

# Commission of an Election Offense

## *Petition to Disqualify a Candidate*

No. 12  
10.13.21



Questions	Answers
(1) What are the Election Offenses that, if found guilty, could lead to a disqualification of a candidate?	Listed under Section 68, BP 881: Any candidate who engages/ makes in Vote-Buying, Terrorism, Unlawful Expenditures, Unlawful Campaign, Coercion of Subordinates, Threats, Intimidation and Coercion, and Unlawful release of public funds; Permanent Residency elsewhere
(2) What cases can be filed?	<ol style="list-style-type: none"> <li>1. Petition to Disqualify a Candidate</li> <li>2. Election Offense Case</li> </ol>
(3) Who can file the case?	Any Registered Voter or Any Registered Political Party
(4) Where should be case be filed?	<ol style="list-style-type: none"> <li>1. Petition to Disqualify: COMELEC Division</li> <li>2. Election Offense: COMELEC Law Department or Prosecutor</li> </ol>
(5) If not satisfied with decision, what is the recourse?	Motion for Reconsideration with the COMELEC En Banc
(6) When must the case be filed?	<ol style="list-style-type: none"> <li>1. Petition to Disqualify: Not later than the date of proclamation</li> <li>2. Election Offense: 5 years from the date of commission</li> </ol>
(7) If the case is filed TODAY for an offense committed YESTERDAY, will the case prosper?	Most likely, the case WILL NOT PROSPER since there are NO CANDIDATES until the start of the campaign period (02.08.22 for Nationally-Elected and 03.25.22 for Locally-Elected). For being a permanent resident in another county, the case may prosper.
(8) What if an Election Offense does not fall under Section 68?	For example, use of government resources: File an Election Offense Case ( <i>Petition to Disqualify not proper</i> )
(9) Can the Respondent be substituted?	Yes
(10) If decision to disqualify becomes final comes the AFTER proclamation of the Respondent, what happens?	If Respondent wins and the rule on succession applies (e.g. President or Mayor), the next-in-line (e.g. Vice-President or Vice-Mayor) assumes the position for unexpired term.