

# Module 6: Election Contests and Offenses

Annulment of Proclamation

Election Protests

Quo Warranto

Election Offenses

Venues, Procedures  
and Requirements



ATENEO DE MANILA UNIVERSITY  
SCHOOL OF LAW

Fr Joaquin G Bernas SJ  
Institute for Continuing Legal Education

## Election Law for the 2022 Elections

### MODULES

✓ **Elections and Candidates**  
September 30, 2021 | 3pm, Thursday

✓ **Electorate**  
October 28, 2021 | 3pm, Thursday

✓ **Commission on Elections**  
November 25, 2021 | 3pm, Thursday

✓ **Campaign**  
December 16, 2021 | 3pm, Thursday

✓ **Electoral Procedure**  
January 27, 2022 | 3pm, Thursday

**Election Contests and Offenses**  
February 24, 2022 | 3pm, Thursday

Atty. Alberto C. Agra  
Ateneo Election Law Professor  
Ateneo Political Law Bar Reviewer





# Review of Modules 1 - 5



# Dissecting the Definition of a *Candidate* in an Automated Election

(1) There are **no candidates today**, only candidates-in-waiting, aspirants, filers, would-be candidates or inchoate candidates.

(3) A would-be candidate shall become a full-fledged candidate, who can be held liable for unlawful acts or omissions, **only** at the start of the **campaign period**:

- February 8, 2022 for Nationally-Elected
- March 25, 2022 for Locally-Elected

“xxx Any person who **files his certificate of candidacy** within **this period** shall **only** be considered as a **candidate** at the **start of the campaign period** for which he filed his certificate of candidacy: *Provided, That, unlawful acts or omissions* applicable to a candidate shall **effect only upon that start** of the aforesaid **campaign period**: xxx”  
(Section 15, RA 9369, Amended Automated Election Law)

(2) A **full-fledged candidate** is one who:

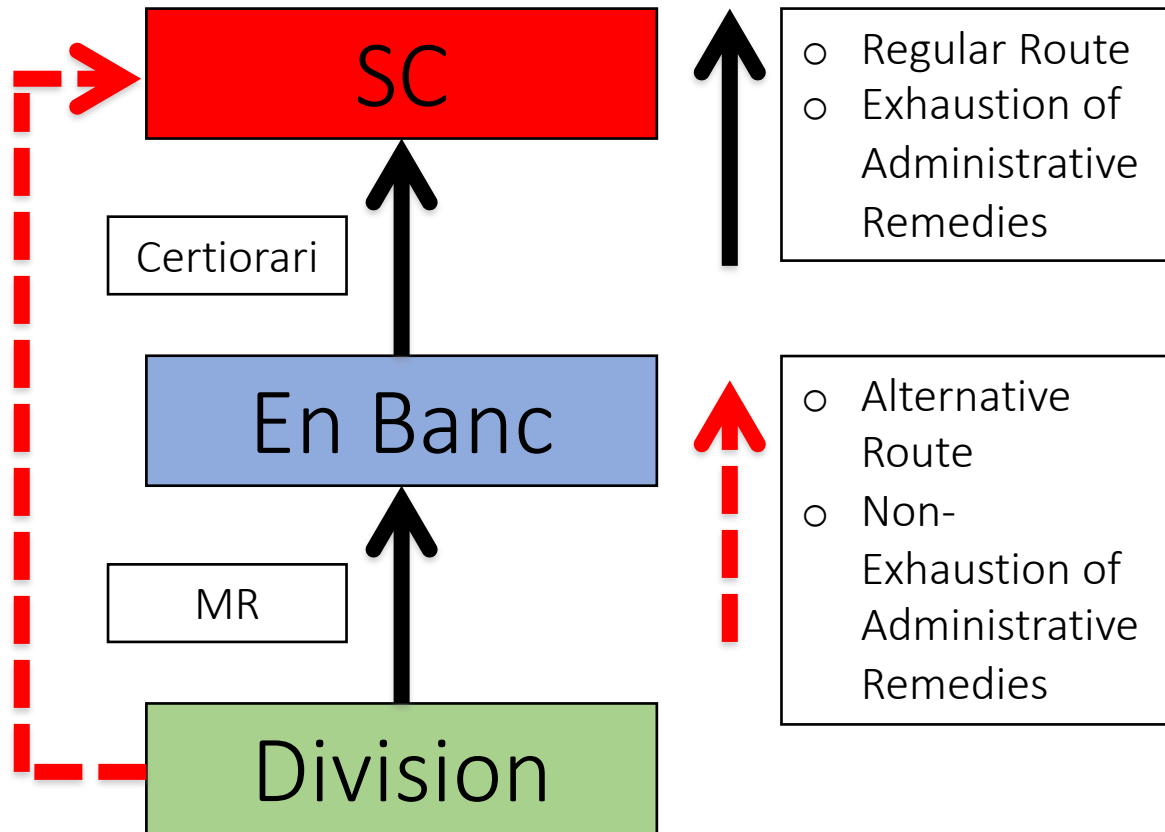
1. Intends to seek public elective office;
2. Filed his/her CoC from October 1 to 8, 2021 (or within period of substitution);
3. Has a valid CoC; and
4. Possesses all the qualifications and none of the disqualifications; and where the campaign period has started (*Operative Fact*).

