 17 UNITED SENIOR CITIZENS	<input type="radio"/> 56 1-RIDER PARTY-LIST	<input type="radio"/> 96 EDUAKSYON	<input type="radio"/> 135 CWS
<input type="radio"/> 18 EPANAW SAMBAYANAN	<input type="radio"/> 57 TICTOK	<input type="radio"/> 97 ANG TINIG NG SENIORS	<input type="radio"/> 136 LPGMA
<input type="radio"/> 19 AKO PADAYON	<input type="radio"/> 59 BAYAN MUNA	<input type="radio"/> 98 BG PARTY-LIST	<input type="radio"/> 137 A TEACHER
<input type="radio"/> 20 TUCP	<input type="radio"/> 60 ANG PROBINSIYANO	<input type="radio"/> 99 PINOY AKO	<input type="radio"/> 138 SWERTE
<input type="radio"/> 21 ACT TEACHERS	<input type="radio"/> 61 BANAT	<input type="radio"/> 100 H.E.L.P. PILIPINAS	<input type="radio"/> 139 GABAY
<input type="radio"/> 22 1PACMAN	<input type="radio"/> 62 SBP	<input type="radio"/> 101 HEALTH WORKERS	<input type="radio"/> 140 MALASAKIT@BAYANIHAN
<input type="radio"/> 23 TGP	<input type="radio"/> 63 BUHAY	<input type="radio"/> 102 PEOPLE'S CHAMP	<input type="radio"/> 141 AKAY NI SOL
<input type="radio"/> 24 DUMPER PTDA	<input type="radio"/> 64 TULUNGAN TAYO	<input type="radio"/> 103 AA-KASOSYO PARTY	<input type="radio"/> 142 LUNAS
<input type="radio"/> 25 ANAKALUSUGAN	<input type="radio"/> 65 SAGIP	<input type="radio"/> 104 SOLID NORTH PARTY	<input type="radio"/> 143 DIWA
<input type="radio"/> 26 AKSYON DAPAT	<input type="radio"/> 66 BTS BAYANING TSUPER	<input type="radio"/> 105 ABAMIN	<input type="radio"/> 144 PINUNO
<input type="radio"/> 27 BHW	<input type="radio"/> 67 VENDORS	<input type="radio"/> 106 TRABAHO	<input type="radio"/> 145 PAMILYA MUNA
<input type="radio"/> 28 SULONG DIGNIDAD	<input type="radio"/> 68 ACT-CIS	<input type="radio"/> 107 ANGKASANGGA	<input type="radio"/> 146 BAGONG PILIPINAS
<input type="radio"/> 29 BATANG QUIAPO	<input type="radio"/> 69 AKTIBONG KAAGAPAY	<input type="radio"/> 108 TODA AKSYON	<input type="radio"/> 147 HUGPONG FEDERAL
<input type="radio"/> 30 PBA	<input type="radio"/> 70 ASENSO PINOY	<input type="radio"/> 109 TURISMO	<input type="radio"/> 148 TUPAD
<input type="radio"/> 31 GILAS	<input type="radio"/> 71 SOLO PARENTS	<input type="radio"/> 110 ABONO	<input type="radio"/> 149 LAANG KAWAL
<input type="radio"/> 32 AKO ILOCANO AKO	<input type="radio"/> 72 ANG KOMADRONA	<input type="radio"/> 111 ASAP NA	<input type="radio"/> 150 PAMILYA KO
<input type="radio"/> 33 PAMILYANG MAGSASAKA	<input type="radio"/> 73 PROMDI	<input type="radio"/> 112 LINGAP	<input type="radio"/> 151 BBM
<input type="radio"/> 34 CLICK PARTY	<input type="radio"/> 74 PUSONG PINOY	<input type="radio"/> 113 UNITED FRONTLINERS	<input type="radio"/> 152 HEAL PH
<input type="radio"/> 35 ABANTE BISDAK	<input type="radio"/> 75 KUSUG TAUSUG	<input type="radio"/> 114 KASAMBAHAY	<input type="radio"/> 153 ABANG LINGKOD
<input type="radio"/> 36 MANILA TEACHERS	<input type="radio"/> 76 DAMAYANG FILIPINO	<input type="radio"/> 115 TUTOK TO WIN	<input type="radio"/> 154 MAGSASAKA
<input type="radio"/> 37 PAMANA	<input type="radio"/> 77 MPBL	<input type="radio"/> 116 AKO OFW	<input type="radio"/> 155 MAHARLIKA
<input type="radio"/> 38 NANAY	<input type="radio"/> 78 ANGAT	<input type="radio"/> 117 AGAP	<input type="radio"/> 156 USWAG ILONGGO
<input type="radio"/> 39 KM NGAYON NA	<input type="radio"/> 79 KALINGA	<input type="radio"/> 118 1TAHANAN	

