

Module 4: Campaign

Dos and Don'ts in Campaigning

**Electoral Contributions
and Expenditures**

**Fair Election Act (FEA)
and Omnibus Election Code**

**COMELEC Resolution No. 10730
(Implementing the FEA)**



ATENEO DE MANILA UNIVERSITY
SCHOOL OF LAW

Fr Joaquin G Bernas SJ
Institute for Continuing Legal Education

Election Law for the 2022 Elections

MODULES

✓ **Elections and Candidates**
September 30, 2021 | 3pm, Thursday

✓ **Electorate**
October 28, 2021 | 3pm, Thursday

✓ **Commission on Elections**
November 25, 2021 | 3pm, Thursday

Campaign
December 16, 2021 | 3pm, Thursday

Electoral Procedure
January 27, 2022 | 3pm, Thursday

Election Contests and Offenses
February 24, 2022 | 3pm, Thursday

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Ateneo Political Law Bar Reviewer





Review of Modules 1 - 3



Dissecting the Definition of a *Candidate* in an Automated Election

(1) There are **no candidates today**, only candidates-in-waiting, aspirants, filers, would-be candidates or inchoate candidates.

(3) A would-be candidate shall become a full-fledged candidate, who can be held liable for unlawful acts or omissions, **only** at the start of the **campaign period**:

- February 8, 2022 for Nationally-Elected
- March 25, 2022 for Locally-Elected

“xxx Any person who **files his certificate of candidacy** within **this period** shall **only** be considered as a **candidate** at the **start of the campaign period** for which he filed his certificate of candidacy: *Provided, That, unlawful acts or omissions* applicable to a candidate shall **effect only upon that start** of the aforesaid **campaign period**: xxx” (*Section 15, RA 9369, Amended Automated Election Law*)

(2) A **full-fledged candidate** is one who:

1. Intends to seek public elective office;
2. Filed his/her CoC from October 1 to 8, 2021 (or within period of substitution);
3. Has a valid CoC; and
4. Possesses all the qualifications and none of the disqualifications; and where the campaign period has started (*Operative Fact*).

(4) From the date of COC-filing up to the start of campaign period, the following **rules are not yet applicable/ effective**:

- Maximum amount per voter
- Types and specifications of campaign collaterals
- Vote-buying
- Release of Public Funds
- Tri-Media Limits



Comparing & Contrasting Cases vs. Candidates

Grounds – Requirements – Period – Effects

Aspects	Commission of an Election Offense	Deliberate Material Misrepresentation	Nuisance Candidate
<i>Pleading Caption</i>	Petition to Disqualify a Candidate	Petition to Deny Due Course or Cancel a Certificate of Candidacy (CoC)	Petition to Declare a Candidate a Nuisance Candidate
<i>Allegations/Particulars/Grounds</i>	<p>A. Candidate who engages in:</p> <ol style="list-style-type: none"> 1. Vote-Buying 2. Terrorism 3. Unlawful Expenditures 4. Unlawful Campaign 5. Coercion of Subordinates 6. Threats, Intimidation and Coercion 7. Unlawful release of public funds <p>B. Permanent Residency elsewhere</p>	<ol style="list-style-type: none"> 1. Misrepresentation 2. Material (<i>i.e., must be related to qualifications, commission of a crime of moral turpitude, and violation of term rule; not material if name, profession, affiliation</i>) 3. Deliberate intent to defraud voters 4. Candidate not actually qualified 	<p>CoC filed to:</p> <ul style="list-style-type: none"> o put the election process in mockery or disrepute o cause confusion among the voters by the similarity of the names of the registered candidates <p>No bona fide intention to run for the office as clearly demonstrated in other acts or circumstances (<i>e.g., lack of capability, track record, health, exposure, age, funds, education and affiliations</i>)</p>



Comparing & Contrasting Cases vs. Candidates

Grounds – Requirements – Period – Effects

Aspects	Commission of an Election Offense	Deliberate Material Misrepresentation	Nuisance Candidate
<i>Where file</i>	COMELEC Division then COMELEC En Banc then Supreme Court		
<i>Who files</i>	Any Registered Voter or Any Registered Political Party	Any Registered Voter or Any Registered Political Party	<ul style="list-style-type: none"> Any registered candidate for the same position If ground is similarity in names, by the Real Party-in-Interest (<i>i.e., candidate with similar name with nuisance candidate</i>)
<i>When file</i>	Not later than the date of proclamation	<ul style="list-style-type: none"> Within 5 days from last day for CoC filing of CoC (10.08 to 10.13); but Not later than 25 days from time of filing of subject CoC (10.01-08 to 10.26-11.02) 	<ul style="list-style-type: none"> Within 5 days from the last day for the filing of CoC (10.08 to 10.13)
<i>Substitution</i>	Allowed	Not allowed	Not allowed
<i>If proclaimed Respondent unseated while in office</i>	Succession (P/VP/ LGUs) or Special Elections (Congress)	If lack qualifications, 2 nd placer becomes the 1 st placer	2 nd placer becomes the 1 st placer or proclaimed nuisance stays in office



Who replaces the proclaimed Candidate if unseated/ removed by final judgment after Proclamation?

