

## Campaign Dos and Don'ts

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Based on the Fair Election Act (RA 9006), Omnibus Election Code (BP 881), COMELEC Resolutions Nos. 10049 (February 1, 2016) and 9991 (October 2, 2015), and relevant jurisprudence.

<b>Forms/ Aspects</b>	<b>Dos/ Permissible Acts</b>	<b>Don'ts/ Prohibited Acts</b>
<b>Campaigning/ Period</b>	<p>Any act designed or intended to <i>promote</i> the election or <i>defeat</i> of a candidate during the campaign period:</p> <ol style="list-style-type: none"> <li>1. February 9 to May 7, 2016 for nationally-elected officials</li> <li>2. March 26 to May 7, 2016 for locally-elected officials</li> </ol> <p>However:</p> <ol style="list-style-type: none"> <li>1. In <i>Penera vs. COMELEC (G.R. No. 181613)</i>, in resolving the Motion for Reconsideration, acts committed prior to campaign period are lawful (e.g. vote solicitation)</li> <li>2. Under the Automated Election Law, unlawful acts or omissions applicable to a candidate shall take effect only upon the start of the campaign period</li> <li>3. Public expressions or opinions or discussions of probable issues on elections are not covered under campaigning</li> <li>4. If an act is not intended or designed to promote the election or defeat of a candidate, it is not considered campaigning (<i>Pangkat Laguna v. COMELEC, 376 SCRA 97</i>)</li> </ol>	<ol style="list-style-type: none"> <li>1. Campaigned on March 24 (Holy Thursday) for nationally-elected officials, March 25 (Good Friday), May 8 (eve of election day), and May 9 (election day)</li> <li>2. Failed to remove prohibited propaganda by any candidate and any material which identifies incumbent elective officials at least 72 hours before start of campaign period [Note: failure creates presumption that candidate committed election offense]</li> </ol>

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	<p>[Note: The term 'campaigning' should not be made to apply to any and every act which may influence a person to vote for a candidate, for that would stretching too far the meaning of the term.]</p> <p>5. An expression of an advocacy of a social issue where the principal object is not an endorsement of a candidate, is not considered campaigning (<i>Diocese of Bacolod v. COMELEC, G.R. No. 205728, 21 January 2015</i>)</p>	
<p><b>Political Advertisement or Election Propaganda</b></p>	<p>Any matter broadcasted, published, printed, displayed or exhibited, in any medium which contains the name, image, logo, brand, insignia, color motif, initials and other symbol or graphical representation that is capable of being associated with a candidate or party:</p> <ol style="list-style-type: none"> <li>1. Exclusively intended to draw the attention of the public or segment thereof; and</li> <li>2. To promote or oppose, directly or indirectly, the election of said candidate or candidates to a public office.</li> </ol> <p><i>Removal of Election Propaganda by COMELEC:</i></p> <ol style="list-style-type: none"> <li>1. If prohibited;</li> <li>2. Motu proprio; and</li> <li>3. At expense of benefiting candidate.</li> </ol> <p><i>Removal of Election Propaganda by non-COMELEC:</i></p> <ol style="list-style-type: none"> <li>1. If offensive to public morals, libelous, illegal or</li> </ol>	<ol style="list-style-type: none"> <li>1. Posted in public places (publicly-owned electronic announcement boards, government motor vehicles, government-owned/ controlled public transport vehicles, waiting sheds, sidewalks, lamp posts, traffic signages, government offices, public transport terminals)</li> <li>2. If donated, not accompanied by written acceptance by candidate</li> <li>3. Violated rules pertaining to each form of election propaganda (see below)</li> </ol>