# The Automated Counting Machine (ACM)



# The Election Return (ER)





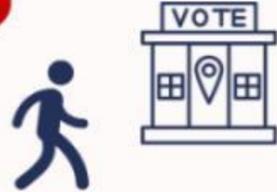


# 10-STEP VOTING PROCESS



ATTY. ALBERTO AGRA  
Election Law Professor

1



VOTER **ARRIVES** AT POLLING PRECINCT AND PRESENTS SELF TO **ELECTORAL BOARD (EB)**

2



EB VERIFIES IDENTITY OF VOTER BY CHECKING NAME AGAINST **ELECTION DAY COMPUTERIZED VOTERS' LIST (EDCVL)**

3



IF **RIGHT FOREFINGER UNSTAINED**, NAME IS **ANNOUNCED** BY EB

4



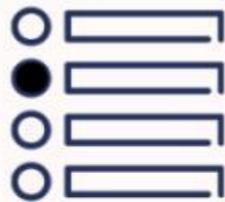
IF **NOT CHALLENGED** OR IF CHALLENGED **DISMISSED**, VOTER **SIGNS** EDCVL

5



VOTER GIVEN A **BALLOT** INSIDE FOLDER BY EB

6



VOTER FILLS UP BALLOT BY **SHADING** OVALS ACROSS NAMES OF CANDIDATES

7



VOTER DEPOSITS/INSERTS BALLOT INSIDE THE **AUTOMATED COUNTING MACHINE (ACM)**

8



VOTER CHECKS CHOICES SHOWN ON **ACM SCREEN** AND **VOTER-VERIFIED PAPER AUDIT TRAIL**

9



EB **STAINS** **RIGHT FOREFINGER** OF VOTER WITH **INDELIBLE INK**

10



VOTER **LEAVES** POLLING PRECINCT

# 9) Pre-Proclamation Cases

- [ **Aspects:** (1) BoC-related (BoC or Comelec division, concurrent) and (2) Results-related (BoC) [not allowed per COMELEC]
- [ **Allowed:** Objections pertaining to Proceedings and Composition of BoC
- [ **Not Expressly Allowed:**
  1. Material Defects, Manifest Errors, Omission, Discrepancy (not allowed under Comelec Resolution for AES, allowed for manual)
  2. Rules of Appreciation; Violence; Voting Procedure; Eligibility of Voters (whether manual or AES since evidence aliunde)

# 10) Post-Proclamation: Requirements for Election Protests

1. Filed by candidate
2. Within period
3. Proper venue
4. Protestee proclaimed
5. Protestant admits legality of proclamation
6. Payment of filing fee
7. Allegations of fraud
8. Identify precincts/ areas
9. Verified
10. Certificate of non-forum shopping (liberally construed)

# 10) Post-Proclamation: Election Protests

- **Scope of Election Contests:** contentions involving a claim or title to the office without due regard to the contestant's claim to such office
- **Nature:** not an ordinary petition, protestant must meet the strict requirement of specificity of the grounds and established rules on evidence
- **Grounds:** Fraud and Irregularities in Casting, Counting and Canvassing alleged with particularity; cannot raise lack of signature in CoC and lack of required data
- **Procedural Rules:** Non-compliance with procedural rules cannot be justified by mere invocation of the determination of the true will of the electorate; liberal interpretation of rules not automatically granted by invocation of such will
- **Documents in Question/ Evidence:** Depends on grounds - Ballots (or decrypted ballot images), ERs, CoCs and Data-Storage Devices

# 10) Post-Proclamation: Election Protests

- **Venue:** P/VP (PET); Senators (SET); Representatives (HRET); Regional; Province; City (Comelec Division); Municipality (RTC); Barangay (MTC)
- **Material Qualifications vs. Will of Electorate:** former
- **Procedure:** Revision; Trial; range of shading thresholds; objective of the revision process of mimicking or verifying/confirming how the VCMs read or counted the votes can be achieved by referring to the ERs generated by the VCMs; decrypted ballot images where the integrity of the ballots and the ballot box was not preserved; extreme caution in invalidating ballots; use all means to ascertain true winner
- **If prosper:** protestee removed, true winner proclaimed; rendered moot upon the occurrence of a subsequent election since it is impossible to assume office for the previous term