(4) From the date of COC-filing up to the start of campaign period, the following **rules are not yet applicable/ effective**:

- Maximum amount per voter
- Types and specifications of campaign collaterals
- Vote-buying
- Release of Public Funds
- Tri-Media Limits



# Can a decision of a COMELEC Division be directly elevated to the SC, bypassing the COMELEC En Banc?



The Non-Exhaustion of Administrative Remedies, in exceptional cases, may be allowed by the SC. In connection with elections, these may be raised to justify bypassing the COMELEC En Banc:

1. Question is essentially Judicial
2. Pure question of Law
3. Constitutionality
4. Transcendental Issue
5. Utter Disregard for Due Process
6. Strong Public Interest
7. Urgency/ Lack of Material Time
8. Special Reasons demanding Immediate Judicial Relief

## In-Person Campaign Restrictions

- Entering any **private dwelling** during house-to-house campaigning, even with the express permission of the homeowner
- Crowding, or allowing there to be, **crowds** that violate Minimum Public Health Standards around the candidate and his or her companions
- Handshakes, hugs, kisses, going arm-in-arm, or any action that involves **physical contact** among the candidate, their companions, and the public
- Taking selfies, photographs and other similar activities that require **close proximity** between the candidate and their companions, and the public
- Distribution of **food and drink**, and all other goods or items

## Rallies/ Meetings Restrictions

- Handshakes, hugs, going arm-in-arm, or any action that involves **physical contact** among the candidate, their companions, and the public
- Taking selfies, photographs and other similar activities that require **close proximity** between the candidate and their companions, and the public
- Distribution of **food and drink**, and all other goods or items

## Caravans/ Motorcades Restrictions

- Number of **passengers** dependent on IATF level and type of vehicle
- Stopovers, layovers, and other similar **stoppages** for the conduct of other election campaign activities
- Handshakes, hugs, kisses, going arm-in-arm, or any action that involves **physical contact** among the candidate, their companions, and the public
- Taking selfies, photographs and other similar activities that require **close proximity** between the candidate and their companions, and the public
- Distribution of **food and drink**, and all other goods or items.

### Common Limitations

1. Physical Contact
2. Close Proximity
3. Food and Drinks



Under COMELEC Resolution No. 10732





# Can COMELEC regulate non-campaign materials by non-candidates? No. *Bacolod Diocese v. COMELEC, GR 205728 (2015)*

1. The Fair Election Act on the posting of campaign materials only mentions “parties” and “candidates.”
2. COMELEC does not have the authority to regulate the enjoyment of the preferred right to freedom of expression exercised by a non-candidate.
3. The term “election campaign” or “partisan political activity” refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office, and does not cover:
  - a) speech on a matter of public concern,
  - b) advocacy of a social issue,
  - c) dialogue on public affairs,
  - d) grievances and political discontent, or
  - e) materials not paid for or posted in return for consideration by any candidate or political party.
4. Election paraphernalia from candidates and political parties are more declarative and descriptive and contain no sophisticated literary allusion to any social objective. Thus, they usually simply exhort the public to vote for a person with a brief description of the attributes of the candidate.
5. Size limitations during elections hit at a core part of expression. The content is not easily divorced from the size of its medium. Content-based regulation bears a heavy presumption of invalidity. The Supreme Court has used the clear and present danger rule as measure (i.e., the evil consequences sought to be prevented must be substantive, extremely serious and the degree of imminence extremely high).
6. The guarantee of freedom of expression to individuals without any relationship to any political candidate should not be held hostage by the possibility of abuse by those seeking to be elected.
7. Every citizen’s expression with political consequences enjoys a high degree of protection.



