Philippine Election Laws

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Election Laws

1. 1987 Constitution
2. Omnibus Election Code (B.P. 881)
4. Synchronized Elections Act (R.A. 7166)
5. 1991 Local Government Code (R.A. 7160)
6. Initiative and Referendum (R.A. 6735)
8. Fair Election Act (R.A. 9006)
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)
Topics for Discussion

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) Philippine Elections

- General
- Free
- Direct
- Equal
- Secret
- Choices (Person & Policy)
- Automated
- All Levels
- Synchronized conduct
- Regular
- Plurality Formula
- Regulated by Law
- Supervised by Comelec
- Honest, Orderly and Peaceful
- Clean and Fair
- Inexpensive
- Participated in by Political Parties
- Public Disclosures
1) Philippine Elections

**Figures**
- Registered Voters: 54,363,844
- Established Precincts: 369,133
- Clustered Precincts: 92,509 (not more than 7 precincts and 800 voters)
- Vote-Counting Machines (VCMs): 97,517 (Phl 92,509; Overseas 120, Contingency 4,888)
- Major Political Parties: 14 (2 dominant parties; 10 major national and 2 major local)

**Elective Offices**
- President: 1
- Vice-President: 1
- Senators: 12 (of 24)
- District Representatives: 235
- Party-List Representatives: 58 (59)
- Autonomous Region: 1
- Provinces: 81
- Cities: 144
- Municipalities: 1,490
2) Commission on Elections

- **Independent 7-Person Constitutional Body**
  (administrative agency, public office, fixed term, permanent appointments)

- **Plenary authority** to decide all questions affecting elections except the question as to the right to vote

- **Enjoys Fiscal Autonomy**

- **Wide** discretion in adopting means to carry out its mandate of ensuring **HOPE** (not straitjacketed by procedural rules)
2) Commission on Elections

- **Enforcement Power**: All election laws (persons and policies); exclusion of others

- **Judicial Power**: Qualifications and Election Contests (excludes Suffrage)

- **Jurisdiction**: Original (Regional, Provincial and City); and Appellate (Municipal, Barangay and Sangguniang Kabataan)
2) Commission on Elections

**Remedies:** En Banc (MR, administrative) and Division (1st instance, judicial)

**Process:** Division - MR to En Banc then Certiorari to SC

**Contempt:** Judicial (not Administrative)
## 2) Commission on Elections

### 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

### Administrative (En Banc)
- 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 on conviction with ancillary penalty of DQ
- Allocation of party-list seats
- Accreditation of Major Parties
2) Commission on Elections

SC

En Banc

Division

SC

En Banc

SC

SC

Judicial

Administrative

Rule-Making
### 3) Public Offices

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<th>Public Office</th>
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<td>Regular Courts</td>
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<td>Tribunals</td>
<td>Presidential Electoral Tribunal&lt;br&gt; Senate Electoral Tribunal&lt;br&gt; House of Representatives Electoral Tribunal</td>
</tr>
<tr>
<td>COMELEC</td>
<td>National Board of Canvassers&lt;br&gt; En Banc&lt;br&gt; Division&lt;br&gt; Board of Canvassers&lt;br&gt; Board of Election Inspectors&lt;br&gt; Law Department</td>
</tr>
<tr>
<td>Executive</td>
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### 3) Election Tribunals

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<th>Pres/ VP</th>
<th>Senators</th>
<th>District Reps.</th>
<th>Part-List Reps.</th>
<th>Regional Officials</th>
<th>Provincial Officials</th>
<th>City Officials</th>
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<td>Proclamation</td>
<td>Congress</td>
<td>Comelec En Banc</td>
<td>Local/ District Board of Canvassers</td>
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<td>Comelec En Banc</td>
<td>Provincial Board of Canvassers</td>
<td>City Board of Canvassers</td>
<td>Municipal Board of Canvassers</td>
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<tr>
<td>Annulment of Proclamation</td>
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<td>[Comelec En Banc]</td>
<td>[Comelec Division]</td>
<td>[Comelec En Banc]</td>
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<td>Election Protest</td>
<td>Presidential Electoral Tribunal</td>
<td>Senate Electoral Tribunal</td>
<td>House of Representatives Electoral Tribunal</td>
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<td>Comelec Division</td>
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<td>Regional Trial Court</td>
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<td>Quo Warrant</td>
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<td>Postponement of Elections</td>
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<td>Failure of Elections</td>
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<tr>
<td>Election Offenses</td>
<td>[Immunity after Proc.]</td>
<td></td>
<td></td>
<td></td>
<td>Comelec Law Department or Prosecutors (Comelec En Banc filing of Information; Regional Trial Court for Trial)</td>
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</tbody>
</table>
3) Voters: Concepts