Case Filed vs. Candidate	Replacement	Justification
Petition to Deny Due Course or Cancel CoC <i>(Ground: Deliberate Material Misrepresentation/ Not Qualified/ Not Eligible)</i>	For all positions: 2 nd Placer for the same position is/ becomes the 1 st Placer	<ul style="list-style-type: none">○ Removed candidate was never a legitimate candidate○ CoC void from the beginning○ Removed because of the CoC○ Votes of unseated candidate considered stray/ not counted
Petition to Disqualify <i>(Ground: Election Offense)</i>	<ul style="list-style-type: none">○ President/ VP and LGU Officials: Next-in-line assumes○ Senator/ District Representative: Winner in Special Elections assumes	<ul style="list-style-type: none">○ Succession by operation of law○ Removed candidate was a legitimate candidate○ Removed not because of the CoC but due to wrong/ offense committed after filing of CoC○ CoC was valid



Q: Is substitution allowed *after* November 15?

A: *It depends on the cause/ scenario.*

5 Causes/ Scenarios	Allowed?	Reasons/ Remarks
(1) Candidate Not Qualified/ Not Eligible and his/ her CoC Denied Due Course or Cancelled (<i>Due to Deliberate Material Misrepresentation in CoC</i>)	Not Allowed	<ul style="list-style-type: none"> ○ CoC void from the beginning ○ Candidate was never a legitimate candidate ○ Effect of cancellation retroacts to time of CoC-filing
(2) Candidate Disqualified (<i>Due to Commission of an Election Offense</i>)	Allowed	<ul style="list-style-type: none"> ○ CoC was valid ○ Candidate was a legitimate candidate ○ Substitution allowed up to Election Day (May 9, 2022) ○ Substitute Candidate must have same surname, and must belong to and nominated by the same political party as the Original Candidate
(3) Candidate declared a Nuisance	Not Allowed	<ul style="list-style-type: none"> ○ CoC void from the beginning ○ Candidate was never a legitimate candidate ○ Effect of declaration retroacts to time of CoC-filing
(4) Candidate Dies	Allowed	<ul style="list-style-type: none"> ○ CoC was valid ○ Candidate was a legitimate candidate ○ Substitution allowed up to Election Day (May 9, 2022) ○ Substitute Candidate must have same surname, and must belong to and nominated by the same political party as the Original Candidate
(5) Candidate Withdraws	Not Allowed	<ul style="list-style-type: none"> ○ While Candidate can withdraw, s/he cannot be substituted since deadline for substitution by reason of withdrawal was November 15 ○ Withdrawal will not affect liabilities, if any



Must all cases be filed with the COMELEC Division at the 1st instance? No.

Divisions (if Judicial)

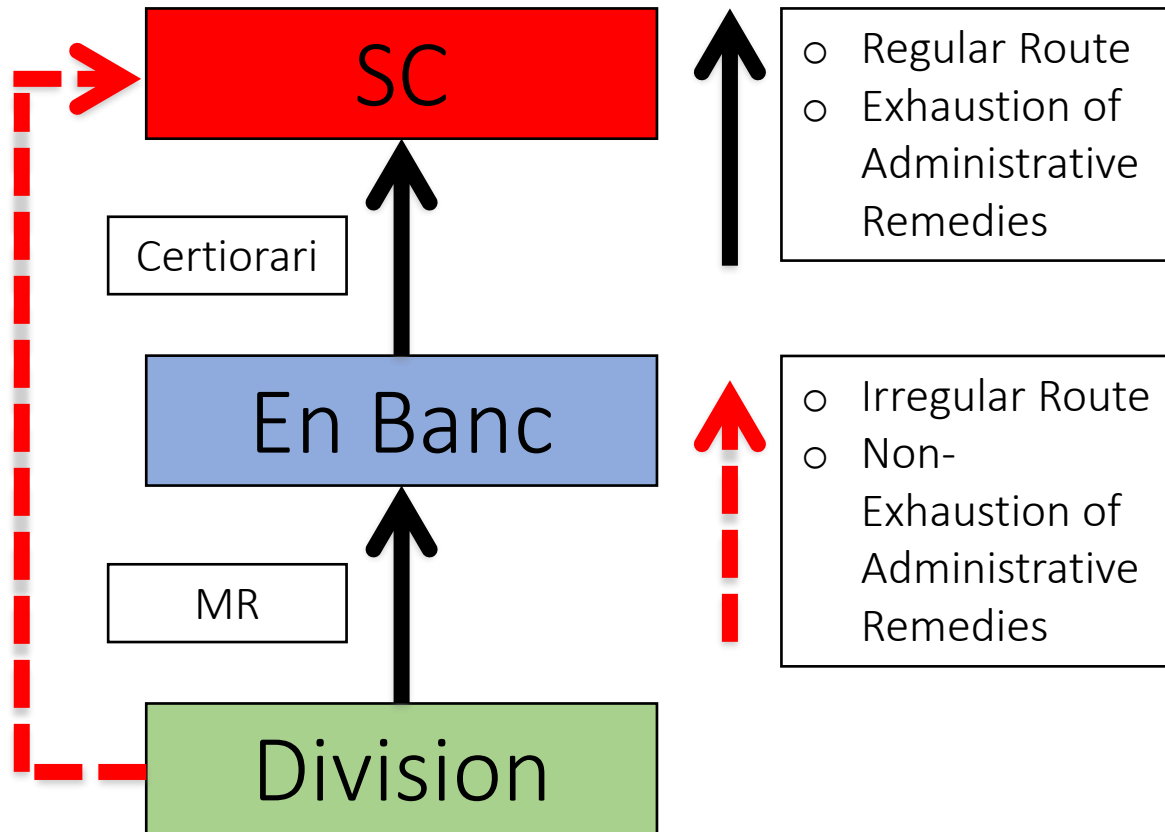
1. Disqualification of a Candidate
2. Cancellation of a CoC
3. Declaring a candidate a nuisance
4. Election Protest
5. Quo Warranto
6. Pre-Proclamation
7. Annulment of Proclamation
8. Intra- and Inter-party
9. Political Party Leadership
10. Registration of Political Parties and Party-List Groups