# What does the Fair Election Act say about Election Propaganda by Non-Candidates?

## Lawful Election Propaganda

Type	Size
Printed Materials (e.g. Pamphlets, leaflets, cards, decals, stickers)	8.5"W x 14"L
Letters (Handwritten or Printed)	Any
Posters	2' x 3' (taken as whole)
Streamers	3' x 8'

Sec. 3. *Lawful Election Propaganda.* - Election propaganda whether on television, cable television, radio, newspapers or any other medium is hereby **allowed for all registered political parties, national, regional, sectoral parties or organizations participating under the party-list elections** and for all bona fide candidates seeking national and local elective positions xxx.

*Opinion:* Based on a plain reading of the provision, the size and place requirements for the listed election propaganda **only apply to candidates and political parties, not non-candidates.**



# The Critical Role of **Election Officers (EOs)** during the **Campaign Period** *Under COMELEC Resolution No. 10730*

Rallies

Poster Areas

Unlawful  
Propaganda

Headquarters

1. Prior to a **Campaign Rally**, the **EO** must be informed.
2. After a rally, the campaign staff must submit to the **EO** an **Affidavit of Compliance with Health Protocols**.
3. The permission of the **EO** must be obtained for **Candidate's Poster Area(s)**.
4. The **EO** determines the **Common Poster Areas**.
5. The **EO** notifies a candidate of **Unlawful/ Prohibited Propaganda** where failure to remove within 3 days from notice creates the presumption that it was the candidate who posted.
6. The **EO** summarily hears and resolves a **complaint** against a candidate for using **Unlawful/ Prohibited Propaganda**.
7. A candidate must notify the **EO** of the location of **Campaign Headquarters**.

*Note: Non-compliance with the Fair Election Act and COMELEC Rules is an election offense.*





# Election Day Don'ts #1



1. An Election Officer (EO) reschedules the election in a polling place due to violence. *[Only the COMELEC En Banc can postpone elections.]*
2. The Electoral Board (EB) Chair deposits the ballot in the Voter Counting Machine. *[It should be the Voter.]*
3. A Voter fills out the ballot of another. *[Allowed only if that Voter is an assistor.]*
4. A candidate provides free transport to voters. *[This is an election offense since 1985.]*
5. The EB Chair is the first cousin of a local candidate to be voted for in the polling place of assignment. *[This is a disqualification for EB Members.]*
6. The Watcher of a Presidential Candidate is not allowed by the EB to enter the polling place. *[Watchers must be qualified. Only 1 watcher can serve at a time.]*
7. A Voter takes a picture of the contents of his/her ballot. *[This violates ballot secrecy. This is an election offense since 1985.]*



# Election Day Don'ts #2



1. The Electoral Board (EB) Chair allows **media reporters inside the polling place**. *[Allowed only when they will cast their votes. Also, if they are authorized by COMELEC.]*
2. An **EB Member fills up the ballot of a voter** who is not illiterate, a person with disability or a senior citizen per voting records. *[These circumstances must be indicated in the voting records in order for these voters can be assisted by another.]*
3. A Voter whose temperature is **38 °C** was not allowed to vote. *[Voter shall vote inside the Isolation Polling Place (IPP).]*
4. A candidate provides **free food and drinks** to voters. *[This is an election offense since 1985.]*
5. The EB allows **3 Watchers** for a Presidential Candidate to serve and be at the polling place at the same time. *[Only 1 qualified watcher can serve at a given time.]*
6. A Voter writes his/her **name on the ballot**. *[This violates ballot secrecy. This is an election offense since 1985.]*
7. A Candidate **campaigns**. *[The last day of campaign is May 7.]*

# Persons **Allowed** (and **Not Allowed**) inside Polling Places on May 9



## **Allowed**

1. Members of the Electoral Board (EB)
2. EB support staff
3. Watchers
4. COMELEC Representatives
5. Department of Education Supervisor Official (DESO) Technical Support Staff
6. Emergency Accessible Polling Place (EAPP) Support Staff
7. Voters casting their votes and their assistors
8. Voters waiting for their turn to cast their vote
9. Jail/ Prison Escorts escorting Persons Deprived of Liberty (PDL) voters
10. Other COMELEC-authorized persons

