



ATENEO DE MANILA
UNIVERSITY

SCHOOL OF LAW

The Fr Joaquin G Bernas, SJ
Institute for Continuing Legal Education

Election Law and the 2025 Elections

Part 1

Atty. Alberto C. Agra

Law Professor and Bar Reviewer, Election Law,
Local Government Law and Administrative Law

Proponent, Election Law-for-All

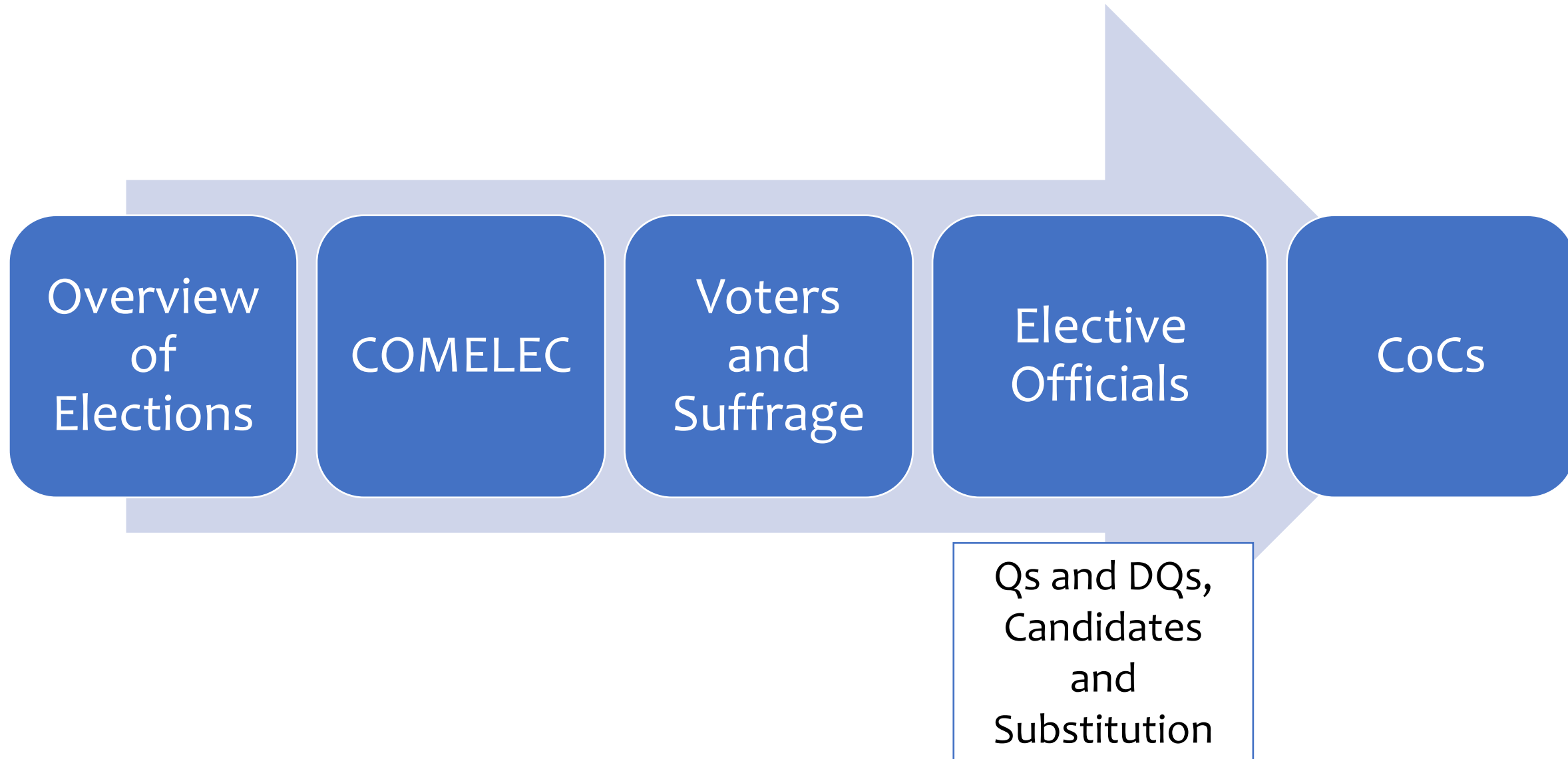
Author, Ballot Unboxed Newsletter

Host, Batas et AL – 2025 Election Series

20 September 2024



Discussion Flow



Quizzer: True or False

2024 Bar Questions on Political Law

1. Pho Gho, born in 1997 to a Filipino mother, who belatedly submitted his birth certificate, is qualified to run for Provincial Governor.
2. Andrew, male, is qualified to represent BINI-bini Party, a Women's Party, under the Party-List System.
3. The Senate, through its Internal Rules of Procedure, can shorten the period to file Election Protests set under the Rules of the Senate Electoral Tribunal.

Quizzer: True or False

4. Congress can provide for a party-list system in selecting local elective officials and can require them to be high school graduates.
5. COMELEC can issue penal rules for violation of its Resolution on Social Media.
6. COMELEC can postpone/ reschedule the national elections.
7. All election-related cases are cognizable by the COMELEC Divisions.
8. A Dual Citizen must take an Oath of Allegiance and renounce foreign citizenship in order to run for public elective office.

Quizzer: True or False

9. A person who files his/her Certificate of Candidacy on October 8, 2024 can give *ayuda* to voters this Christmas.
10. All Incumbent Public Officers are deemed resigned upon filing of CoCs.