En Banc (if Administrative)

1. Canvassing/ Proclamation of Senators and Party-List
2. Failure of Elections
3. Postponement of Elections
4. Election Offense (filing of information)
5. Annulment of Book of Voters
6. Cancellation of CoC based on final judgment of conviction with ancillary penalty of deprivation to hold public office
7. Use of Unprohibited Election Propaganda
8. Allocation of Party-List seats
9. Accreditation of Major Parties



Can a decision of a COMELEC Division be directly elevated to the SC, bypassing the COMELEC En Banc?



The Non-Exhaustion of Administrative Remedies, in exceptional cases, may be allowed by the SC. In connection with elections, these may be raised to justify bypassing the COMELEC En Banc:

1. Question is essentially Judicial
2. Pure question of Law
3. Constitutionality
4. Transcendental Issue
5. Utter Disregard for Due Process
6. Strong Public Interest
7. Urgency/ Lack of Material Time
8. Special Reasons demanding Immediate Judicial Relief

Types of Rules – 2022 Elections

Type	Examples
Supplementary	No. 10695: Calendar of Activities for the 2022 National Elections No. 10730: Rules on Campaigning (implementing Fair Election Act) 11.17 No. 10732: Rules on In-Person Campaign, Rallies, <i>Miting de Avance</i> 11.24
Procedural	No. 9523: Amendment to the COMELEC Rules of Procedure No. 10717: Procedure on Filing of Certificates of Candidacy No. 10727: Casting and Counting Procedures No. 10731: Canvassing Procedures
Penal	No. 10730: Penalizing violation of Rules on Fair Election Act
Contingent	No. 10712: Source Code Review as a result of choice of AES Technology per RA 9369
Interpretative	COMELEC Law Department Opinions and Media Statements
Internal	Memorandums to COMELEC Departments Memorandums to Law Enforcement Agencies





Quasi-Legislative Authority of COMELEC

Example: Section 13, Fair Election Act

Authority of the COMELEC to promulgate Rules; Election Offenses. - The COMELEC shall promulgate and furnish all political parties and candidates and the mass media entities the **rules and regulations** for the implementation of this **Act**, consistent with the criteria established in Article IX-C, Section 4 of the Constitution and Section 86 of the Omnibus Election Code.

Rules and regulations promulgated by the COMELEC under and by authority of this Section shall take effect on the seventh day after their publication in at least two (2) daily newspapers of general circulation. Prior to the effectivity of said rules and regulations, no political advertisement or propaganda for or against any candidate or political party shall be published or broadcast through mass media.

Violation of this Act and the rules and regulations of the COMELEC issued to implement this Act shall be an election offense punishable under the first and second paragraphs of **Section 264 of the Omnibus Election Code**.



Electoral Process & Cases

Candidates

Possible Cases

- Postponement of Elections
- Failure of Elections

- Election Protests
- Annulment of Proclamation
- Quo Warranto

Aspirants/ Filers/ Poll Bets/
“Would-Be Candidates”

Full-Fledged Candidates

Filing of
CoC
10.01-08
(11.15 –
05.09)


Pre-
Campaign
Period

★
Start of
Campaign
02.08-Nat'l
03.25-Local

Election
Day
05.09

Canvass/
Proclaim
05.10-16
(~P/VP)

SOCE
06.08

Assume
Office
06.30
(12nn)

CoC Cancellation/ Disqualification/ Declare Nuisance Cases

Substitution of Aspirants/ Candidates D&D
Withdrawal but no substitution > 11.15

Pre-Proc.