- **What?** Suffrage is a Right (not an obligation)

- **Who?** Qualifications defined in Constitution; Disqualifications defined in Statute; Allow Absentee Voting, Dual Citizens, Disabled and Illiterates to Vote

- **How?** Procedural Requirements allowed to be imposed, Substantive not allowed

- **Distinguished from** Right to Register
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; permanent residency)

- **Resided in place** wherein propose to vote for at least 6 months prior to election day (permanent or temporary)

- **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
3) Voters: Registration

- **Nature**: Continuing
- **Listing**: Computerized List at all Levels
- **Number**: 200 Voter-Precinct (unless clustered)
- **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)
3) Voters: Opposition

- **What?** Applications 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 already acted upon

**Where File?** MTC (not Comelec), then RTC (not Comelec), then SC (question of law)

**Grounds?** Disapproval or Name Stricken Out (Inclusion); Not Qualified or Voter Not Real (Exclusion)

**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 (not qualification of voters)
3) Voters: Election Day

Illegal Voter

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

Illegal Act

- Vote-Buying; Vote-Selling; Vote-Betting: Promise to induce or withhold vote (*allowed to vote if take oath*)
4) Officials: Elective

National Office

President; Vice-President; Senators (24; 1/2); Representatives (District and Party-List)

Local Office

LCE: Regional Governor, Provincial Governor, City or Municipal Mayor and Punong Barangay

VLCE: Vice-Governor and Vice-Mayor; Sanggunian Members
4) Officials: Qualifications

**Listing:** Set by the Constitution (national) and statutes (local)
- Citizenship
- Age
- Residency
- Registered Voter
- Literacy
- Free from Disqualifications
  - [Undertake Drug Test under CDDA OF 2002, unconstitutional]

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

<table>
<thead>
<tr>
<th>Elective Position</th>
<th>Citizenship</th>
<th>Age</th>
<th>Literacy</th>
<th>Voter</th>
<th>Residency</th>
<th>Term (Years)</th>
<th>Term Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>President and Vice President</td>
<td>Natural-Born</td>
<td>40</td>
<td>Read and Write</td>
<td>Registered</td>
<td>10 years in Phil</td>
<td>6</td>
<td>P-1 VP-2</td>
</tr>
<tr>
<td>Senator</td>
<td>Natural-Born</td>
<td>35</td>
<td>Read and Write</td>
<td>Registered</td>
<td>2 years in Phil</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>District Representatives</td>
<td>Natural-Born</td>
<td>25</td>
<td>Read and Write</td>
<td>Registered in District</td>
<td>1 year in District</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Party-List Representatives</td>
<td>Natural-Born</td>
<td>25</td>
<td>(if youth: 25-30)</td>
<td>Read and Write</td>
<td>Registered</td>
<td>1 year in Phil</td>
<td>3</td>
</tr>
<tr>
<td>ARMM Governor</td>
<td>Natural-Born</td>
<td>35</td>
<td>Read and Write</td>
<td>Registered in ARMM</td>
<td>5 years in ARMM</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>ARMM Legislators</td>
<td>Natural-Born</td>
<td>21</td>
<td>Read and Write</td>
<td>Registered in District</td>
<td>5 years in District</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Local Officials</td>
<td>Citizen</td>
<td></td>
<td>Prov/HUC: 23 Other Mayor/ VM: 21 Others: 18</td>
<td>Read and Write Filipino or Local dialect</td>
<td>Registered in Locality</td>
<td>1 year in Locality</td>
<td>3</td>
</tr>
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</table>
4) Candidate: Evolution of Definition