11. The CoC of an aspirant/ candidate vying for the position of District Representative who indicated “7 months” in the item on residency and stated that he is nominated by Political Party XYZ, when he is a not member thereof, can be canceled.
12. Substitution of all candidates can happen till mid-day of May 12, 2025 provided the substitute bears the same surname as the substituted/ original candidate.

(1) Overview of Philippine Elections

1) Philippine Elections

- CHOPFE: Credible, Honest, Orderly, Peaceful and Free Elections
- General
- Free
- Direct
- Equal
- Secret
- Genuine Periodic Regular
- Choices (Persons and Policies)
- National, Regional and Local
- Synchronized
- Automated (or Manual)
- Plurality Formula (and proportional representation)
- Governed by the Constitution and Law
- Subordinate Legislation
- Supervised by an Independent Body
- Contributions and Expenditures regulated
- Political Parties and Party-List
- Public Disclosures

(2) Commission on Elections (COMELEC)

2) Commission on Elections

Constitutionally-
Created Admin.
Agency

Independent
Commission

Enjoys Fiscal
Autonomy

Plenary
Authority and
Broad Discretion

1 Chairperson
and 6
Commissioners

Qualifications
Constitutionally-
Prescribed

En Banc and 2
Divisions

Control and
Supervision over
EOs, BoCs & BEIs

Constitutional
and Statutory
Powers

Quasi-Legislative
Power

Quasi-Judicial
Power

Power to
Enforce the Law

Investigative
Power

Prosecutorial
Powers

Coercive Powers

2) Commission on Elections

Quasi-Judicial (Division)

- Disqualification cases
- Election Protest
- Pre-Proclamation Controversy
- Annulment of Proclamation