Permanent Vacancies
in COMELEC



Relevant Laws

- 1987 Constitution
- Omnibus Election Code, BP 881 (1985)
- Fair Election Act, RA 9006 (2001)

Module 4: Campaign Dos and Don'ts



Not considered Campaigning

1. Acts and solicitations **prior to campaign period**
2. Acts of **private persons** which are **not intended** to **promote the election or defeat** of a **candidate**
 - Relief Work
 - Charity Work
 - Normal and customary religious stipends
 - Advocacy of social issues
 - Seminars (on election laws)
3. Acts of **public officers** which are **governance-related**/ government programs (unless covered by Public Works Ban)
4. Unless expressed by government officials, **personal opinions, views, and preferences** for candidates, contained in **blogs and micro-blogs**



Campaign Period

Candidates/ Campaign Support Staff \equiv **APORs**
(*Authorized Persons Outside of Residence*) during the campaign period, regardless of the alert level system and vaccination status.

February 8 to May 7 (90 days)

P/VP/Senators/ Party-List
(*Nationally-Elected*)

March 25 to May 7
(45 days)

District Reps/ Local Elective Officials
(*Locally-Elected*)

Except Maundy Thursday (April 14) and Good Friday (April 15)



Public Works Ban

- From **March 25 to May 8**, 2022 (45-day period)
- **All Public Works** except:
 1. Maintenance of existing and/or completed public works project
 2. Work undertaken by contract through public bidding held, or by negotiated contract awarded, before the 45 day period before election
 3. Payment for the usual cost of preparation for working drawings, specifications, bills of materials, estimates, and other procedures preparatory to actual construction
 4. Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility
 5. Ongoing public works projects commenced before the campaign period or similar projects under foreign agreements



10 Allowable Forms

1. Forming Organizations
2. Campaigning on Social Media
3. Holding Rallies (E-Rallies) and Caucuses
4. Making Speeches and Holding Interviews
5. Distributing Campaign Materials
6. Soliciting Votes for or against a Candidate
7. Making Paid Advertisements
8. Using Mobile Units and Vehicles
9. Displaying Signboard in HQ
10. Using Unprohibited but COMELEC-Allowed Election Propaganda

Election Propaganda

- Medium. Any matter **broadcasted, published, printed, displayed or exhibited**, in **any medium**
- Association. Contains the **name, image, logo, brand, insignia, initials, and other symbol or graphic representation** that is capable of being **associated with a candidate**, and
- Public. **Exclusively intended** to draw the **attention of the public** or a segment thereof
- Purpose. **Promote or oppose, directly or indirectly, the election** of the said **candidate** or candidates to a public office



Political Advertisement

- In broadcast media, political advertisements may take the form of **spots, appearances on television shows and radio programs**, live or taped announcements, teasers, and other forms of **advertising messages or announcements** used by **commercial advertisers**.
- Political advertising includes **endorsements, statements, declarations, or information graphics**, appearing on any **internet website, social network, blogging site, and micro-blogging site**, which – **when taken as a whole** – has for its **principal object** the endorsement of a **candidate** only, or which were posted in return for consideration or are otherwise capable of **pecuniary estimation**.



Rallies/ Public Meetings/ *Miting de Avance*

Definition	Mass or concerted action held in a public place , indoors or outdoors, for the purpose of soliciting votes and/ or undertaking any campaign or propaganda for or against a candidate
Protocols	<ol style="list-style-type: none"> 1. Campaign Organizing Staff submits to EO Affidavit of Compliance with Health Protocols 2. Wear full-coverage face shields together with face masks 3. Persons not allowed: < 18 yo > 65 yo With immunodeficiency, comorbidity or other health risks heavily pregnant women
No Freebies	No free transportation, food, drinks and anything of value within 5 hours before and after
Streamers	3' x 8' displayed 5 days before and removed \leq 24 hours
Venue Types	Enclosed Outdoor Outdoor Indoor
Alert Level	Levels 1 – 5 Classification by National/ Regional/ Provincial/ Municipal-City COMELEC Campaign Committee (N/R/P/M-C CCC) Appeal from PCCC to RCCC
2 Permits & 1 Notice	<ol style="list-style-type: none"> 1. Filing with City/ Municipality Posting EO informed LGU acts \leq 3 days (<i>inaction</i> \equiv <i>approval</i>) Fair opportunity to all Denial only on prior grant (<i>appeal to PES/ NCR RED</i>) 2. Public Rally: Inform EO prior to rally Report expenses \leq 7 days 3. No election campaign without prior approval of CCC



