

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

# Reviewer on Election Law

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January 22, 2025

# 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

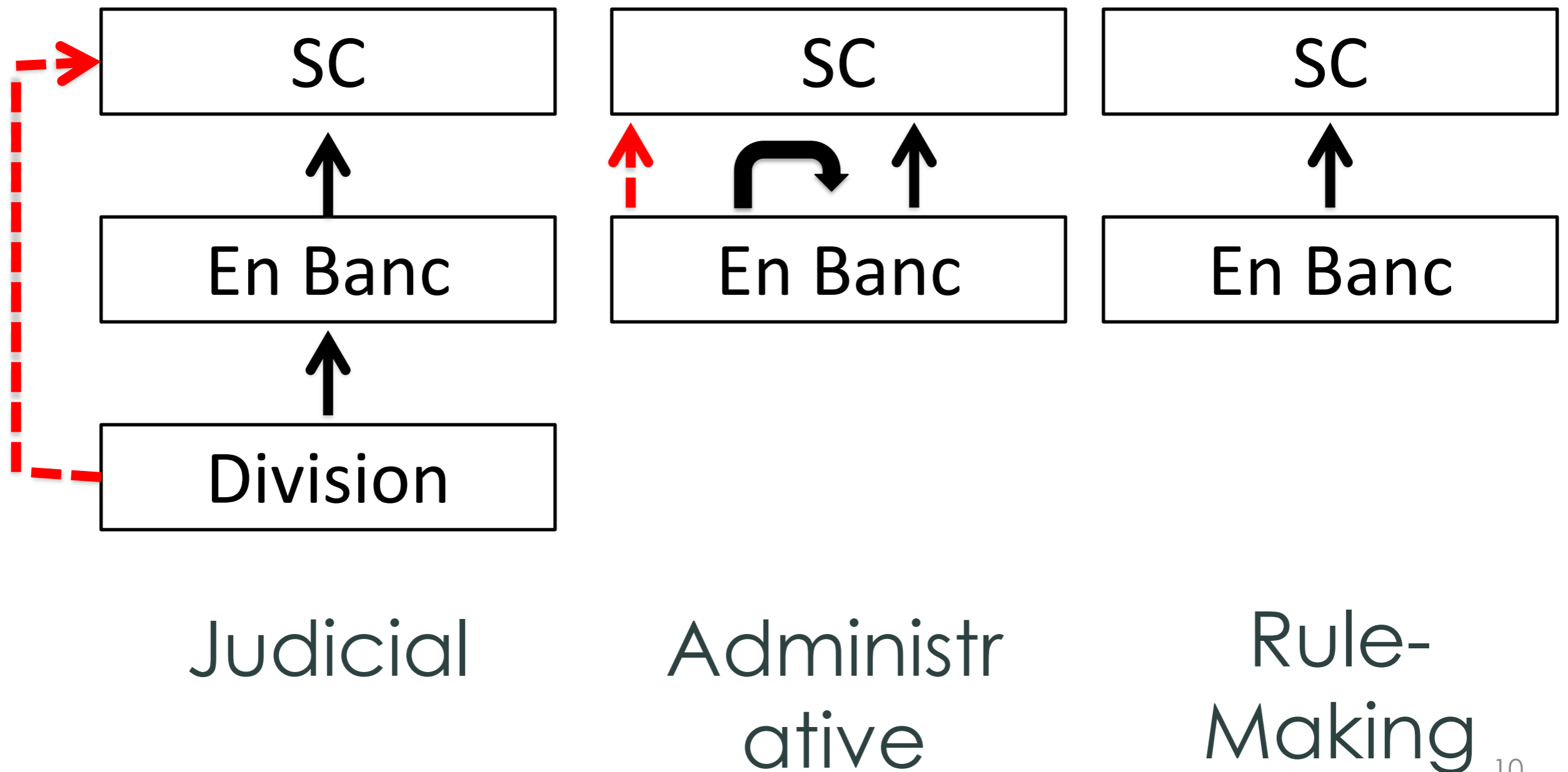
## Quasi-Judicial (Division)

- 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
- 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, 2024) – 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