<b><i>Forms/ Aspects</i></b>	<b><i>Dos/ Permissible Acts</i></b>	<b><i>Don'ts/ Prohibited Acts</i></b>
	subversive; and 2. Summary hearing by COMELEC or ex parte, if non-appearance of parties concerned.	
<b><i>Vote Solicitation</i></b>	For or against any candidate: 1. Soliciting votes without any consideration 2. Forming organizations, associations, clubs or committees 3. Holding political caucuses, conferences, meetings, rallies, parades or other similar assemblies 4. Making speeches, announcements or commentaries or holding interviews 5. Publishing or distributing campaign materials	In order to induce anyone or the public in general to vote for or against any candidate or withhold his vote in the election: 1. Gave, offered or promised money or anything of value 2. Gave or promised any office or employment, franchise or grant, public or private 3. Made or offered to make an expenditure, directly or indirectly, or causing an expenditure to be made to any person, association, corporation, entity, or community 4. Solicited and received contributions, directly or indirectly, from any foreign source 5. Donated election propaganda without written consent of candidate
<b><i>Printed Materials</i></b>	Distributing pamphlets, leaflets, cards, decals, stickers, comic books, circulars or other written or printed materials not exceeding 8.5" (W) x 14" (L)	1. Distributed outside campaign period/ prohibited days 2. Printed materials in excess of maximum dimension 3. Without the inscription "political advertisement paid for" and true and correct name and address of the candidate or party for whose benefit the printed material was printed 4. Without the inscription "political advertisements paid by" and name and address of payor

<b>Forms/ Aspects</b>	<b>Dos/ Permissible Acts</b>	<b>Don'ts/ Prohibited Acts</b>
		<ol style="list-style-type: none"> <li>5. Without the inscription “printed free of charge,” if donated</li> <li>6. Without the inscription “This material should be recycled.” [Note on Notices: clearly readable, 12-point type size, inside box, color contrast]</li> <li>7. Posted in public places (publicly-owned electronic announcement boards, government motor vehicles, government-owned/ controlled public transport vehicles, waiting sheds, sidewalks, lamp posts, traffic signages, government offices, public transport terminals)</li> </ol>
<b>Letters</b>	Distributing handwritten or printed letter [no size specifications]	<ol style="list-style-type: none"> <li>1. Distributed outside campaign period/ prohibited days</li> <li>2. Without the inscription “political advertisement paid for” and true and correct name and address of the candidate or party for whose benefit the letter was printed</li> <li>3. Without the inscription “political advertisements paid by” and name and address of payor</li> <li>4. Without the inscription “printed free of charge,” if donated</li> <li>5. Without the inscription “This material should be recycled.” [Note on Notices: clearly readable, 12-point type size, inside box, color contrast]</li> <li>6. Posted in public places (publicly-owned electronic</li> </ol>

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		<p>announcement boards, government motor vehicles, government-owned/ controlled public transport vehicles, waiting sheds, sidewalks, lamp posts, traffic signages, government offices, public transport terminals)</p>
<b>Poster</b>	<p>Posting cloth, paper or cardboard posters whether framed or posted not exceeding 2' x 3' on:</p> <ol style="list-style-type: none"> <li>1. Common Poster Areas [Note: Non-removal within 3 days from notice from Election Officer constitutes presumption of posting outside common poster areas by candidate]</li> <li>2. Private places with consent of owner</li> <li>3. Public places equitably and impartially allocated among candidates</li> <li>4. Public transport vehicles and transport terminals (with consent of owners)</li> </ol> <p><i>Poster Areas</i></p> <ol style="list-style-type: none"> <li>1. Candidates Affiliated with Political Parties: Posting on common poster areas in public places (12' x 16')</li> <li>2. Independent Candidates: Posting on their own common poster areas (4' x 6')</li> </ol>	<ol style="list-style-type: none"> <li>1. Distributed outside campaign period/ prohibited days</li> <li>2. Poster in excess of the maximum dimension</li> <li>3. Without the inscription "political advertisement paid for" and true and correct name and address of the candidate or party for whose benefit the poster was printed</li> <li>4. Without the inscription "political advertisements paid by" and name and address of payor</li> <li>5. Without the inscription "printed free of charge," if donated</li> <li>6. Without the inscription "This material should be recycled." [Note on Notices: clearly readable, 12-point type size, inside box, color contrast]</li> <li>7. Posted in private places without the consent/ with objection of the owner</li> <li>8. Posted outside common poster areas</li> <li>9. Posted in public places (publicly-owned electronic announcement boards, government motor vehicles, government-owned/ controlled public transport vehicles, waiting sheds, sidewalks, lamp posts,</li> </ol>