## **Not Allowed**

1. Military Officials/ AFP
2. Police Officials/ PNP\*
3. Peace Officers\*
4. Barangay Officials
5. SK Officials
6. Barangay Tanods
7. Extra-Legal Police Personnel

*\* Allowed within 30-meter radius if:*

- EB majority vote
- EB/ Paraphernalia protection



# Who can appoint **Pollwatchers**?

1. Candidates
2. Duly-registered political parties or coalition of political parties
3. Party-List Groups
4. Duly-accredited citizens' arms
5. Other civic, religious, business, professional, service, youth, and any other similar organizations with COMELEC prior authority

## How many?

- 2 watchers for every polling place, serving alternately
- Only 1 watcher for candidates for Senator belonging to the same registered party/coalition
- Only 1 watcher for candidates for Local Councils belonging to the registered party/coalition
- Only 1 watcher for all civic groups

*If insufficient space, preference to watchers of:*

- Dominant majority and dominant minority parties
- Citizens' arm (*given preferential position closest to the Electoral Board*)



# Who can be appointed **Pollwatchers?**

1. S/he must be a Registered voter of the city or municipality
2. S/he must be of good moral character
3. S/he must not have have been convicted by final judgment of any election offense or of any other crime
4. S/he knows how to read and write Filipino, English or the prevailing local dialect
5. S/he must not be related within the 4<sup>th</sup> civil degree of consanguinity or affinity to any member of the Electoral Board in the polling place where s/he seeks appointment as a watcher

*Reminder:* Candidates and Political Parties must submit the names of their representatives authorized to appoint watchers to the Election Officer at least 15 days before May 9





# Electoral Process & Cases

Candidates

Possible Cases

- Postponement of Elections
- Failure of Elections


- Election Protests
- Annulment of Proclamation
- Quo Warranto

Aspirants/ Filers/ Poll Bets/  
“Would-Be Candidates”

Full-Fledged Candidates

Filing of  
CoC  
10.01-08  
(11.15 –  
05.09)

Pre-  
Campaign  
Period

  
Start of  
Campaign  
02.08-Nat'l  
03.25-Local

Election  
Day  
05.09

Canvass/  
Proclaim  
05.10-16  
(~P/VP)

SOCE  
06.08

Assume  
Office  
06.30  
(12nn)

CoC Cancellation/ Disqualification/ Declare Nuisance Cases

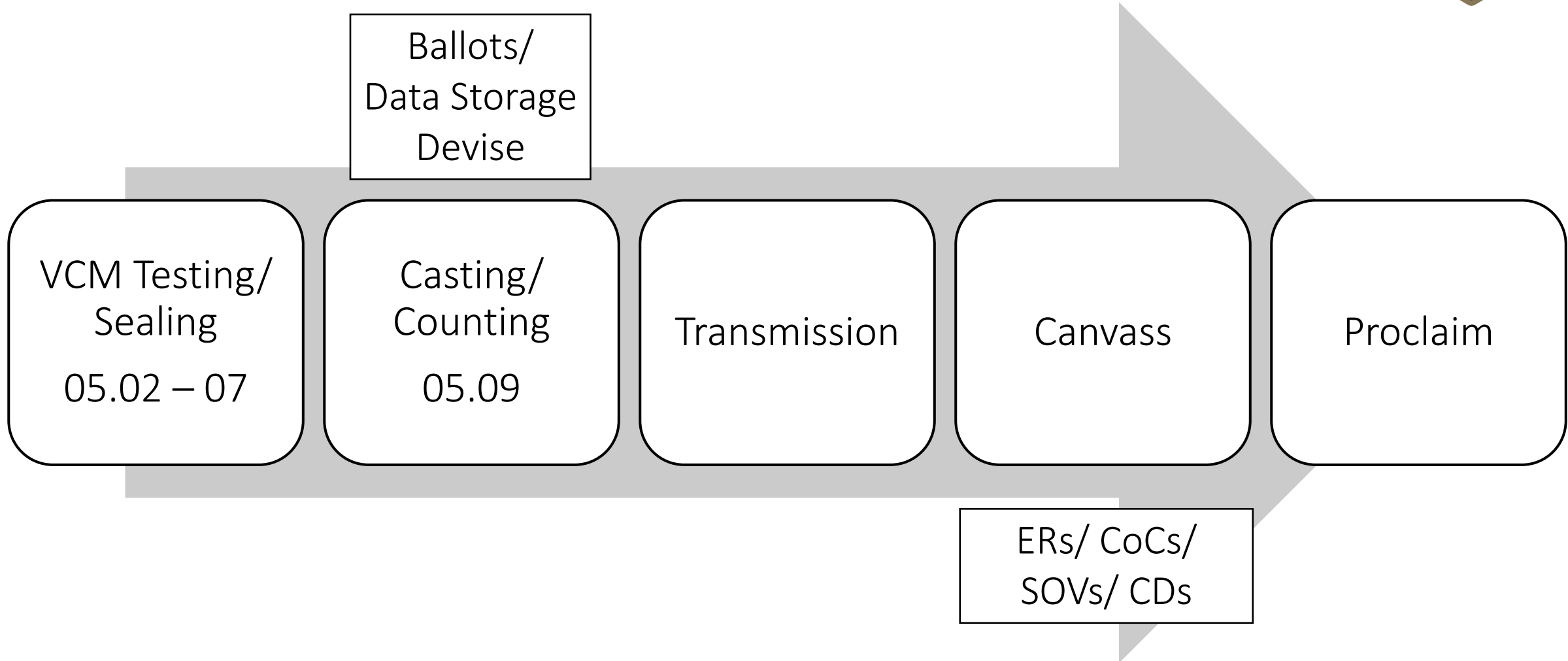
Substitution of Aspirants/ Candidates D&D  
Withdrawal but no substitution > 11.15