# 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: Certificate of Candidacy



## CERTIFICATE OF CANDIDACY FOR SENATOR

Annex "K"  
Affix photo  
taken within the  
last six (6)  
months  
  
Passport Size

**INSTRUCTIONS:**

- File this Certificate of Candidacy (COC) in FIVE (5) LEGIBLE copies with the COMELEC Office concerned, from 8:00 AM to 5:00 PM ONLY, from October 1 to 8, 2024, including Saturday and Sunday.
- Attach to this COC, the Certificate of Nomination and Acceptance (CONA), if applicable.
- Do not leave blank entries and indicate N/A if an entry is not applicable. Print the front and back pages of the COC on a single sheet (back to back) of folio or legal-size paper.
- This COC shall be sworn before a notary public or any official authorized to administer oath. COMELEC officials are not authorized to administer oath, even in their capacities as Notary Public.
- No filing fee shall be imposed.
- This COC will be posted on the official website of the Commission in accordance with the Data Privacy Act and its implementing rules and regulations.

I hereby announce my candidacy for the position of SENATOR, Republic of the Philippines, in the May 12, 2025 National and Local Elections (NLE) and BARM Parliamentary Elections (BPE); and after having been sworn to in accordance with law, I hereby state the following:

<p><b>1. NAME:</b></p> <p>1.1 Last Name <input type="text"/></p> <p>1.2 First Name <input type="text"/></p> <p>1.3 Middle Name <input type="text"/></p>	<p><b>9. SEX:</b> <input type="checkbox"/> Male <input type="checkbox"/> Female</p> <p><b>10. AGE:</b> _____</p>
<p><b>2. NICKNAME OR STAGENAME:</b> (Indicate only one nickname or stage name)</p> <input type="text"/>	<p><b>11. DATE OF BIRTH:</b></p> <input type="text"/> - <input type="text"/> - <input type="text"/> <small>Month Day Year</small>
<p><b>3. OFFICIALLY NOMINATED BY:</b> (Attach CONA)</p> <p>_____</p> <p style="text-align: center;"><small>(Political Party/Coalition of Political Parties)</small></p>	<p><b>12. PLACE OF BIRTH:</b></p> <p>City/Mun _____</p> <p>Province _____</p>
<p><b>4. Name to appear on the Official Ballot not to exceed thirty (30) characters:</b> (including space, letter, number, symbol and punctuation)</p> <input type="text"/> <small>(Last Name, First Name OR Nickname, and Acronym of Political Party Affiliation as stated in Items 1 to 3) (In case of a legally married female candidate, she has the option to choose either her maiden name, married name or both)</small>	<p><b>13. CIVIL STATUS:</b></p> <p><input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widow/er</p> <p>Full Name of Spouse, if married _____</p>