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		<p>traffic signages, government offices, public transport terminals)</p> <p>10. Posted on post, tree, wall of building or existing public structure that is in active use</p> <p>11. Posted on trees, plants, shrubs located along public roads, plazas, parks, school premises or public grounds</p>
<b>Streamer/ Rally</b>	<ol style="list-style-type: none"> <li>1. Displaying streamers not exceeding 3' x 8':               <ol style="list-style-type: none"> <li>a) at the site and on the occasion of a public meeting or rally</li> <li>b) displayed 5 days before the date of the meeting or rally and shall be removed within 24 hours after said meeting or rally</li> </ol> </li> <li>2. Holding rallies and assemblies with 3-working day prior notice to election officer</li> <li>3. Reporting expenses of rally within 7 days from rally date</li> <li>4. Securing permit from city/ municipality (inaction on application for 3 days means approval)</li> <li>5. Giving transportation, food and drinks beyond the 5-hour period before and after a rally</li> </ol>	<ol style="list-style-type: none"> <li>1. Distributed outside campaign period/ prohibited days</li> <li>2. Streamer in excess of the maximum dimension</li> <li>3. Streamer displayed not in rally area</li> <li>4. Streamer displayed before the 5-day period prior to rally</li> <li>5. Streamer beyond the 24-hour period after the rally</li> <li>6. Posted in public places (publicly-owned electronic announcement boards, government motor vehicles, government-owned/ controlled public transport vehicles, waiting sheds, sidewalks, lamp posts, traffic signages, government offices, public transport terminals)</li> <li>7. Without the inscription "political advertisement paid for" and true and correct name and address of the candidate or party for whose benefit the streamer was printed</li> <li>8. Without the inscription "political advertisements paid by" and name and address of payor</li> <li>9. Without the inscription "printed free of charge," if</li> </ol>

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		<p>donated</p> <p>10. Without the inscription "This material should be recycled." [Note on Notices: clearly readable, 12-point type size, inside box, color contrast]</p> <p>11. Failure to notify election officer of intended rally</p> <p>12. Failure to submit a statement of expenses of rally within 7 days from rally date</p> <p>13. Gave transportation, food and drinks within the 5-hour period before and after a rally</p> <p>14. Held dances, lotteries, cockfights, boxing bouts, bingo, beauty contests, entertainments of cinematographic, theatrical or other fund-raising purpose</p> <p>15. Denial of application for rally other than on the ground of prior written application or approval</p>
<b>Mobile Units</b>	<p>Mobiles units, vehicle motorcades of all types:</p> <ol style="list-style-type: none"> <li>1. Audio-visual form of campaign allowed</li> <li>2. Posters are displayed</li> </ol>	<p>Displayed streamers</p>
<b>Headquarters</b>	<p>Establishing headquarters by candidate or party</p> <ol style="list-style-type: none"> <li>1. Not exceed maximum number</li> <li>2. Displaying 13' x 8' signboard</li> <li>3. Displaying of posters</li> <li>4. Notifying COMELEC within 5 days from establishment</li> </ol>	<ol style="list-style-type: none"> <li>1. Exceeded allowable number of headquarters (HQ): <ol style="list-style-type: none"> <li>a) National Party: 1 HQ per province and highly-urbanized city (HUC)</li> <li>b) Regional Party: 1 HQ per province and HUC in region</li> <li>c) Provincial Party: 1 HQ per municipality</li> <li>d) Candidates for District Representatives: 1 HQ; if district composed of several municipalities, 1 per</li> </ol> </li> </ol>