<table>
<thead>
<tr>
<th>Automated Election Law</th>
<th>Omnibus Election Code</th>
<th>Comelec Resolution</th>
<th>Comelec Resolution</th>
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<tr>
<td>RA No. 9369</td>
<td>B.P. Bldg. 881</td>
<td>No. 9991</td>
<td>No. 10049</td>
</tr>
<tr>
<td>(January 23, 2007)</td>
<td>(December 3, 1985)</td>
<td>(October 2, 2015)</td>
<td>(February 1, 2016)</td>
</tr>
<tr>
<td>Candidacy (CoC)</td>
<td>2. Filed CoC</td>
<td>2. Filed CoC</td>
<td>2. Filed CoC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4. Not disqualified or CoC cancelled or denied due course before start of campaign period</td>
</tr>
</tbody>
</table>
4) Officials: Candidate

- **Definition:** Seeks public office *and* files certificate of candidacy *and* campaign period has started

- **Ministerial Duty:** If filed in due form, ministerial duty to receive COC; Comelec may look into patent defects (appearing on the face) of CoCs

- **Effect of Non-Filing:** Not a candidate *(not liable for unlawful acts and omissions before becoming a candidate; before start of campaign period)*

- **Effect of Filing:** On Tenure of Incumbents (elective – remain in office; appointive – *ipso facto* resigned)
4) Incumbents: Advantages

1. Elective officials not considered resigned regardless of elective position sought (appointive officials considered ipso facto resigned upon filing of certificate of candidacy)

2. Electioneering does not extend to acts of governance, provided no intention to campaign for or against a candidate (not all acts of beneficence is considered campaigning)

3. News about incumbents not considered campaigning, thus, not covered in caps on campaign media exposure

4. Governance collaterals and announcements may not be required to be removed since not considered campaigning without intent to campaign

5. Rules of Appreciations favor incumbents (no longer applicable in an automated election where names are printed on ballots)
4) Incumbents: Offenses

- Vote-buying
- Coercion of subordinates
- Appointment of new employees, creation of new positions, promotions, or gives salary increases
- Transfer of officers and employees in the civil service
- Intervention of public officers and employees
- Undue influence
- Appointment or use of special policemen, special agents, confidential agents or the like
- Illegal release of prisoners before and after election
- Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign
- Use of armoured land, water or air craft
- Use of Policemen and provincial guards acting as bodyguards or security guards
- Release, disbursement or expenditure of public funds
- Construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices
- Suspension of elective provincial, city, municipal or barangay officer
4) Officials: Substitution

**Grounds:** (1) Death, (2) Withdrawal, and (3) Disqualification (*not allowed:* (a) if violate term limit; (b) not meet residency requirement; (c) CoC denied due course or cancelled – (c.1) nuisance and (c.2) material misrepresentation); if invalid substitution – not considered a candidate

**Who?** Substitute must be Qualified

**When?** Up to mid-day of election day (if withdrawal, on or before December 10, 2015)

**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

- 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

Pleading? Petition to Disqualify a Candidate

Grounds? Constitution or Statutes

Where File? Comelec Division

When File? Before 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?** Vote-Buying, Terrorism, Unlawful Expenditures, Unlawful Campaign, Coercion of Subordinates, Threats, Prohibition against Release of Public Funds (other election offenses – file EO case – RTC hears)

- **Where File?** Comelec Division

- **When File?** Before Proclamation

- **If Not File?** Election Protest; Election Offense
4) Officials: Disqualifications

**Nuisance Candidate**

- **Petition?** Petition to Declare a Candidate as a Nuisance Candidate


- **Where File?** Comelec Division

- **When File?** Within 5 days from Last Day Filing of Certificate of Candidacy

- **If Not File?** No remedy
4) Officials: Disqualifications

Misrepresentation

— **Pleading?** Petition to Deny Due Course to or Cancel a Certificate of Candidacy

— **What?** Misrepresentation must be Material (pertains to Qualifications and Disqualifications; not surname, profession, political party) and Willful/ Deliberate; Even if there is ‘misrepresentation,’ “if actually qualified, should not be disqualified