<p><b>5. RESIDENCE/ADDRESS:</b></p> <p>5.1 Province <input type="text"/></p> <p>5.2 City/Municipality <input type="text"/></p> <p>5.3 Barangay <input type="text"/></p> <p>5.4 House No./ Street / Subdivision <input type="text"/></p>	<p><b>14. PROFESSION OR OCCUPATION:</b></p> <p>_____</p>
<p><b>6. PERIOD OF RESIDENCE IN THE PHILIPPINES UP TO THE DAY BEFORE MAY 12, 2025:</b></p> <p>No. of Years <input type="text"/> <input type="text"/> No. of Months <input type="text"/> <input type="text"/></p>	<p><b>15.</b></p> <p><input type="checkbox"/> I AM A REGISTERED VOTER OF _____</p> <p><input type="checkbox"/> I WILL BE A REGISTERED VOTER OF _____</p> <p>Barangay _____</p> <p>City/Mun _____</p> <p>Province _____</p>
<p><b>7. ADDRESS FOR ELECTION PURPOSES:</b> (Could be the same as No. 5)</p> <p>_____</p>	<p><b>16. Have you ever been found liable for an offense which carries with it the accessory penalty of perpetual disqualification to hold public office, which has become final and executory?</b></p> <p><input type="checkbox"/> Yes (Please provide details at the back)</p> <p><input type="checkbox"/> No</p>
<p><b>8. E-MAIL ADDRESS:</b> _____ (Note: In case of change of address and e-mail, please notify immediately the COMELEC Office where the COC was filed. Otherwise, notices sent to the herein indicated address shall be deemed served.)</p>	
<p>17. I AM ELIGIBLE FOR THE OFFICE I SEEK TO BE ELECTED TO.</p> <p>18. I AM A NATURAL BORN FILIPINO CITIZEN.</p> <p>19. I AM NOT A PERMANENT RESIDENT OF, OR AN IMMIGRANT TO, A FOREIGN COUNTRY.</p> <p>20. I EXECUTED A SWORN RENUNCIATION OF FOREIGN CITIZENSHIP, (IF APPLICABLE, ATTACH A COPY)</p> <p>21. I WILL FILE, WITH THE OFFICE OF THE COMMISSION, WITHIN THIRTY (30) DAYS AFTER ELECTION DAY, MY FULL, TRUE AND ITEMIZED STATEMENT OF CONTRIBUTIONS AND EXPENDITURES (SOCE) IN CONNECTION WITH THE ELECTIONS.</p> <p>22. I SHALL ABIDE BY THE RULES AND REGULATIONS OF THE COMMISSION, INCLUDING ITS CODE OF CONDUCT ON SOCIAL MEDIA.</p> <p>23. I SHALL NOT ADVOCATE VIOLENCE OR UNLAWFUL MEANS TO ACHIEVE MY GOALS.</p> <p>24. I WILL SUPPORT AND DEFEND THE CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES AND WILL MAINTAIN TRUE FAITH AND ALLEGIANCE THERETO. I WILL OBEY THE LAWS, LEGAL ORDERS AND DECREES PROMULGATED BY THE DULY CONSTITUTED AUTHORITIES.</p> <p>25. I GIVE MY CONSENT TO THE COMMISSION ON ELECTIONS TO COLLECT, DISCLOSE OR SHARE, AND PROCESS THE PERSONAL DATA I PROVIDED HEREIN FOR ELECTION AND OTHER LAWFUL PURPOSES IN ACCORDANCE WITH THE PRIVACY NOTICE AT THE BACK OF THIS FORM AND AS MAY BE AUTHORIZED BY EXISTING LAWS.</p> <p>26. I IMPOSE THIS OBLIGATION UPON MYSELF VOLUNTARILY, WITHOUT MENTAL RESERVATION OR PURPOSE OF EVASION.</p>	
<p>I hereby certify that the facts stated herein are true and correct to the best of my knowledge.</p> <p style="text-align: right;">_____ Signature of Candidate Over Printed Name</p>	