Applications with R/P/M-C CCC

Where	<p>R CCC: Presidential/ VP/ Senatorial/ Party-List Candidates</p> <p>P CCC: District Representative/ Provincial Candidates</p> <p>M-C CCC: Municipal/ City Candidates</p>
When	<ul style="list-style-type: none"> ○ ≤ 72 hours before event ○ CCC denies or approves ≤ 48 hours (inaction \equiv approval) ○ Aggrieved party may appeal to higher CCC (appeal letter / resolved ≤ 24 hours)
Who	Candidate or Representative

ELECTION CAMPAIGN ACTIVITY	REQUIRED ATTACHMENT	SPECIFIC INFORMATION REQUIRED
<u>In-Person</u>	Proof of identity of the companions	<p>A) Date, time, and place of the event; and</p> <p>→ (B) Names of the companions.</p>
<u>Motorcades and Caravans</u>	Permit duly issued by the Local Government Unit concerned, or, in instances covered by Section 6(b) of B.P. Blg. 880, the proof of filing of application for a permit.	<p>(A) Date and time of the event; and</p> <p>→ (B) The starting point, intended route, and end-point of the motorcade.</p>
Caucuses, Meetings, Conventions, Indoor Rallies, and other Election Campaign Activities held <u>indoors</u> .	Proof of reservation and Department of Tourism (DOT) accreditation of the venue where the same will be held.	<p>(A) Date and time of the event; and</p> <p>→ (B) Maximum capacity of the venue</p>
Rallies and <i>Miting De Avance</i> held <u>outdoors</u> or in an enclosed outdoor space	Permit duly issued by the Local Government Unit concerned.	<p>(A) Date, time, and place of the event; and</p> <p>→ (B) The measures taken to enclose an outdoor space, when necessary.</p>



Rallies/ Public Meetings: Thresholds

IATF Level	In-Person Campaign	Meetings/ Rallies
1	No limit	$\leq 70\%$ of the operational capacity of the venue, whether indoor or outdoor
2	A candidate or campaign leader may be accompanied by ≤ 5 campaign support staff.	$\leq 50\%$ of the operational capacity of the venue, whether indoor or outdoor
3	A candidate or campaign leader may be accompanied by ≤ 3 campaign support staff.	$\leq 50\%$ of the operational capacity of the venue for enclosed outdoor only
4	Not allowed	$\leq 30\%$ of the operational capacity of the venue for enclosed outdoor only
5	Not allowed	Not allowed

In-Person Campaign Restrictions

- Entering any **private dwelling** during house-to-house campaigning, even with the express permission of the homeowner
- Crowding, or allowing there to be, **crowds** that violate MPHS around the candidate and his or her companions
- Handshakes, hugs, kisses, going arm-in-arm, or any action that involves **physical contact** among the candidate, their companions, and the public
- Taking selfies, photographs and other similar activities that require **close proximity** between the candidate and their companions, and the public
- Distribution of **food and drink**, and all other goods or items

Rallies/ Meetings Restrictions

- Handshakes, hugs, going arm-in-arm, or any action that involves **physical contact** among the candidate, their companions, and the public
- Taking selfies, photographs and other similar activities that require **close proximity** between the candidate and their companions, and the public
- Distribution of **food and drink**, and all other goods or items

Caravans/ Motorcades Restrictions

- Number of **passengers** dependent on IATF level and type of vehicle
- Stopovers, layovers, and other similar **stoppages** for the conduct of other election campaign activities
- Handshakes, hugs, kisses, going arm-in-arm, or any action that involves **physical contact** among the candidate, their companions, and the public
- Taking selfies, photographs and other similar activities that require **close proximity** between the candidate and their companions, and the public
- Distribution of **food and drink**, and all other goods or items.

Common Limitations

1. Physical Contact
2. Close Proximity
3. Food and Drinks





E-Rallies

Definition

- A rally under Article X of the Omnibus Election Code which is conducted for an **online audience**.
- Designed to promote the **election or defeat** of a particular candidate
- Includes holding of political caucuses, conferences, meetings, rallies, parades, or other similar assemblies, for the purpose of **soliciting votes and/or undertaking any campaign** or propaganda for or against a candidate

10 Requirements/ Rules

1. Must be peaceful
2. Done during campaign period
3. Candidates may receive, but cannot give, in-platform gifts and game currency during the e-rally
4. Not covered by the limitations on broadcast advertising
5. Includes live streaming on the candidates' social media platforms
6. Must include a disclosure that identifies it as a political rally
7. Must comply with minimum health protocols
8. Must be recorded and recording submitted to COMELEC EID within 72 hours from airing
9. No food and drinks 5 hours before and after the e-rally
10. Expenses must be documented