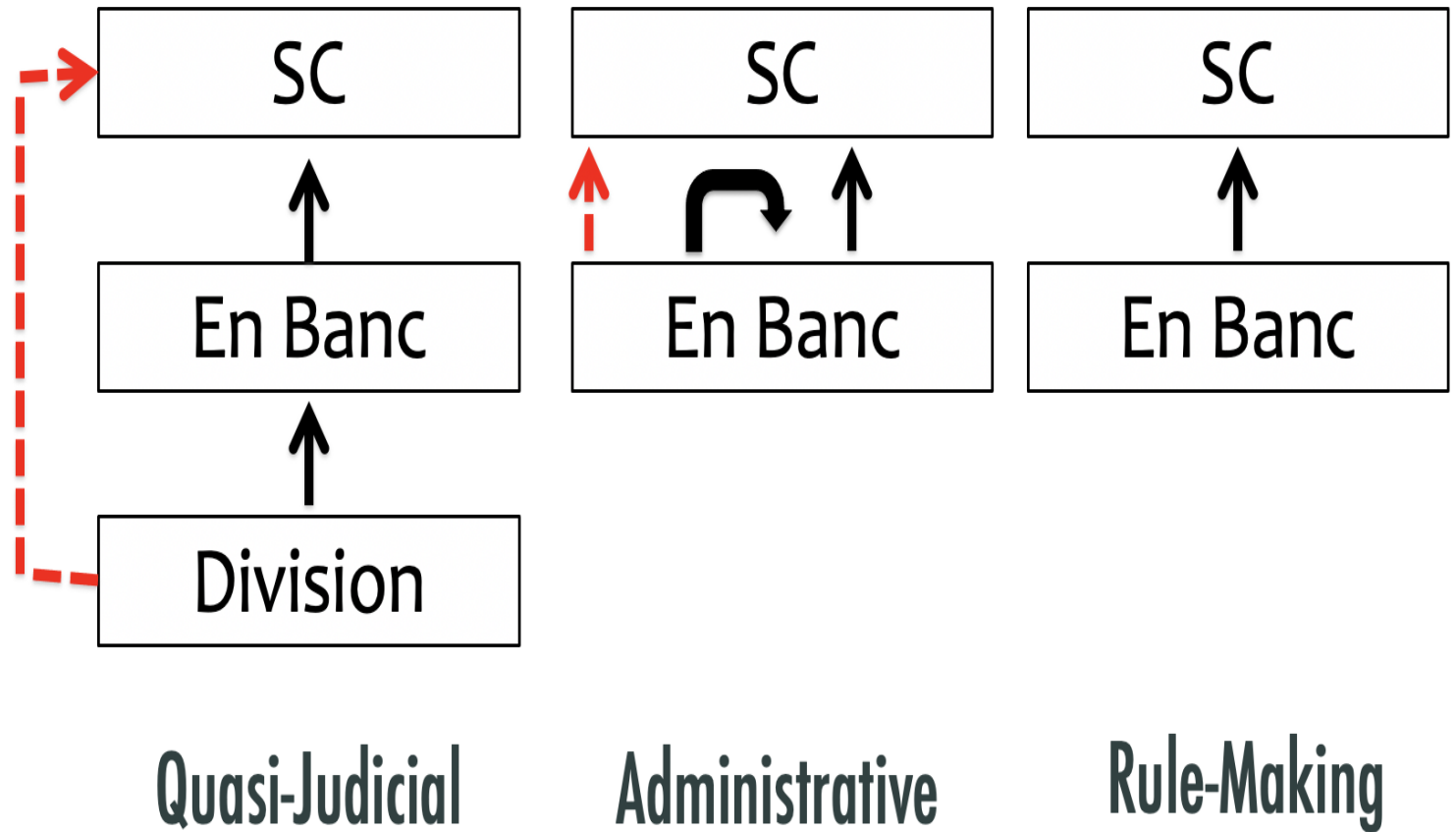
Administrative (En Banc)

- Canvassing for Senators and Party-List
- Failure of Elections
- Postponement of Elections
- Filing of Information for an Election Offense
- Annulment of Book of Voters
- Accreditation of Party-List Organizations

2) Commission on Elections

Non-Exhaustion:

1. Urgency
2. Constitutional Issue
3. Transcendental Concern
4. Pure Question of Law
5. Strong Public Interest



2) Other Public Offices on Elections

Supreme
Court and
Lower Courts

Electoral
Tribunals

Canvassing
Bodies

DepEd/
Teachers

DOJ/
Prosecutors

Military and
Police

(3) Voters and Suffrage

3) Suffrage: Qualifications of Voters

1. Filipino citizen
 2. At least 18 yo on election day
 3. Resident in Philippines for at least 1 year prior to election (*domicile or permanent residency*)
 4. Resident in place where propose to vote for 6 months prior to election day (*domicile, permanent or temporary residency*)
 5. Not disqualified
 6. To vote, must be registered
- Right to Register vs. Right to Vote
 - Found in the Constitution
 - Reckoning period is election day
 - List finite/ exclusive
 - No substantive requirements

3) Suffrage: Citizenship

ELECTION 101
WITH
ATTY. AL AGRA
Election Law Expert

BALLOT UNBOXED

WHO ARE FILIPINO CITIZENS?