<b>Forms/ Aspects</b>	<b>Dos/ Permissible Acts</b>	<b>Don'ts/ Prohibited Acts</b>
		municipality e) City Candidates: 1 HQ per councilor district f) Municipal Candidates: 1 HQ 2. Posted banners and streamers
<b>Television</b>	Airing advertisements on television: 1. Nationally-elected candidates: not more than 120 minutes of television advertisement per station 2. Locally-elected candidates: not more than 60 minutes of television advertisement per station  [Note that: 1. Appearance in news not counted provided incidental to presentation of subject of news subject to prior notice by mass medias entity to COMELEC or if prior notice not feasible, post notice within 24 hours from first broadcast or publication 2. When 2 or more candidates appear, the duration of appearance will be counted against airtime]	1. Aired outside campaign period/ prohibited days 2. Television advertisement in excess of maximum duration per station 3. Without the inscription “political advertisement paid for” and true and correct name and address of the candidate or party for whose benefit the television advertisement was aired 4. Without the inscription “airtime for this broadcast was provided free of charge by,” if donated 5. Without the inscription “political advertisements paid by” and name and address of payor [Note on Notices: letters equal or great that 4% of vertical picture height; visible during whole duration, color contrast] 6. No prior or post notice of news coverage of candidate
<b>Radio</b>	Airing advertisements on radio: 1. Nationally-elected candidates: not more than 180 minutes of radio advertisement per station 2. Locally-elected candidates: not more than 90 minutes of radio advertisement per station  [Note that:	1. Aired outside campaign period/ prohibited days 2. Radio advertisement in excess of maximum duration per station 3. Without the audible words “political advertisement paid for” and true and correct name and address of the candidate or party for whose benefit the radio advertisement was aired

<b>Forms/ Aspects</b>	<b>Dos/ Permissible Acts</b>	<b>Don'ts/ Prohibited Acts</b>
	<ol style="list-style-type: none"> <li>1. Appearance in news not counted provided incidental to presentation of subject of news subject to prior notice by mass medias entity to COMELEC or if prior notice not feasible, post notice within 24 hours from first broadcast or publication</li> <li>2. When 2 or more candidates appear, the duration of appearance will be counted against airtime]</li> </ol>	<ol style="list-style-type: none"> <li>4. Without the audible words “political advertisements paid by” and name and address of payor</li> <li>5. Without the audible words “airtime for this broadcast was provided free of charge by,” if donated</li> <li>6. No prior or post notice of news coverage of candidate</li> </ol>
<b>Print Advertisements</b>	<p>Publishing advertisements on print media:</p> <ol style="list-style-type: none"> <li>1. ¼ page in broadsheet and ½ page in tabloids</li> <li>2. 3x a week per newspaper, magazine or other publications during the campaign period</li> </ol> <p>[Note: Appearance in news not counted provided incidental to presentation of subject of news subject to prior notice by mass medias entity to COMELEC or if prior notice not feasible, post notice within 24 hours from first broadcast or publication]</p>	<ol style="list-style-type: none"> <li>1. Published outside campaign period/ prohibited days</li> <li>2. Print advertisement in excess of the maximum dimension</li> <li>3. Publishing print advertisement more than 3x week per newspaper</li> <li>4. Without the inscription “political advertisement paid for” and true and correct name and address of the candidate or party for whose benefit the print advertisement was printed</li> <li>5. Without the inscription “printed free of charge,” if donated</li> <li>6. Without the inscription “political advertisements paid by” and name and address of payor [Note on Notices: clearly readable, 12-point type size, inside box, color contrast]</li> <li>7. No prior or post notice of news coverage of candidate</li> </ol>
<b>Online Election</b>	Using online election propaganda – rectangles and	<ol style="list-style-type: none"> <li>1. Publish more than 3x a week per website (display</li> </ol>