OATH

SUBSCRIBED AND SWORN to before me this \_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, affiant exhibiting to me an Identification document/card which contains a photograph and signature bearing No. \_\_\_\_\_ issued by \_\_\_\_\_ on \_\_\_\_\_.

Doc. No. \_\_\_\_\_  
 Page No. \_\_\_\_\_  
 Book No. \_\_\_\_\_  
 Series of \_\_\_\_\_

(Affix P30.00 documentary stamp)

\_\_\_\_\_  
(Officer Authorized to Administer Oath)

# 4) Officials: Substitution

- **Grounds:** (1) Death, (2) Withdrawal (**in 2025: only during period 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** (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 (cancellation not based on lack of qualifications)]
- [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); (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

*[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)
- [ *(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
- [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 (reiterated under RA 11232)
- [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>Motiu Proniq</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)

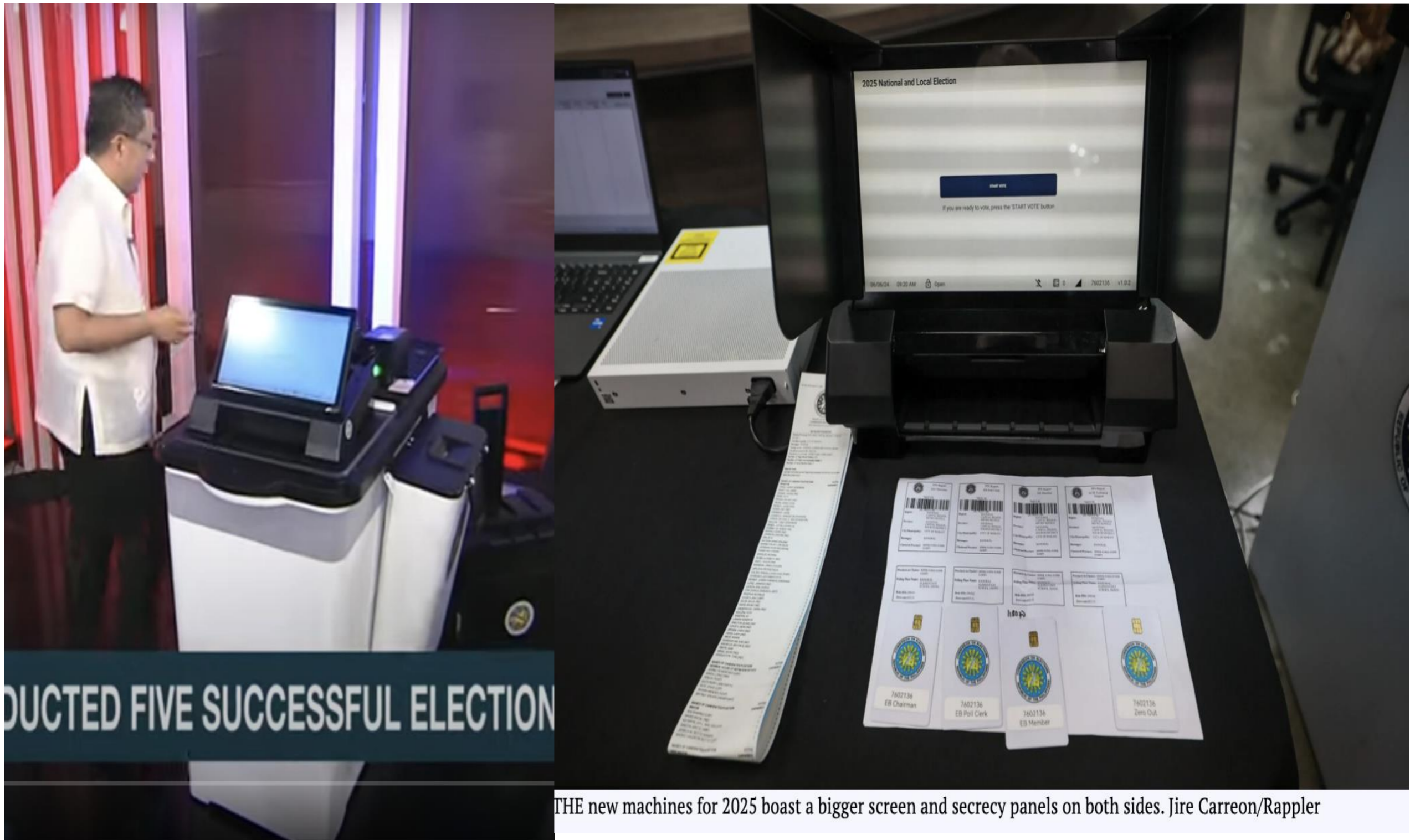
# 8) Automated Elections

— **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)