— **Where File?** Comelec Division

— **When File?** 25 days from Filing of CoC

— **If Not File?** Quo Warranto
### 4) Officials: Disqualifications

#### Misrepresentation

<table>
<thead>
<tr>
<th>Material Entries</th>
<th>Formal Entries</th>
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<tr>
<td>Qualification-related:</td>
<td>Non-Qualification-related:</td>
</tr>
<tr>
<td>1. Citizenship</td>
<td>1. Political Party</td>
</tr>
<tr>
<td>2. Residency</td>
<td>2. Profession</td>
</tr>
<tr>
<td>3. Registered Voter</td>
<td>3. Legitimacy or Illegitimacy</td>
</tr>
<tr>
<td>4. Age</td>
<td>4. Use of another surname</td>
</tr>
<tr>
<td>5. Literacy</td>
<td>5. Civil Status</td>
</tr>
</tbody>
</table>

To be disqualified under Misrepresentation:

1. The misrepresentation must be material, i.e., qualification-related
2. The candidate had the intent to defraud the voters (deliberate)
3. The candidate is not actually qualified
## 4) Compare and Contrast

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<th>Material Misrepresentation</th>
<th>Nuisance Candidate</th>
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<tr>
<td><strong>Pleading</strong></td>
<td>Petition to Disqualify a Candidate</td>
<td>Petition to Disqualify a Candidate</td>
<td>Petition to Deny Due Course to or Cancel a Certificate of Candidacy (CoC)</td>
<td>Petition to Declare a Candidate as a Nuisance Candidate (or Comelec initiates)</td>
</tr>
</tbody>
</table>
| **Allegations**        | 1. Candidate does not possess all qualifications  
2. Candidate possesses some or all of disqualifications  
3. Candidate violated rule on term limits | Candidate committed any of enumerated election offenses:  
1. Vote-Buying  
2. Terrorism  
3. Unlawful Expenditures  
4. Unlawful Campaign  
5. Coercion of Subordinates  
6. Threats  
7. Prohibition against Release of Public Funds  
8. Failure to submit Statement of Contributions and Expenditures in at least 2 elections | 1. Misrepresentation is material, i.e., qualification-related  
2. Candidate intended to defraud the voters (deliberate)  
3. Candidate is not actually qualified | CoC has been filed to:  
1. put the election process in mockery or disrepute  
2. cause confusion among the voters by the similarity of the names of the registered candidates  
Candidate no bona fide intention since no/ not:  
1. Campaign Capability  
2. Bona fide intention to run for office  
3. Track Record  
4. Exposure  
5. Platform  
6. Party Affiliation  
7. Funds  
8. Good Health  
9. Appropriate education |
## 4) Compare and Contrast

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

Succession or Special Elections

- Commission of an election offense

“2nd Placer”

- Violation of 3-term limit
- Not a voter (inclusion denied with finality)
- Conviction of criminal offense involving moral turpitude
- Not a Filipino citizen
- Final decision on DQ before elections

1st placer not a legitimate candidate at the beginning
5) Campaign: Concept

**Definition:** Act designed to *promote* the election or *defeat* of a candidate

**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
5) Campaign: Allowable Forms

- Forming Organizations
- Holding Rallies
- Making Speeches
- Distributing Campaign Materials
- Soliciting Votes
- Publishing Advertisements
5) Campaign: Propaganda

- Paid Political Advertisements
- Free Space and Airtime
- Use of Gadgets and Billboards
- Private Poster Areas
- Posting in Private Places, PUVs and terminals
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’)

WWW.ALBERTOCAGRA.COM
5) Campaign: Paid Ads

- **Print:** 1/4\textsuperscript{th} page in broadsheet; ½ in tabloid 3x a week
- **Television:** 120 minutes (for national); 60 minutes (for local)
- **Radio:** 180 minutes (for national); 90 minutes (for local)
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
- 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
- Expenditures made by non-authorized 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