<b><i>Forms/ Aspects</i></b>	<b><i>Dos/ Permissible Acts</i></b>	<b><i>Don'ts/ Prohibited Acts</i></b>
<b><i>Propaganda</i></b>	pop-ups, banners and buttons, and skyscrapers – subject to maximum size prescribed by COMELEC	<p>for any duration within 24-hour period equivalent to one such publication)</p> <ol style="list-style-type: none"> <li>2. Without the inscription “political advertisement paid for” and true and correct name and address of the candidate or party for whose benefit the print advertisement was printed</li> <li>3. Without the inscription “printed free of charge,” if donated</li> <li>4. Without the inscription “political advertisements paid by” and name and address of payor [Note on Notices: clearly readable, 12-point type size, inside box, color contrast]</li> </ol>
<b><i>Election Surveys</i></b>	Publish election surveys (measurement of opinions and voter perception) which contain name of commissioning party, polling company, period and methodology, margin of error, address of sponsor	<p>Election surveys which:</p> <ol style="list-style-type: none"> <li>1. Do not contain name of commissioning party, polling company, period and methodology, margin of error, address of sponsor</li> <li>2. Are not made available for COMELEC inspection</li> </ol>
<b><i>Exit Polls</i></b>	<p>Conducting exit polls (determination of probable result of election) after voters cast ballots:</p> <ol style="list-style-type: none"> <li>1. Survey by pollsters beyond 50 meter radius from polling place;</li> <li>2. Pollsters duly identified;</li> <li>3. Pollsters inform voters that latter can refuse to answer; and</li> <li>4. Results of exit polls may be announced after closing of polls.</li> </ol>	<ol style="list-style-type: none"> <li>1. Conducted exit polls within 50-meter radius</li> <li>2. Pollsters not properly identified</li> <li>3. Pollsters not inform voters that they can refuse to answer</li> <li>4. Pollsters forced voters to answer</li> <li>5. Polls conducted prior to casting of votes</li> <li>6. Pollsters campaigned for candidates</li> <li>7. Pre-closing of polls announcement</li> </ol>
<b><i>Right to Reply</i></b>	Replying to charges published or aired against	<ol style="list-style-type: none"> <li>1. Denied right by media entity</li> </ol>

<b>Forms/ Aspects</b>	<b>Dos/ Permissible Acts</b>	<b>Don'ts/ Prohibited Acts</b>
	<p>candidates (negative publicity) by invoking right before the COMELEC within 36 hours from first release</p>	<p>2. Not given same prominence as original release</p>
<b>Movies</b>	<p>Portraying the life or biography of a candidate or portrayed by an actor or media personality who is a candidate:</p> <ol style="list-style-type: none"> <li>1. Private showing of a movie, cinematograph or documentary</li> <li>2. Public exhibition in a theater, television station or any public forum outside the campaign period</li> </ol>	<p>Public exhibition of a movie, cinematograph or documentary</p> <ol style="list-style-type: none"> <li>1. portraying the life or biography of a candidate or</li> <li>2. portrayed by an actor or media personality who is a candidate</li> </ol> <p>in a theater, television station or any public forum during the campaign period</p>
<b>Sample Ballots</b>	<p>Distributing sample ballots in such color, size and number as may be authorized by the COMELEC during the campaign period</p>	<ol style="list-style-type: none"> <li>1. Distributing sample ballots in violation of Comelec regulations [Note: no COMELEC regulation yet, to date]</li> <li>2. Without the inscription "political advertisement paid for" and true and correct name and address of the candidate or party for whose benefit the print advertisement was printed</li> <li>3. Without the inscription "printed free of charge," if donated</li> <li>4. Without the inscription "political advertisements paid by" and name and address of payor</li> <li>5. Without the inscription "This material should be recycled." [Note on Notices: clearly readable, 12-point type size, inside box, color contrast]</li> </ol>
<b>Billboard</b>	<p>Using billboards, tinplate-posters, balloons and the like, of whatever size, shape, form or kind during the</p>	<p>Used without securing COMELEC authority, initiated through verified petition and publication</p>