1. NATURAL BORN CITIZENS

2. NATURALIZED CITIZENS

3. DUAL CITIZENS

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1. Natural-Born
 - Birth (1987 | 1 Parent)
 - Election (1973)
2. Naturalized
 - CA 473 (Judicial – Born outside Phl)
 - RA 9139 (Administrative – inside Phl)
 - Legislative (in or out Phl)
3. Dual Citizens
 - Birth (1 parent *jus sanguinis* and 1 parent *jus soli*)
 - Naturalization (Oath and Renunciation)

3) Suffrage: Disqualification of Voters

1. Sentenced by final judgment
(*imprisonment of 1 year or more*)
 - By law
 - Post-registration
 - Not result to a substantive qualification
2. Sentenced to suffer accessory penalty (*political rights*)
3. Adjudged by final judgement
(*crime involving disloyalty*)
4. Declared insane or incompetent

3) Suffrage: Local Absentee and Overseas

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
- Deadline to register:
September 30, 2024

Overseas

- Qs – Citizens | Not disqualified | 18 yo
- DQs – Not citizen | renounced and allegiance with another country | convicted | insane
- Nationally-elective positions
- Registration and/or certification as an overseas voter
- Voting may be done either personally, by mail or by any other means (Internet)
- Deadline to register: **September 30, 2024**

3) Suffrage: Registration of Voters

- **Nature:** Continuing
- **Listing:** Computerized List at all Levels
- **Voting Unit:** Precinct (clustered during elections)
- **Last Day:** September 30, 2024
 - Opposition by October 11, 2024
 - Approval/ Disapproval by October 14, 2024
- **Changes:** Permanent but subject to changes
 - + when new voters, transfer of residence, reactivation, inclusion
 - - when cancellation (death), annulment of book of voters, transfer of residence, deactivation, exclusion

3) Suffrage: Deactivation of Voters

- 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: Online reactivation up to **September 25, 2024**)

3) Suffrage: Inclusion and Exclusion

- **What?** Applications 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*)
 - Last Day: **January 27, 2025**
 - Exclusion - Not Qualified or Fictitious Voter
 - Last Day: **February 1, 2025**

3) Suffrage: Annulment of Book of Voters

- **Annul What?** Book of Voters per precinct
- **Where File?** COMELEC En Banc
- **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) Suffrage: 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) Suffrage: Summary

What Cases	When Raised	What Grounds	Where File	Effect if Granted	Effect if Denied
<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	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	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

**(4) Elective Officials,
Qualifications and
Disqualifications, Candidates
and Substitution**

4) Public Elective Officials and 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

4) Public Elective Officials: 18,271

- Senators: 12
- Representatives: 317
 - District: 254
 - Party-List: 63
- BARMM Parliament: 73
- Provincial Governors/ Vice-Governors: 82 each
- City Mayors/ Vice-Mayors: 149 each
- Municipal Mayors/ Vice-Mayors: 1,493 each
- Sangguniang Panlalawigan: 792
- Sangguniang Panlungsod: 1,682
- Sangguniang Bayan: 11,948

4) Party-List System

Last day for Raffle:
November 29, 2024

House of
Representatives
(317 from 297)

80% District
Representatives (254)
and 20% Party-List (63)

Proportional
Representation: 2% (or
lower till filled-up) and
3-seat maximum

Sectoral or
Geographical

Delisted: Not
Participate or Not
Obtain Seat in 2019 and
2022

Disqualified Parties/
Organizations

Nominees: Nominated |
Member of Party

Nominees: CAN Party
Official: CON and
Affidavit of Q

Submit 10 Names
based on Ranking
(**October 1 to 8, 2024**)

Incumbent Public
Officials as Nominee
not deemed resigned |
1-year ban not apply if
not get seat

Withdrawal of Original
Nominee: Change of
Name up to **October 8,
2024**

Death or DQ of
Nominee: Change of
Name up to **Mid-Day of
May 12, 2025**

4) Party-List System: Forms

Affidavit of Q

CAN

Annex "C"