**Conditions:** Grounds must exist before end of voting/transmission

**Authority:** Comelec en banc (petition or motu proprio); not BEI or election officers

**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

**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

**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
7) Compare and Contrast

<table>
<thead>
<tr>
<th>Postponement of Elections</th>
<th>Failure of Elections</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal Bases</strong></td>
<td></td>
</tr>
<tr>
<td>Section 5, Omnibus Election Code</td>
<td>Section 6, Omnibus Election Code</td>
</tr>
<tr>
<td>Section 4, RA No. 7166</td>
<td>Section 4, RA No. 7166</td>
</tr>
<tr>
<td><strong>Grounds</strong></td>
<td></td>
</tr>
<tr>
<td>1. Force Majeure</td>
<td>1. Force Majeure</td>
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<tr>
<td>2. Violence</td>
<td>2. Violence</td>
</tr>
<tr>
<td>3. Terrorism</td>
<td>3. Terrorism</td>
</tr>
<tr>
<td>4. Loss or Destruction of Election Paraphernalia</td>
<td>4. Fraud</td>
</tr>
<tr>
<td>5. Analogous causes</td>
<td>5. Analogous causes</td>
</tr>
<tr>
<td><strong>Extent of Cause</strong></td>
<td></td>
</tr>
<tr>
<td>Serious and Impossibility to have free and orderly elections</td>
<td>Failure to elect and affect results of elections (illegality must affect 50% of the votes)</td>
</tr>
<tr>
<td><strong>Basis</strong></td>
<td></td>
</tr>
<tr>
<td>Expectancy/ potential Effect</td>
<td>Actual outcome/results</td>
</tr>
<tr>
<td><strong>Conditions</strong></td>
<td></td>
</tr>
<tr>
<td>Grounds must exist before voting</td>
<td>1. Election not held or suspended</td>
</tr>
<tr>
<td></td>
<td>2. After voting or during preparation</td>
</tr>
<tr>
<td></td>
<td>3. Transmission</td>
</tr>
<tr>
<td></td>
<td>4. Canvassing</td>
</tr>
<tr>
<td><strong>Area</strong></td>
<td></td>
</tr>
<tr>
<td>Any political subdivision</td>
<td>Any polling place</td>
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<tr>
<td><strong>Procedural Requirements</strong></td>
<td></td>
</tr>
<tr>
<td>1. Motu Propio or by Verified Petition</td>
<td>1. Verified Petition</td>
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<tr>
<td>2. Notice and Due Process</td>
<td>2. Notice and Due Process</td>
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<tr>
<td><strong>Authority</strong></td>
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<tr>
<td>Comelec En Banc</td>
<td></td>
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<tr>
<td><strong>Effect if Petition Granted</strong></td>
<td></td>
</tr>
<tr>
<td>1. Postpone elections</td>
<td>1. Declaration of failure of elections</td>
</tr>
<tr>
<td>2. Conduct elections reasonable close to elections which was not held; but not later than 30 days from cessation of the cause</td>
<td>2. Holding or continuation of elections reasonably close to elections which was not held; but not later than 30 days from cessation of cause</td>
</tr>
</tbody>
</table>
8) Automated Elections

- **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

- **Comelec Discretion:** AES or AESs, Paper-Based or Direct Recording
8) Automated Elections

**Features**: Use of Ballots, Stand-alone machine, with Audit Trails, Minimum Human Intervention and Security Measures

**Processes**:

1. Casting, Counting and Transmission at Precinct Level

2. Consolidation and Proclamation at Canvassing Levels
8) Vote-Counting Machines
8) Automated Elections

**Precinct-Level Result**: Printing of Elections Returns (30 copies) then Electronic Transmission to Board of Canvassers; Results loaded in Data Storage Devices

**Canvassing at BoC**: Consolidation of Results in Data Storage Devices then Electronic Transmission to Comelec (Senate and Party-List) and Congress (President and Vice-President) and Proclamation
8) Automated Elections

A. Preliminaries: 6:00 to 7:00 a.m.
1. BEI sets up Polling Place
2. Pollwatchers present credentials to BEI
3. BEI posts Precinct Certified Voters List (PCVL)
4. BEI shows sealed Vote Counting Machine (VCM) and empty Ballot Box to public
5. BEI turns on Vote Counting Machine (VCM) and logs in
8) Automated Elections

B. **Voting Proper**: 7:00 a.m. to 5:00 p.m.
1. Voters vote in the order of arrival
2. Voter approaches BEI
3. BEI verifies Voter identity
4. BEI checks if fingers unstained with Indelible Ink (if stained, cannot vote)
5. BEI announces name of Voter
6. If no challenge or challenged dismissed, Voter signs in Election Day Computerized Voters List (EDCVL)
8) Automated Elections

7. BEI Chair:
   a) Signs Ballot in space provided
   b) Gives Ballot inside Secrecy Folder and Marking Pen to voter

8. Voter votes by shading circles

9. Voter inserts Ballot in the VCM

10. Ballot is accepted or rejected (given another Ballot):
   a) Misread Ballot (re-fed in 4 different orientations)
   b) Previously Read Ballot (diverted to Bin for Rejected Ballot)
   c) Invalid Ballot
8) Automated Elections