<b>Forms/ Aspects</b>	<b>Dos/ Permissible Acts</b>	<b>Don'ts/ Prohibited Acts</b>
	campaign period [Note: prohibition under the Omnibus Election Code expressly repealed by Fair Election Act]	
<b>Gadgets and T-Shirts</b>	Purchasing, manufacturing, requesting, distributing or accepting electoral propaganda gadgets, such as pens, lighters, fans of whatever nature, flashlights, athletic goods or materials, wallets, shirts, hats, bandanas, matches, cigarettes and the like [Note: prohibition under the Omnibus Election Code expressly repealed by Fair Election Act]	Used without securing COMELEC authority, initiated through verified petition and publication
<b>Expenditures</b>	<ol style="list-style-type: none"> <li>1. Making an expenditure for the above-stated activities</li> <li>2. Making expenditures for the following: <ol style="list-style-type: none"> <li>a) Use of Facilities</li> <li>b) Travel</li> <li>c) Compensation</li> <li>d) Communications</li> <li>e) Written Materials</li> <li>f) Pollwatchers</li> <li>g) Office/ HQ</li> <li>h) Advertisements</li> <li>i) Meetings/ Rallies</li> <li>j) Counsel</li> <li>k) Copying/ Classifying of List of Voters</li> <li>l) Sample Ballots</li> </ol> </li> <li>3. Spending the maximum amount of: <ol style="list-style-type: none"> <li>a) President and Vice-President: P10/ voter</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Made an expenditure for the above-stated unlawful activities</li> <li>2. Made an expenditure beyond the P10/P5/P3 caps (not included in caps are expenses for counsel, copying and classifying list of voters and printing of sample ballots)</li> <li>3. Made any donation, contribution or gift in cash or in kind, or undertake or contribute to the construction or repair of roads, bridges, schoolbuses, puericulture centers, medical clinics and hospitals, churches or chapels cement pavements, or any structure for public use or for the use of any religious or civic organization which is not normal, customary or periodically made</li> </ol>

<b>Forms/ Aspects</b>	<b>Dos/ Permissible Acts</b>	<b>Don'ts/ Prohibited Acts</b>
	<ul style="list-style-type: none"> <li>b) Other candidates: P3/ voter</li> <li>c) Independent candidates/ No political party support: P5/ voter</li> <li>d) Political parties: P5/ voter</li> <li>4. Making any normal, customary or periodic donation, contribution or gift in cash or in kind, or undertake or contribute to the construction or repair of roads, bridges, schoolbuses, puericulture centers, medical clinics and hospitals, churches or chapels cement pavements, or any structure for public use or for the use of any religious or civic organization</li> <li>5. Giving transportation, food and drinks on and the day before election day</li> <li>6. If 2 or more appear in television or radio, cost of length of time pertaining to the duration of appearance shall be computed as fraction of total cost of advertisement</li> </ul>	
<b>Contributions</b>	<ul style="list-style-type: none"> <li>1. Making faithful recording of contributions within 30 days from election day</li> <li>2. Receiving funds from listed entities (<i>see left</i>) for non-partisan purposes</li> </ul>	<ul style="list-style-type: none"> <li>1. Received contribution and entering or recording the same using a different name</li> <li>2. Failure to report contributions received within 30 days from election day</li> <li>3. For any partisan purposes, contributions made by: <ul style="list-style-type: none"> <li>a) All corporations;</li> <li>b) Financing Institutions, except loans;</li> <li>c) Public Utility Operator;</li> <li>d) Natural Resources Exploiter;</li> </ul> </li> </ul>

<b><i>Forms/ Aspects</i></b>	<b><i>Dos/ Permissible Acts</i></b>	<b><i>Don'ts/ Prohibited Acts</i></b>
		e) Government Contractors; f) Franchise Holders; g) Donee Institution from Government (in excess of P100,000 within 1 year from date of elections); h) Donee Educational Institutions (no less than P100,000 public funds); i) Civil Servants; j) Members of Armed Forces of the Philippines; and k) Foreigners/ Foreign Corporations.

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