Internet, Mobile and SocMed

<i>Allowed</i>	<ul style="list-style-type: none">○ Creating on any social media platform, user groups or community pages, for the purpose of conducting campaigns or related partisan political activity○ Use of the internet to distribute campaign propaganda. This includes text-only posts on social media, pictures, audio clips, and video clips, regardless of duration, and all combinations of such formats.
<i>Social Media</i>	<ul style="list-style-type: none">○ Collective of online communication channels, including websites and applications, that enable users to create and share content, collaborate, and interact with each other. Video sharing sites which allow users to post comments on individual entries○ “Social Media Account” refers to a user’s personalized access to a social networking site or application, typically using a username and password combination.”○ “Social Media Post” refers to any text, audio, or graphic content – or any combination thereof – published online using a social media account.
<i>Nature</i>	Social media posts , regardless of format, whether original or re-posted from some source, which may either be incidental to the poster’s advocacies of social issues or which may have, for its primary purpose, the endorsement of a candidate only
<i>Sign Language</i>	Incorporate sign language interpreters and closed captioning in broadcast election propaganda intended for exhibition on the internet



Rules on SocMed

Registration	Each registered political party/coalitions and candidate shall register with the COMELEC EID, the website name and web address of all platform-verified official accounts, websites, blogs and/or other social media pages of such political party or candidate within 30 days from the last day of the period for the filing of the Certificates of Candidacy (10.08.2021 or up to 11.07.2021).
Regulation	<ul style="list-style-type: none"> Only verified accounts, websites, blogs, and/or social media pages may run electoral ads, and boost or promote electoral posts. (Note: CR10730 imposes no requirement on # of subscribers) Even unregistered accounts subject to regulation Verification of official accounts by YouTube (badge)
Ban on Micro-Targeting (Personalization)	Microtargeting (intended to analyze a person's online usage, to preferentially serve ads) of electoral ads shall not be allowed provided that electoral ads can be targeted using only the following criteria : (1) geographical location, except radius around a specific location; (2) age; and (3) gender; provided further that contextual targeting options may also be used in combination with the above.
Truthful	Information contained in online campaign propaganda shall be truthful and not misleading , nor shall it tend to unjustifiably cast doubt on the integrity of the electoral process .
2 Disclosures	<ol style="list-style-type: none"> All electoral ads must show a disclosure that identifies who paid for the ad. All electoral posts must show a disclosure that identifies it as a paid electoral ad, and discloses who paid for the ad.

Printed Materials

Type	Size	Place
Printed Materials (e.g. Pamphlets, leaflets, cards, decals, stickers)	8.5" W x 14" L	For Distribution
Letters (Handwritten or Printed)	Any	For Distribution
Posters	2' x 3' (taken as whole)	Poster Areas Private Areas
Streamers	3' x 8'	Rallies

Where Allowed:

1. Private places with consent of owner
2. Candidate Poster Areas
 - Constructed/ funded by Candidates
 - EO permission
 - Party/ Independent Candidate: 1/ 5K voters
3. Common Poster Areas
 - EO designated
 - Public Places
 - Parties: 12' x 16' ($\leq 192 \text{ ft}^2$)
 - Independent Candidates: 4' x 6' ($\leq 24 \text{ ft}^2$)
 - Parties agree on placement (if not, PES or NCR RED)

Where Not Allowed: Public Places

- Presumption of Posting by Candidate
- If not remove ≤ 3 days from EO Notice
- Unless common poster area allowed by EO





Public Places

Publicly-Owned
Billboards

Government
Vehicles

Government-
Owned Public
Transport Vehicles

Waiting Sheds/
Sidewalks Posts on
Public Property

Overpasses/
Underpasses/
Flyovers/ Bridges/
Main Thoroughfares

Government
Offices/ Buildings/
Schools

Post/ Trees/ Plants/
Shrubs in Public
Structures

Public Infrastructure

Public Transport
Terminals/ Airports/
Seaports



Headquarters

<i>Number</i>	<ul style="list-style-type: none">○ National Candidate: 1/ Province/ Highly-Urbanized City (HUC)○ National or Regional Party: 1/ Province/ HUC○ Provincial Party: 1/ Municipality○ District Representatives: 1/ District if 1 Municipality-District 1/ Municipality if >1 Municipality-District○ City/ Municipal Candidate: 1
<i>Notice</i>	<ul style="list-style-type: none">○ National Party/ Candidate: Law Department and EID○ Provincial Candidate: PES○ City/ Municipal Candidate: EO○ NCR Party/ Candidate: NCR RED
<i>Signboard</i>	<ul style="list-style-type: none">○ 1 3' x 8'○ Put up \leq 5 days from start of campaign period



Paid Political Media Advertisements

Type	Nationally-Elected	Locally-Elected
<i>Print</i>	$\leq 1/4^{\text{th}}$ page broadsheet $\frac{1}{2}$ page tabloid 3x/ week	
<i>Television</i>	≤ 120 Minutes/ Station	≤ 60 Minutes/ Station
<i>Radio</i>	≤ 180 Minutes/ Station	≤ 90 Minutes/ Station

- Newsworthy appearances not counted in caps/ limits
- If 2 or more candidates appear, time appear/ mentioned/ promoted will be counted for candidate
- Incorporate sign language interpreters and closed captioning in broadcast election propaganda intended for exhibition on television
- Excludes e-rallies



