

# Election Dispute Resolution

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<i>Aspects</i>	<i>Cases/ Disputes</i>									
	<i>Annul Book of Voters</i>	<i>DQ of Candidates</i>	<i>Postpone Elections</i>	<i>Failure of Elections</i>	<i>Voter Challenges</i>	<i>Pre-Proc.</i>	<i>Annul Proclamation</i>	<i>Election Protest</i>	<i>Quo Warranto</i>	<i>Election Offenses</i>
<b>Grounds</b>	Book Prepared Improperly, Preparation Attended with Vice or Fraud; Book contains Statistically Improbable Data	Lack of Qualifications; Material Misrep. in CoC; Nuisance; Commission of Election Offense	Impossible to have free elections due to: Force Majeure Violence Terrorism Loss or Destruction of Election Paraphernalia Analogous causes	Failure to elect and affect outcome of elections due to: Force Majeure Violence Terrorism Fraud Analogous causes	Illegal Voter Illegal Acts	Illegal Composition and Proceedings of Board of Canvassers Irregularities affecting authenticity of Election Returns/ Certificates of Canvass (Data-Storage Delayed, Destroyed, Falsified)	Anomalies in the Proclamation	Fraud or irregularities in election (whole process)	Disloyalty to the Republic; Ineligibility	Offenses enumerated in Election Laws
<b>Period</b>	Pre-election	Filing of CoC to Pre-Proc.	Pre-election	Election Day to Pre-Proc.	Election Day	During Canvassing	After Proclamation	After Proclamation	After Proclamation	Pre-and Post-Election
<b>Jurisdiction (1<sup>st</sup> Instance)</b>	Comelec En Banc	Comelec Division	Comelec En Banc	Comelec En Banc	Board of Election Inspectors	1 <sup>st</sup> : Board of Canvassers or Comelec Division 2 <sup>nd</sup> : Board of Canvassers	Comelec Division	P/ VP: SET Senate: SET Reps: HRET Reg'l, Prov'l and City: Comelec Division Municipal: RTC	P/ VP: SET Senate: SET Reps: HRET Reg'l, Prov'l and City: Comelec Division Municipal: RTC	Comelec Law Dept. or Prosecutors Comelec En Banc (for filing of information)

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<b>Period to File</b>	[no order to execute within 90 days before election]	Lack of Q and Election Offense: Before Proc. Material Misrep: Within 25 from CoC filing Nuisance: Within 5 days from CoC deadline	Before or on Election Day	Before Proclamation	Before Voter casts ballot	1 <sup>st</sup> : When ground apparent 2 <sup>nd</sup> : Before canvass of ER/ CoC	10 days from proclamation/ within period to file Election Protest	P/ VP: 30 days from proclamation Senate: 15 days from proclamation Others: 10 days from proclamation	10 days from proclamation	5 years from commission
<b>Procedure</b>	Petition and hearing	Petition and hearing	Motu propio 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 Misrep: Registered	Any interested party	Comelec motu propio 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

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		voter or registered political party Nuisance: Registered candidate Election Offense: Comelec Campaign Finance Office, NGOs and CSOs								
<b><i>Effect if Granted</i></b>	Book of Voters annulled	Prevent candidate from running, or if elected, from serving; Can be substituted if DQ based on commission of election offense	Elections will be postponed in political subdivision; Special elections will be held not later than 30 days from cessation of cause	Declaration of failure (no winner can be determined) in affected polling place; elections will be held not later than 30 days from cessation of cause	Not allowed to vote	1 <sup>st</sup> : BoC reconstituted or rectifies proceedings 2 <sup>nd</sup> : ER/ CoC set aside and corrected	Proclamation annulled and canvassing anew	True winner proclaimed	Incumbent ousted	Conviction Imprisonment DiQ to hold public office Deprivation of right of suffrage