# 10) Post-Proclamation: Annulment of Proclamation

- **Grounds:** Proclamation based on irregular and illegal canvass
- **Period to File:** 10 days from proclamation
- **Venue:** Comelec Division
- **Effect:** Proclamation annulled; re-canvass

# 10) Post-Proclamation: Quo Warranto

- [ **Grounds:** Disloyalty to Republic; Ineligibility
- [ **Venue:** Same as Election Protest
- [ **If prosper:** Respondent ousted; special elections or succession
- [ **Proof:** Burden on petitioner to prove DQ by substantial evidence then burdens shifts to candidate to disprove
- [ **Covers Impeachable Officers:** quo warranto and impeachment can proceed independently and simultaneously; Constitution does not foreclose a quo warranto action against impeachable officers; To subscribe to the view that election of impeachable officers are outside judicial review is to cleanse their election of any possible defect pertaining to the Constitutionally-prescribed qualifications

# 11) Election Offenses

- Offenses: Defined in OEC and other statutes
- Investigation: COMELEC Law Department or Prosecutor's Office
- Information: specify public place where firearm carried (essential element)
- Trial: Regional Trial Court
- Penalty: Imprisonment (1 to 6 years) and Deprivation of Political Rights (suffrage and holding public office)

# 11) Election Offenses

PHASE	ELECTION PERIOD								
	PRE-ELECTION DAY		ELECTION DAY			ELECTION DAY +1		POST-PROCLAMATION	
	CAMPAIGN PERIOD	EVE	VOTING	CASTING	TRANSMISSION	CANVASSING	PROCLAMATION		
ELECTION OFFENSES	VOTE BUYING / SELLING OR CONSPIRACY TO COMMIT ACT								
	WAGERING UPON RESULTS OF ELECTION								
	COERCION OF SUBORDINATES TO INFLUENCE VOTE								
	THREATS, FRAUD, OR TERRORISM TO INFLUENCE VOTE								
	COERCION OF ELECTION OFFICIALS								
	CREATION OF NEW POSITION, APPOINTMENT OF EMPLOYEES, PROMOTION, GIVING SALARY INCREASE								
	WITHIN 45 DAYS BEFORE ELECTION DAY								
	TRANSFER OF EMPLOYEES OR OFFICERS IN CIVIL SERVICE								
	CIVIL SERVICE OFFICERS OR EMPLOYEES ENGAGING IN PARTISAN POLITICAL ACTIVITIES								
	PROMISE/ SOLICIT EMPLOYEMENT TO INFLUENCE VOTING								
	UNLAWFUL ELECTIONEERING								
	PROHIBITION AGAINST DISMISSAL OF EMPLOYEES, LABORERS, OR TENANTS FOR REFUSING OR FAILING TO VOTE FOR A CANDIDATE								
	APPOINTMENT OR USE OF SPECIAL POLICEMEN, AGENTS, COFIDENTIAL AGENTS								
	ILLEGAL RELEASE OF DETENTION PRISONERS								
	WITHIN 60 DAYS BEFORE ELECTION DAY				WITHIN 30 DAYS AFTER ELECTION DAY				
	USE OF PUBLIC FUNDS FOR CAMPAIGN								
	BEARING, CARRYING, OR TRANSPORTING FIREARMS OUTSIDE RESIDENCE OR BUSINESSES EVEN WITH PERMIT TO CARRY								
						CARRYING DEADLY WEAPONS WITHIN RADIUS OF 100 METERS			
					USE OF ARMORED LAND, WATER, OR AIR CRAFT				
WEARING UNIFORMS AND BEARING ARMS OURSIDE VICINITY OF WORK PLACE									
USE OF SECURITY PERSONNELS OR BODYGUARDS BY CANDIDATES, UNLESS AUTHORIZED									