Pre-Proc.



	<b><i>Postponement of Elections</i></b>	<b><i>Failure of Elections</i></b>
<b><i>Legal Bases</i></b>	Section 5, Omnibus Election Code Section 4, RA No. 7166	Section 6, Omnibus Election Code Section 4, RA No. 7166
<b><i>Grounds</i></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><i>Extent of Cause</i></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><i>Basis</i></b>	Expectancy/ potential Effect	Actual outcome/results
<b><i>Conditions</i></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><i>Area</i></b>	Any political subdivision	Any polling place
<b><i>Procedural Requirements</i></b>	<ol style="list-style-type: none"> <li>1. Motu Propio 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><i>Authority</i></b>	Comelec En Banc	
<b><i>Effect if Petition Granted</i></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>

# Automated Elections



# Canvassing: Rights of Candidates and Parties



1. Right to be present
2. Right to counsel during the consolidation/  
canvass of the ERs or CoCs
  - duly appointed by the candidate/  
registered political party
  - Name(s) submitted not later than May 4
  - only 1 counsel may argue for each party or  
candidate at a given time
  - Rights of Counsel
    - Right to observe the transmission,  
consolidation and canvass of the ERs  
or CoCs without touching the  
Consolidation and Canvassing System  
(CCS)
    - Right to make observations
    - Right to file challenges
3. Right to Appoint Watchers  
(Name(s) submitted not later  
than May 4)
  - Be present
  - Take notes
  - Stay at designated place
  - File a written protest on any  
irregularity
  - Obtain written resolution of  
protest



# Pre-Proclamation Cases

## —Aspects (under the law)

1. BoC-related (proceedings and composition) – raise before the BoC or COMELEC division
2. Results-related (generation/printing, transmission, receipt and custody, and appreciation of ERs or the CoCs) – raise before the BoC

## —Not allowed under COMELEC Resolution No. 10731

- Data-Storage Delayed, Destroyed, Falsified
- Material Defects, Manifest Errors, Omission, Discrepancy

## —Not allowed since admit evidence aliunde (violence, disqualified voters allowed to vote, voting procedure, vote-buying)





# BoC proclaims based on Highest Number of Votes (Plurality) *except:*

Disqualified	CoC Cancelled	Nuisance
Suffer from Disqualification	False Material Representation	Mock elections No Bona Fide Intention to Run
Final and Executory Decision (No MR of Division Ruling   No SC Restraining Order of En Banc Ruling) <i>[If pending and no order of suspension of proclamation, proclaim winner]</i>		
<ol style="list-style-type: none"> <li>1. BoC not proclaim candidate</li> <li>2. Succession (if allowed by law)</li> <li>3. If succession is not allowed under the 1991 LGC, position vacant</li> </ol>	<ol style="list-style-type: none"> <li>1. Votes considered stray</li> <li>2. Proclaim 2<sup>nd</sup> Placer (provided his/ her CoC not cancelled)</li> </ol>	<ol style="list-style-type: none"> <li>1. Votes of Nuisance added to Candidate with same surname</li> <li>2. Proclaim candidate who garners highest number of votes (not apply to multi-slot office)</li> <li>3. If 2 or more candidates having same surname declared as nuisance candidates, except for 1, votes for former not considered stray and credited to lone candidate</li> <li>4. If 2 or more candidates having same surname declared as nuisance candidates, votes considered stray and not credited to any</li> <li>5. If there is no candidate with same surname, votes for nuisance considered stray</li> </ol>