Rules on Propaganda

Notices	<ul style="list-style-type: none">○ “<i>political advertisement paid for,</i>” followed by the true and correct name and address of the benefiting candidate or party○ “<i>political advertisements paid by,</i>” followed by the true and correct name and address of the payor○ “<i>printed free of charge</i>” or “<i>airtime for this broadcast was provided free of charge by</i>” followed by the true and correct name and address of the said publishing firm or broadcast entity
Consent	Secure written consent of benefitting candidate or party if election propaganda donated
Personal Acceptance	Election propaganda materials donated or contributed by any person to a candidate shall not be printed, published or broadcasted, or exhibited, unless they are accompanied by the written acceptance by said candidate or party, through the party treasurer. Such written acceptance of the donated election propaganda materials must be personal to the candidate or party treasurer , and cannot be delegated to their duly authorized representatives designated to receive donations or contributions.
Gender-Sensitive	Not violate gender sensitivity principles, is obscene, offensive, discriminatory , or otherwise constitutes a violation of the Magna Carta of Women
Pre-Campaign	Candidate must remove before start of campaign period (names, images, logos, brands, insignias, initials, and other forms of identifiable graphical representations)



Rules on Notice

Printed

1. Sufficient Size (Readable)
2. 12-Point if Printed Material is $\leq 2' \times 3'$
3. Notice in Printed Box
4. Printed in Color Contrast

Television

1. Letters $\geq 4\%$ of Vertical Picture Height
2. Visible duration of ad
3. Appear in Color Contrast



Removal of Propaganda

Lawful

During the campaign period, it is unlawful for any person to **remove, destroy, take down or, in any manner, deface or tamper with, or prevent the distribution** of any lawful election propaganda

Unlawful/ Prohibited Form

- Any prohibited form of election propaganda shall be **stopped, confiscated, removed, destroyed, or torn down** by **COMELEC representatives**, at the **expense of the candidate** or political party for whose **apparent benefit** the prohibited election propaganda materials have been produced, displayed, and disseminated.
- Any person, party, association, government agency may likewise **report to the COMELEC** any prohibited form of election propaganda for confiscation, removal, destruction and/or prevention of the distribution of any propaganda material on the ground that the same is illegal
- The **COMELEC may, motu proprio**, immediately order the removal, destruction and/or confiscation of any **prohibited propaganda material**, or those materials which contain **statements or representations that are illegal**.

3 Procedures

1. EO Notice | Remove ≤ 72 hours (*if not, presumed owner*)
2. Complaint with EO | Summary Hearing | Resolve ≤ 3 days
3. COMELEC *motu proprio*

Rules for Media Companies 1



<i>Compliance Warranty</i>	A newspaper or publication, radio, television or cable television station, or other mass media, or any person may require any buyer to warrant under oath that such purchase is not in excess of the size, duration or frequency authorized by law or these Rules
<i>Fairness</i>	For any radio, television, cable television station, announcer or broadcaster to allow the scheduling of any program, or permit any sponsor to manifestly favor or oppose any candidate or party by unduly or repeatedly referring to, or unnecessarily mentioning his name, or including therein said candidate
<i>Notice</i>	Prior (or \leq 24-hour) notice to COMELEC (RED or EID if NCR) of television/ radio campaign of candidates to ensure equal opportunities
<i>Donated Material</i>	If the space for printed or published election propaganda is donated by the publishing firm, or the airtime for broadcast election propaganda is given free of charge by the radio, or television station or cable television, they shall bear and be identified by the reasonably legible or audible words “printed free of charge,” or “airtime for this broadcast was provided free of charge by,” respectively, followed by the true and correct name and address of the said publishing firm or broadcast entity . This rule shall also apply to online advertisements .
<i>Preservation</i>	All broadcast and digital mass media entities shall preserve their broadcast logs or analogous records for a period of 5 years from the date of broadcast for submission to the COMELEC whenever required.

Rules for Media Companies 2



<i>Truthful</i>	All members of the news media, television, radio, print, or online, shall scrupulously report the news, taking care not to suppress essential facts or distort the truth by omission or improper emphasis.
<i>Schedule</i>	Certified true copies of broadcast logs, certificates of performance, and certificates of acceptance, or other analogous record shall be submitted based on schedule (4 reports)
<i>Copies</i>	Certified true copies of all contracts, reports and receipts, and other documents, accompanied by all its digitization copies, shall be submitted to the CFO through electronic means at campaignfinance@comelec.gov.ph
<i>Other Side</i>	They shall recognize the duty to air the other side and the duty to correct substantive errors promptly and without prejudice to the right of said broadcast entities to air accounts of significant news or newsworthy events and views on matters of public interest.
<i>Right to Reply</i>	All registered parties and candidates shall have the right to reply to charges published or aired against them . The reply shall be given publicity by the newspaper, television, and/or radio station which first printed or aired the charges with the same prominence or in the same page or section , or in the same time slot as the first statement
<i>Discount</i>	During the election period, media outlets shall give registered political parties and bona fide candidates a discounted rate for their election propaganda from the average of the published rates charged in the last 3 calendar years prior to the election, as follows: Television – 50%; Radio – 40%; Print - 10%