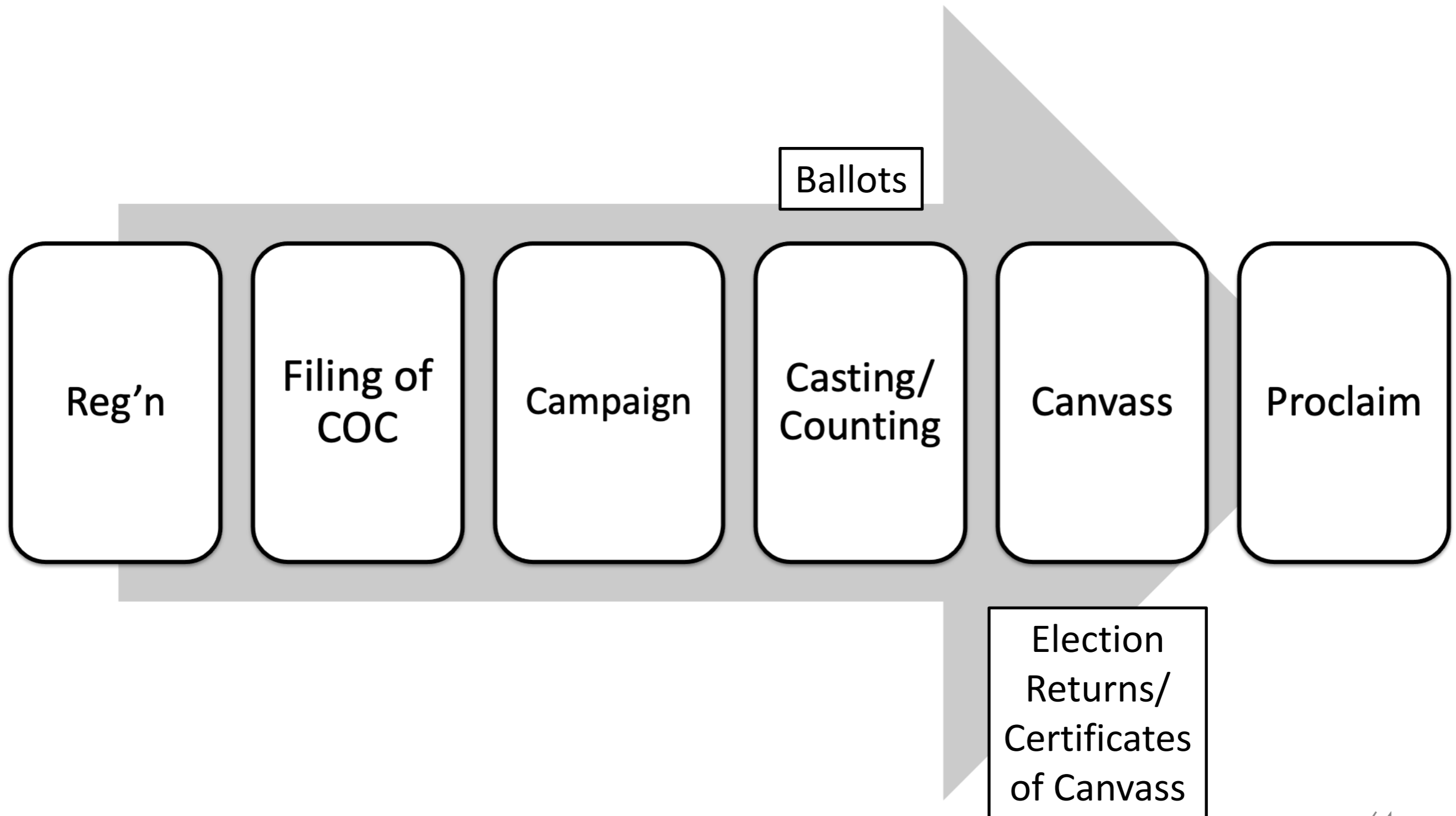
— **Processes:**

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

# 8) Vote-Counting Machines



# 8) Electoral Process





## 8) Automated Elections *Previous 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
- **Canvassing Periods:** BoCs convene on election day

## **8) Automated Elections** *Previous elections*

### **A. Preliminaries: COMELEC sets**

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** *Previous elections*

### **B. Voting Proper: COMELEC sets**

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 *Previous 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** *Previous elections*

11. BEI applies Indelible Ink
12. Voter gets Voter Receipt
13. Voter returns Secrecy Folder and Marking Pen
14. Voter departs
15. Illiterates and Persons with Disability can be assisted by relative within 4<sup>th</sup> degree, person of confidence or BEI
16. No premature announcement of status of voting before close of polls

# 8) Automated Elections *Previous elections*

## C. Closing of Polls: COMELEC sets

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** *Previous 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** *Previous 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:** (1) BoC-related (BoC or Comelec division, concurrent) and (2) Results-related (BoC)
- [ **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 (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; 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

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 <u>CoC</u> 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)	<u>Comelec En Banc</u>	<u>Comelec Division</u>	<u>Comelec En Banc</u>	<u>Comelec En Banc</u>	Board of Election Inspectors	1 <sup>st</sup> : Board of Canvassers or <u>Comelec Division</u> 2 <sup>nd</sup> : Board of Canvassers	<u>Comelec Division</u>	P/ VP: SET Senate: SET Reps: HRET <u>Reo'l Prov'l</u> and City: <u>Comelec Division</u> Municipal: RTC	P/ VP: SET Senate: SET Reps: HRET <u>Reo'l Prov'l</u> and City: <u>Comelec Division</u> Municipal: RTC	<u>Comelec Law Dept. or Prosecutors</u> <u>Comelec En Banc</u> (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 <u>Micron</u> Within 25 from <u>CoC</u> filing Nuisance: Within 5 days from <u>CoC</u> 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 <u>FR/ CoC</u>	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



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



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Thank you.