CERTIFICATE OF ACCEPTANCE OF NOMINATION

Affix photo taken
within the last six
(6) months

Passport Size

NOMINEE NO. _____

INSTRUCTIONS:
1. File this in FIVE (5) LEGIBLE COPIES to the Law Department, from 8:00 AM to 5:00 PM ONLY, from October 1 to 8, 2024, including Saturday and Sunday.
2. ATTACH the Certificate of Nomination.
3. COPY FURNISH the Clerk of the Commission.
4. Do not leave blank entries and indicate N/A if an item is not applicable. Print the front and back pages of the Certificate on a single sheet (back to back) of folio or legal-size paper.
5. This certificate 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.
6. No filing fee shall be imposed.
7. This Certificate shall be posted on the official website of Commission, in accordance with the Data Privacy Act and its implementing rules and regulations.

I, _____ (party-list group), hereby accepts the nomination as its party-list representative in connection with the May 12, 2025 National and Local Elections (NLE) and BARMM Parliamentary Elections (BPE), and after having been sworn to in accordance with law, depose and state the following:

1. Full Name: _____
(Surname) (First Name) (Middle Name)
2. Name of Party/Sectoral/Coalition: _____
3. Date of Birth: _____
4. Place of Birth: _____
5. Age: _____
6. Sex: _____
7. Civil Status: _____ If married, full name of spouse: _____
8. I am a natural-born Filipino Citizen;
9. I have executed a Sworn Renunciation of Foreign Citizenship (if applicable);
10. I am not a permanent resident of, or an immigrant to, a foreign country;
11. Profession or Occupation: _____
12. Residence (complete/exact address) _____

(House No./Street/Municipality/City/Province)

13. Contact Number for Election Purposes: _____
14. Period of residence in the Philippines up to the day before May 12, 2025, NLE and BPE: ____ No. of Years ____ No. of Months
15. I am a registered voter of Precinct No. _____ Barangay _____ City/Municipality of _____ Province of _____
16. I AM ELIGIBLE for the office for which I am nominated as I possess all the legal qualifications and none of the disqualification provided by law.
17. I am not a candidate for any elective office in connection with the May 12, 2025 NLE and BPE.
18. I will abide by the rules and regulations of the Commission, including its code of conduct on social media.
19. I shall not advocate violence or unlawful means to achieve my goals.
20. I will support and defend the Constitution of the Philippines and will maintain true faith and allegiance thereto; I will obey all the laws, legal orders and decrees promulgated by the duly constituted authorities of the Republic of the Philippines.
21. 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.
22. I impose this obligation upon myself voluntarily, without mental reservation or purpose of evasion.

I hereby certify that the facts stated herein are true and correct of my own personal knowledge.

(date) _____ Printed Name and Signature of Nominee

SUBSCRIBED AND SWORN to before me this ____ day of _____, 2024, 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 2024. _____
Affix P30.00 documentary stamp (Officer Authorized to Administer Oath)

THIS FORM CAN BE PHOTOCOPIED OR REPRODUCED AND IS AVAILABLE AT THE COMELEC OFFICES FREE OF CHARGE OR MAY BE DOWNLOADED FROM THE COMELEC OFFICIAL WEBSITE (www.comelec.gov.ph)

CERTIFICATE OF NOMINATION

INSTRUCTIONS:
1. File this in FIVE (5) LEGIBLE COPIES to the Law Department, from 8:00 AM to 5:00 PM ONLY, from October 1 to 8, 2024, including Saturday and Sunday.
2. ATTACH the Sworn Certificate of Acceptance of Nomination and Affidavit of Qualification of Nominees.
3. COPY FURNISH the Clerk of the Commission.
4. Do not leave blank entries and indicate N/A if an item is not applicable. Print the front and back pages of the Certificate on a single sheet (back to back) of folio or legal-size paper.
5. This Certificate 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.
6. No filing fee shall be imposed.
7. This Certificate shall be posted on the official website of Commission, in accordance with the Data Privacy Act and its implementing rules and regulations.

PURSUANT to the power and authority vested in me by the Constitution and By-Laws of _____, a political party/sectoral party/organization/coalition duly accredited by the Commission to participate in the May 12, 2025 National and Local Elections (NLE) and BARMM Parliamentary Elections (BPE), under the party-list system, I _____, Chairperson/ President/ Secretary-General of aforesaid party-list group, hereby nominate in the order stated the following party-list nominees:

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

I hereby certify that the above nominees have all the qualifications and none of the disqualifications of party-list nominees and that they are not candidates for any elective office in the May 12, 2025 NLE and BPE.