Contracts

Advertising

- The **period** when the political advertisement is scheduled to be published, broadcasted, or exhibited
- The **date** when the contract was entered into
- The **name and signature of the person who placed the advertisement**, regardless of whether said person is a contributor or donor, or the duly authorized representative of the candidate or party
- The **name and signature of the candidate** or party who will benefit from the advertisement as a sign of acceptance
- The **particulars** of the political advertisement (e.g. The size of the advertisement as published on periodicals, duration of the advertisement as published on periodicals, duration of the advertisement in terms of airtime, frequency, number of spots, and program or timeslot, etc.)
- The serial number of the **official receipt** issued to the candidate by the mass media entity
- The **amount or consideration** paid for the advertisement contract

Business/ Contractor

- The full name of the **candidate** who incurred such expenditures
- The **nature or purpose** of each expenditure
- The **description of the goods or services** provided by the contractor or business firm
- The **date** when the expenses were incurred
- The **amount or cost** thereof
- The serial number of the **official receipt**, cash invoice, or other BIR-approved document issued.

Internet

- The **name of the candidate** or party in the advertisement
- The name of the person or **advertising agency /public relations firm** who **paid the advertisement**
- The **Page Name or Account Name** or Handle where the advertisement was posted, originated, or uploaded
- The **particulars** of the political advertisement
- The **amount or cost** of the advertisement



Others

Not listed and no longer prohibited

Examples

1. Gadgets
2. Billboards
3. Tinplate-Poster
4. Clothing
5. Pens
6. Lighters
7. Wallets
8. Cigarettes
9. Flashlight
10. Sports Equipment

Procedure

Petition with COMELEC
En Banc

Hearing

Decision (Allow or Not)

Publication (If Allowed)



Prohibited Contributions

1. All SEC-registered corporations
2. Financing Institutions
3. Public Utility Operator
4. Natural Resources Explorer
5. Government Contractors
6. Franchise Holders
7. Donee Institution from Government (P100,000)
8. Donee Educational Institutions (P100,000)
9. Foreigners/ Foreign Corporations
10. Civil Servants and AFP



Q: How much can a candidate in the 2022 Elections spend for the campaign?

A: It depends on the elective position, party support/ membership and constituency

Position	₱/ Voter	Maximum
President/ Vice-President	₱ 10.00	₱ 635,000,000
Senator with Pol. Party	₱ 3.00	₱ 190,500,000
Senator (Independent)	₱ 5.00	₱ 317,500,000
District Reps w/ Pol. Party	₱ 3.00	(₱ 3 x # voters)
D. Reps (Independents)	₱ 5.00	(₱ 5 x # voters)
Nat'l Pol. Party/ Party-List	₱ 5.00	₱ 317,500,000
Local with Pol. Party	₱ 3.00	(₱ 3 x # voters)
Local (Independents)	₱ 5.00	(₱ 5 x # voters)

Note: Maximum amounts, Per Voter Cap of ₱ 10/5/3 and accounting of expenditures apply only during campaign periods, not before since there are no candidates prior.

Allowable Expenditures	
Covered in ₱ 10/5/3 Caps	Not Covered in Caps
1. Travel 2. Compensation 3. Communications 4. Printed Materials 5. Pollwatchers 6. Office/ HQ 7. Advertisements 8. Political Meetings 9. Rallies 10. Social Media	1. Counsel 2. Copying list of voters 3. Sample Ballots

Note: Per COMELEC, there are 63.5M Voters.



Violations of Law and Rules

Offense	Remedies	Effect
Vote-Buying, Unlawful Expenditures Unlawful Campaign (OEC)	<ul style="list-style-type: none"> ○ DQ Cases <i>and/ or</i> ○ Election Offense 	<ul style="list-style-type: none"> ○ Disqualified (can be substituted)/ Unseated ○ Imprisonment: $1 < x < 6$ years ○ DQ: Hold Public Office and Suffrage
Violation of Provisions on Rallies and Food/ Drinks (OEC)	Election Offense	<ul style="list-style-type: none"> ○ Imprisonment: $1 < x < 6$ years ○ DQ: Hold Public Office and Suffrage
Violation of COMELEC Resolution No. 10730: Campaign/ FEA	Election Offense	<ul style="list-style-type: none"> ○ Imprisonment: $1 < x < 6$ years ○ DQ: Hold Public Office and Suffrage
Violation of COMELEC Resolution No. 10732: In-Person Campaign/ Rallies	<i>Not Election Offense</i>	



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Thank you. Good luck to all.