# 11) Election Offenses

PHA	PRE-ELECTION DAY		ELECTION DAY			ELECTION DAY +1	POST-PROCLAMATION
	CAMPAIGN PERIOD	EVE	VOTING	CASTING	TRANSMISSION	CANVASSING	PROCLAMATION
ELECTION OFFENSES	ORGANIZATION OR MAINTENANCE OF REACTION FORCES, STRIKE FORCES, OR OTHER SIMILAR FORCES						
	RELEASE OF PUBLIC FUNDS FOR PUBLIC WORKS, SOCIAL WELFARE, COMMISSION ON HUMAN SETTLEMENTS		VOTING MORE THAN ONCE OR IN SUBSTITUTION				
	WITHIN 45 DAYS BEFORE ELECTION DAY						
	CONSTRUCTION AND DELIVERY OF MATERIALS FOR PUBLIC WORKS, ISSUANCE OF TREASURY WARRANTS		OPENING OF BOOTHS OR STALLS FOR SALE OF MERCHANDISE OR REFRESHMENT WITHIN 30 METERS RADIUS				
	WITHIN 45 DAYS BEFORE ELECTION DAY		HOLDING OF FAIRS, COCKFIGHTS, BOXING, HORSE RACES, OR ANY OTHER SIMILAR SPORTS				
	SUSPENSION OF ELECTIVE PUBLIC OFFICIAL WITHOUT APPROVAL OF COMELEC						
	ALTERATION OF TERRITORY OF A PRECINCT OR ESTABLISHMENT OF A NEW PRECINCT						
	GIVING DONATIONS OR GIFTS IN CASH OR IN KIND						
	CAMPAIGNING ON HOLY WEEK		SELLING, FURNISHING, OFFERING, BUYING, SERVING, OR TAKING INTOXICATING LIQUOR				
			GIVING, ACCEPTING, FREE TRANSPORTATION, FOOD, OR DRINKS OR THINGS OF VALUE				
		CAMPAIGNING					
		SOLICITING VOTES OR BLACK PROPAGANDA WITHIN					

# 12) Cases per Category

Categories	Specific Cases
<b><i>Electorate</i></b>	<ul style="list-style-type: none"><li>○ Opposition to Application for Registration (ERB)</li><li>○ Inclusion and Exclusion (MTC)</li><li>○ Annulment of Book of Voters (CEB)</li><li>○ Challenge on Election Day (BEI)</li><li>○ Election Offense (CLD or DOJ)</li></ul>
<b><i>Candidate</i></b>	<ul style="list-style-type: none"><li>○ Disqualification (CDiv)</li><li>○ Election Offense (CLD or DOJ)</li></ul>
<b><i>Integrity of Electoral Procedures</i></b>	<ul style="list-style-type: none"><li>○ Postponement of Elections (CEB)</li><li>○ Failure of Elections (CEB)</li></ul>
<b><i>Pre-Proclamation</i></b>	<ul style="list-style-type: none"><li>○ BoC-related (BoC or CDiv)</li><li>○ Consolidated Results-related (BoC or CDiv)</li></ul>
<b><i>Election Protests/ Post-Proclamation</i></b>	<ul style="list-style-type: none"><li>○ Annulment of Proclamation (Proclaiming Authority)</li><li>○ Election Protest (depends on position)</li><li>○ Quo Warranto (depends on position)</li></ul>
<b><i>Election Offenses</i></b>	<ul style="list-style-type: none"><li>○ Against Candidates (CLD or DOJ)</li><li>○ Against Non-Candidates and Voters (CLD or DOJ)</li></ul>

# 12) Dispute Resolution

<i>Cases/ Disputes</i>										
<i>Aspects</i>	<i>Annul Book of Voters</i>	<i>DQ of Candidates</i>	<i>Postpone Elections</i>	<i>Failure of Elections</i>	<i>Voter Challenges</i>	<i>Pre-Proc.</i>	<i>Annul Proclamation</i>	<i>Election Protest</i>	<u><i>Quo Warranto</i></u>	<i>Election Offenses</i>
<i>Grounds</i>	Book Prepared Improperly, Preparation Attended with Vice or Fraud; Book contains Statistically Improbable Data	Lack of Qualifications; Material Misren. in <u>CnC</u> ; Nuisance; Commission of Election Offense	Impossible to have free elections due to: Force Majeure Violence Terrorism Loss or Destruction of Election Paraphernalia Analogous causes	Failure to elect and affect outcome of elections due to: Force Majeure Violence Terrorism Fraud Analogous causes	Illegal Voter Illegal Acts	Illegal Composition and Proceedings of Board of Canvassers Irregularities affecting authenticity of Election Returns/ Certificates of Canvass (Data-Storage Delayed, Destroyed, Falsified)	Anomalies in the Proclamation	Fraud or irregularities in election (whole process)	Disloyalty to the Republic; Ineligibility	Offenses enumerated in Election Laws