# Module 6

## Election Contests and Dispute Resolution



# Election Protests

- [**Election Protest:** 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
- [**Venue:** P/VP (PET); Senators (SET); Representatives (HRET); Regional; Province; City (Comelec Division); Municipality (RTC); Barangay (MTC)



# Election Protests: Requirements

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



# Election Protests

- [**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
- [**Documents in Question/ Evidence:** Depends on grounds - Ballots (or decrypted ballot images), ERs, CoCs and Data-Storage Devices
- [**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





# Annulment of Proclamation

- [ **Grounds:** Proclamation based on irregular and illegal canvass
  - [Proclamation based on incomplete canvass (below threshold)
  - [BoC reconvened without prior COMELEC authority
  - [Proclamation by BOC which has illegal composition
- [ **Period to File:** 10 days from proclamation
- [ **Venue:** Comelec Division (EP venue)
- [ **Effect:** Proclamation annulled; re-canvass



# 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

PHASE	ELECTION PERIOD							
	PRE-ELECTION DAY		ELECTION DAY			ELECTION DAY +1		POST-PROCLAMATION
ELECTION OFFENSES	CAMPAIGN PERIOD		EVE	VOTING	CASTING	TRANSMISSION	CANVASSING	PROCLAMATION
	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 EMPLOYMENT 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								

# 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 WARRAANTS		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						

# Procedure

Complaint

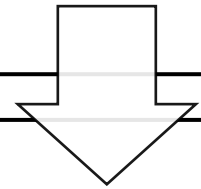
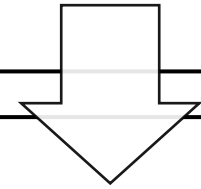
*COMELEC Law Dept or Prosecutor's Office*

Filing of Information

*COMELEC En Banc*

Trial and Decision (Acquit or Convict)

*RTC*





# Summary: Election Dispute Resolution



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



# Dispute Resolution

<i>Aspects</i>	<i>Cases/ Disputes</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>
<b>Grounds</b>	Book Prepared Improperly, Preparation Attended with Vice or Fraud; Book contains Statistically Improbable Data	Lack of Qualifications; Material Misren. in CoC: 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

# Dispute Resolution



<i>Aspects</i>	<i>Cases/ Disputes</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>Period</i>	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
<i>Jurisdiction (1<sup>st</sup> Instance)</i>	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 Reg'l. Prov'l and City: Comelec Division Municipal: RTC	P/ VP: SET Senate: SET Reps: HRET Reg'l. Prov'l and City: Comelec Division Municipal: RTC	Comelec Law Dept. or Prosecutors Comelec En Banc (for filing of information)
<i>Period to File</i>	[no order to execute within 90 days before election]	Lack of Q and Election Offense: Before Proc. Material Misren: 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 ER/ 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

# 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>	<i>Quo Warranto</i>	<i>Election Offenses</i>
<b>Procedure</b>	Petition and hearing	Petition and hearing	Motu proprio 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 Misrepresentation: Registered voter or registered political party Nuisance: Registered candidate Election Offense: Comelec Campaign Finance Office, NGOs	Any interested party	Comelec motu proprio 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



# 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; elections will be held not later than 30 days from cessation of cause	Not allowed to vote	1 <sup>st</sup> : BoC reconstituted or rectifies proceedings 2 <sup>nd</sup> : ER/ CoC set aside and corrected	Proclamation annulled and canvassing anew	True winner proclaimed	Incumbent ousted	Conviction Imprisonment DiO to hold public office Deprivation of right of suffrage



[www.albertocagra.com](http://www.albertocagra.com)



09175353823



alberto agra



[alberto.c.agra@gmail.com](mailto:alberto.c.agra@gmail.com)



Thank you. Keep safe.