11. BEI applies Indelible Ink

12. Voter returns Secrecy Folder and Marking Pen

13. Voter departs

14. Illiterates and Persons with Disability can be assisted by relative within 4\textsuperscript{th} degree, person of confidence or BEI

15. No premature announcement of status of voting before close of polls
8) Automated Elections

C. Closing of Polls: 5:00 p.m. up
1. If there are Voters within 30-meter radius, they will be allowed to vote (must fall in line, fill-up sheet and called)
2. BEI prints 8 copies of National Election Returns (NERs) and 8 copies of Local Election Returns (LERs)
3. VCM transmits results to:
   a) Comelec
   b) Transparency Server (KBP)
   c) City/ Municipal Board of Canvassers (C/ M BoC)
8) Automated Elections

4. VCM prints 22 copies of NERs and 22 copies of LERs

5. BEI signs all ERs and affixes thumbmarks and places 8 NERs and 8 LERs inside Envelopes

6. Distribute all 30 NERs and 30 LERs (Next/Higher Level of Canvassing, National and Local Political Parties, Media, Citizens’ Arm, Ballot Box, Posted on Wall)

7. BEI shall post 1 copy of ER in a conspicuous place inside polling place
8) Automated Elections

8. VCM prints Statistical and Audit Reports
9. Unused Ballots shall be disposed (torn lengthwise and placed in Envelopes)
10. BEI removes SD card (Slot A) and place inside Envelope (SD is Slot B not removed)
11. VCM shall be turned over to Logistics Provider or Election Officer
12. Deliver Ballot Box to the Local Treasurer
9) Pre-Proclamation Cases

- **Aspects**: BoC-related and Results-related

- **Allowed**: Objections pertaining to Proceedings and Composition of BoC; Pollwatchers-related; Data-Storage Delayed, Destroyed, Falsified *(before canvass)*

- **Not Expressly Allowed**:
  1. Material Defects, Manifest Errors, Omission, Discrepancy
  2. Rules of Appreciation; Violence; Voting Procedure; Eligibility of Voters *(whether manual or AES)*
10) Post-Proclamation: Election Protests

- **Grounds:** Fraud and Irregularities in Casting, Counting and Canvassing

- **Documents in Question/ Evidence:** Ballots, ERs, CoCs and Data-Storage Devices

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

- **Requirements:** Filed by candidate; Within period; Protestee proclaimed; Payment of filing fee; Allegations of fraud; Identify precincts; Verified; Certificate of non-forum shopping

- **Procedure:** Revision; Trial

- **If prosper:** protestee removed, true winner proclaimed
10) Post-Proclamation: Quo Warranto

- **Grounds:** Disloyalty to Republic; Ineligibility
- **Venue:** Same as Election Protest
- **If prosper:** Respondent ousted; special elections or succession
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
## 11) Election Offenses

### Election Period

<table>
<thead>
<tr>
<th>Phase</th>
<th>Pre-Election Day</th>
<th>Election Day</th>
<th>Election Day +1</th>
<th>Post-Proclamation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campaign Period</td>
<td>Eve</td>
<td>Voting</td>
<td>Casting</td>
<td>Transmission</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Canvassing</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td>Proclamation</td>
</tr>
<tr>
<td><strong>Vote Buying / Selling or Conspiracy to Commit Act</strong></td>
<td></td>
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<tr>
<td><strong>Wagering upon Results of Election</strong></td>
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<tr>
<td><strong>Coercion of Subordinates to Influence Vote</strong></td>
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<tr>
<td><strong>Threats, Fraud, or Terrorism to Influence Vote</strong></td>
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<tr>
<td><strong>Coercion of Election Officials</strong></td>
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</tr>
<tr>
<td><strong>Creation of New Position, Appointment of Employees, Promotion, Giving Salary Increase</strong></td>
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</tr>
</tbody>
</table>