# 12) Dispute Resolution

	Cases/ Disputes									
Aspects	Annul Book of Voters	DQ of Candidates	Postpone Elections	Failure of Elections	Voter Challenges	Pre-Proc.	Annul Proclamation	Election Protest	Quo Warranto	Election Offenses
Period	Pre-election	Filing of CoC to Pre-Proc.	Pre-election	Election Day to Pre-Proc.	Election Day	During Canvassing	After Proclamation	After Proclamation	After Proclamation	Pre-and Post-Election
Jurisdiction (1 <sup>st</sup> Instance)	Comelec En Banc	Comelec Division	Comelec En Banc	Comelec En Banc	Board of Election Inspectors	1 <sup>st</sup> : Board of Canvassers or Comelec Division 2 <sup>nd</sup> : Board of Canvassers	Comelec Division	P/ VP: SET Senate: SET Reps: HRET Reo'l Prov'l and City: Comelec Division Municipal: RTC	P/ VP: SET Senate: SET Reps: HRET Reo'l Prov'l and City: Comelec Division Municipal: RTC	Comelec Law Dept. or Prosecutors Comelec En Banc (for filing of information)
Period to File	[no order to execute within 90 days before election]	Lack of Q and Election Offense: Before Proc. Material Misrep. Within 25 from CoC filing Nuisance: Within 5 days from CoC deadline	Before or on Election Day	Before Proclamation	Before Voter casts ballot	1 <sup>st</sup> : When ground apparent 2 <sup>nd</sup> : Before canvass of FR/ CoC	10 days from proclamation/ within period to file Election Protest	P/ VP: 30 days from proclamation Senate: 15 days from proclamation Others: 10 days from proclamation	10 days from proclamation	5 years from commission

# 12) Dispute Resolution

<i>Aspects</i>	<i>Annul Book of Voters</i>	<i>DQ of Candidates</i>	<i>Postpone Elections</i>	<i>Failure of Elections</i>	<i>Voter Challenges</i>	<i>Pre-Proc.</i>	<i>Annul Proclamation</i>	<i>Election Protest</i>	<u><i>Quo Warranto</i></u>	<i>Election Offenses</i>
<b>Procedure</b>	Petition and hearing	Petition and hearing	<u>Motu proprio</u> or Petition and hearing	Petition and hearing	Challenge recorded	1 <sup>st</sup> : Petition and hearing; canvassing suspended during pendency 2 <sup>nd</sup> : verbal and written objections at the same time, then evidence within 24 hours	Petition and hearing	Petition, hearing and revision	Petition and hearing	Complaint, Finding of Probable Cause, Filing of Information and Trial before RTC
<b>Petitioner</b>	Voter, election officer or political party	Lack of Q, Election Offense and Material <u>Misrep</u> : registered voter or registered political party Nuisance: Registered candidate Election Offense: <u>Comelec</u> Campaign Finance Office, NGOs	Any interested party	<u>Comelec motu proprio</u> or any interested party	Voter or watcher	Any candidate or political party	Any candidate or political party	P/ VP/ Municipal: 2 <sup>nd</sup> or 3 <sup>rd</sup> placer Others: Any candidate	Any voter	Any interested party/ Any voter

# 12) Dispute Resolution

	<i>Cases/ Disputes</i>									
<i>Aspects</i>	<i>Annul Book of Voters</i>	<i>DQ of Candidates</i>	<i>Postpone Elections</i>	<i>Failure of Elections</i>	<i>Voter Challenges</i>	<i>Pre-Proc.</i>	<i>Annul Proclamation</i>	<i>Election Protest</i>	<i>Quo Warranto</i>	<i>Election Offenses</i>
<i>Effect if Granted</i>	Book of Voters annulled	Prevent candidate from running, or if elected, from serving; Can be substituted if DQ based on commission of election offense	Elections will be postponed in political subdivision; Special elections will be held not later than 30 days from cessation of cause	Declaration of failure (no winner can be determined) in affected polling place; <u>elections will</u> be held not later than 30 days from cessation of cause	Not allowed to vote	1 <sup>st</sup> : <u>BoC</u> reconstituted or rectifies proceedings 2 <sup>nd</sup> : <u>ER/ CoC</u> set aside and corrected	Proclamation annulled and canvassing anew	True winner proclaimed	Incumbent ousted	Conviction Imprisonment <u>DiO</u> to hold public office Deprivation of right of suffrage



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Thank you.