**Within 45 days before Election Day**

<table>
<thead>
<tr>
<th>Election Offenses</th>
<th>Transfer of Employees or Officers in Civil Service</th>
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<tbody>
<tr>
<td></td>
<td>Civil Service Officers or Employees Engaging in Partisan Political Activities</td>
</tr>
<tr>
<td></td>
<td>Promise / Solicit Employment to Influence Voting</td>
</tr>
<tr>
<td></td>
<td>Unlawful Electioneering</td>
</tr>
<tr>
<td></td>
<td>Prohibition Against Dismissal of Employees, Laborers, or Tenants for Refusing or Failing to Vote for a Candidate</td>
</tr>
<tr>
<td></td>
<td>Appointment or Use of Special Policemen, Agents, Confidential Agents</td>
</tr>
</tbody>
</table>

**Within 60 days before Election Day**

<table>
<thead>
<tr>
<th>Election Offenses</th>
<th>Illegal Release of Detention Prisoners</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Use of Public Funds for Campaign</td>
</tr>
<tr>
<td></td>
<td>Bearing, Carrying, or Transporting Firearms Outside Residence or Businesses Even with Permit to Carry</td>
</tr>
<tr>
<td></td>
<td>Carrying Deadly Weapons within Radius of 100 Meters</td>
</tr>
<tr>
<td></td>
<td>Use of Armored Land, Water, or Air Craft</td>
</tr>
<tr>
<td></td>
<td>Wearing Uniforms and Bearing Arms Outside Vicinity of Work Place</td>
</tr>
<tr>
<td></td>
<td>Use of Security personnels or Bodyguards by Candidates, Unless Authorized</td>
</tr>
</tbody>
</table>

**Within 30 days after Election Day**
11) Election Offenses

PRE-ELECTION DAY
- CAMPAIGN PERIOD
- EVE

ELECTION DAY
- VOTING
- CASTING
- TRANSMISSION
- CANVASSING
- PROCLAMATION

POST-PROCLAMATION

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
  - WITHIN 45 DAYS BEFORE ELECTION DAY

CONSTRUCTION AND DELIVERY OF MATERIALS FOR PUBLIC WORKS, ISSUANCE OF TREASURY WARRANTS
  - WITHIN 45 DAYS BEFORE ELECTION DAY

VOTING MORE THAN ONCE OR IN SUBSTITUTION

OPENING OF BOOTHs OR STALLS FOR SALE OF MERCHANDISE OR REFRESHMENT WITHIN 30 METERS RADIUS

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

SOLICITING VOTES OR BLACK PROPAGA NDA WITHIN...
## 12) Cases per Category

<table>
<thead>
<tr>
<th>Categories</th>
<th>Specific Cases</th>
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<td><strong>Electorate</strong></td>
<td>Inclusion and Exclusion</td>
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<td></td>
<td>Annulment of Book of Voters</td>
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<tr>
<td><strong>Candidate</strong></td>
<td>Disqualification</td>
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<tr>
<td><strong>Election Integrity</strong></td>
<td>Postponement of Elections</td>
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<td>Failure of Elections</td>
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<tr>
<td><strong>Pre-Proclamation</strong></td>
<td>BoC-related</td>
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<tr>
<td></td>
<td>Consolidated Results-related</td>
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<tr>
<td>**Election Protests/</td>
<td>Election Protest</td>
</tr>
<tr>
<td>Post-Proclamation**</td>
<td>Quo Warranto</td>
</tr>
<tr>
<td><strong>Election Offenses</strong></td>
<td>Against Candidates</td>
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<tr>
<td></td>
<td>Against Non-Candidates and Voters</td>
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</table>
### 12) Public Offices

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<th>Branch</th>
<th>Public Office</th>
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<tr>
<td>Regular Courts</td>
<td>Supreme Court&lt;br&gt;Court of Appeals&lt;br&gt;Regional Trial Court&lt;br&gt;Municipal Trial Court</td>
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<tr>
<td>Tribunals</td>
<td>Presidential Electoral Tribunal&lt;br&gt;Senate Electoral Tribunal&lt;br&gt;House of Representatives Electoral Tribunal</td>
</tr>
<tr>
<td>COMELEC</td>
<td>National Board of Canvassers&lt;br&gt;En Banc&lt;br&gt;Division&lt;br&gt;Board of Canvassers&lt;br&gt;Board of Election Inspectors&lt;br&gt;Law Department</td>
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<tr>
<td>Executive</td>
<td>Department of Justice</td>
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12) Dispute Resolution

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

[Image]

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## 12) Dispute Resolution

<table>
<thead>
<tr>
<th>Cases / Disputes</th>
<th>Aspects</th>
<th>Annul Book of Voters</th>
<th>DQ of Candidates</th>
<th>Postpone Elections</th>
<th>Failure of Elections</th>
<th>Voter Challenges</th>
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<th>Quo Warranto</th>
<th>Election Offenses</th>
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</thead>
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<td>Pre-election</td>
<td>Filing of CoC to Pre-Proc.</td>
<td>Pre-election</td>
<td>Election Day to Pre-Proc.</td>
<td>Election Day</td>
<td>During Canvassing</td>
<td>After Proclamation</td>
<td>After Proclamation</td>
<td>After Proclamation</td>
<td>Pre-and Post-Election</td>
</tr>
<tr>
<td><strong>Jurisdiction (1st Instance)</strong></td>
<td>Comelec En Banc</td>
<td>Comelec Division</td>
<td>Comelec En Banc</td>
<td>Comelec En Banc</td>
<td>Board of Election Inspectors</td>
<td>1st: Board of Canvassers or Comelec Division 2nd: Board of Canvassers</td>
<td>Comelec Division</td>
<td>P/ VP: SET Senate: SET Reps: HRET Reg’l. Prov’l. and City: Comelec Division Municipal: RTC</td>
<td>P/ VP: SET Senate: SET Reps: HRET Reg’l. Prov’l. and City: Comelec Division Municipal: RTC</td>
<td>Comelec Law Dept. or Prosecutors Comelec En Banc (for filing of information)</td>
<td></td>
</tr>
<tr>
<td><strong>Period to File</strong></td>
<td>Lack of Q and Election Offense: Before Proc. Material Misp: Within 25 from CoC filing Nuisance: Within 5 days from CoC deadline</td>
<td>Before or on Election Day</td>
<td>Before Proclamation</td>
<td>Before Voter casts ballot</td>
<td>1st: When ground apparent 2nd: Before canvass of ER/ CoC</td>
<td>10 days from proclamation/within period to file Election Protest</td>
<td>P/ VP: 30 days from proclamation Senate: 15 days from proclamation Others: 10 days from proclamation</td>
<td>10 days from proclamation</td>
<td>5 years from commission</td>
<td></td>
<td></td>
</tr>
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## 12) Dispute Resolution

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<tbody>
<tr>
<td><strong>Procedure</strong></td>
<td>Petition and hearing</td>
<td>Petition and hearing</td>
<td>Motu proprio or Petition and hearing</td>
<td>Petition and hearing</td>
<td>Challenge recorded</td>
<td>1&lt;sup&gt;st&lt;/sup&gt;: Petition and hearing; canvassing suspended during pendency 2&lt;sup&gt;nd&lt;/sup&gt;: verbal and written objections at the same time, then evidence within 24 hours</td>
<td>Petition and hearing</td>
<td>Petition, hearing and revision</td>
<td>Petition and hearing</td>
<td>Complaint, Finding of Probable Cause, Filing of Information and Trial before RTC</td>
</tr>
<tr>
<td><strong>Petitioner</strong></td>
<td>Voter, election officer or political party</td>
<td>Lack of Q, Election Offense and Material Misrep: Registered voter or registered political party Nuisance: Registered candidate Election Offense: Comelec Campaign Finance Office, NGOs</td>
<td>Any interested party</td>
<td>Voter or watcher</td>
<td>Any candidate or political party</td>
<td>Any candidate or political party</td>
<td>P/ VP/ Municipal: 2&lt;sup&gt;nd&lt;/sup&gt; or 3&lt;sup&gt;rd&lt;/sup&gt; placer Others: Any candidate</td>
<td>Any voter</td>
<td>Any interested party/ Any voter</td>
<td></td>
</tr>
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</table>
## 12) Dispute Resolution

<table>
<thead>
<tr>
<th>Aspects</th>
<th>Cases/Disputes</th>
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<tbody>
<tr>
<td></td>
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</tr>
<tr>
<td>Effect if Granted</td>
<td>Book of Voters annulled</td>
</tr>
</tbody>
</table>
THANK YOU. GOOD LUCK.