I hereby further certify that no change of names or alterations of the order of nominees shall be made after the list is submitted to the Commission, except in cases where the nominee dies, becomes incapacitated, or there is a valid withdrawal and substitution of nominees, in which case, the name of the substitutes nominee shall be placed last in the list. Provided that, substitution of nominee due to the valid withdrawal of the acceptance of nomination will be filed not later than October 8, 2024.

IN WITNESS WHEREOF, I hereunto affix my signature this ____ day of _____, 2024, in _____, Philippines.

Chairperson/President/Secretary-General

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 2024. _____
(Affix P30.00 documentary stamp) (Officer Authorized to Administer Oath)

THIS FORM CAN BE PHOTOCOPIED OR REPRODUCED AND IS AVAILABLE AT THE COMELEC OFFICES FREE OF CHARGE OR MAY BE DOWNLOADED FROM THE COMELEC OFFICIAL WEBSITE (www.comelec.gov.ph)

FRONT

Annex "D"

REPUBLIC OF THE PHILIPPINES)
MUNICIPALITY/CITY OF _____) S S

AFFIDAVIT OF QUALIFICATIONS OF NOMINEES

We, _____ (Name of Secretary General) and _____ (Name of Chairperson/President) the Secretary-General and Chairperson/President, of _____ (Name of Political or Sectoral Party/Organization/Coalition), respectively, both of legal ages, _____ (Name of Political or Sectoral Party/Organization/Coalition) residents of _____ and _____

(Complete Address of Secretary General) _____, after having been duly sworn to in accordance with law, do hereby depose and say that:

1. _____ (Name of Political or Sectoral Party/Organization/Coalition) is a duly accredited political party/sectoral party/organization/coalition by the Commission to participate in the May 12, 2025 National and Local Elections (NLE) and BARMM Parliamentary Elections (BPE) under the party-list system;
2. Pursuant to the power and authority vested upon us by the Constitution and By-Laws of _____, we hereby nominate in the order stated the following nominees/substitute nominees:

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

3. The said nominees/substitute nominees have all the qualifications and none of the disqualifications provided by law and that they are not candidates for any elective office in the May 12, 2025 NLE and BPE;

4. We are executing this affidavit to attest to the truthfulness of the foregoing statements.

IN WITNESS WHEREOF, we have hereunto set our hands this ____ day of _____, at _____, Philippines.

Affiant / Date Affiant / Date

SUBSCRIBED AND SWORN to before me this ____ day of _____, at _____, affiants exhibiting to me Identification documents/cards which contain photographs and signatures with the following details: _____

(Officer Authorized to Administer Oath)

Doc. No. _____ Page No. _____ Book No. _____ Series of 2024. _____
NOTICE/DISCLAIMER: All authorized recipients of any personal data, personal information, privileged information and sensitive personal information contained in this document, including other pertinent documents attached thereto that are shared by the Commission on Elections in compliance with existing laws and rules, and in conformity with the Data Privacy Act of 2012 (R.A. No. 10173) and its Implementing Rules and Regulations, as well as the pertinent Circulars of the National Privacy Commission, are similarly bound to comply with said laws, rules and regulations, relating to data privacy, security, confidentiality, protection and accountability.

4) Candidate under an Automated System


Intent to Run for Public Elective Office

Filed Certificate of Candidacy

Campaign Period started
(*Operative Fact*)

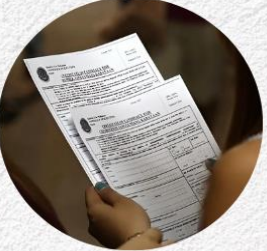
Not died, disqualified, withdraw CoC
and cancelled CoC

ELECTION 101
WITH
ATTY. AL AGRA
Election Law Expert



RULES ON CERTIFICATES OF CANDIDACY (COCS) ASPIRANT VS. CANDIDATE



Who is an ASPIRANT?	A person who has the intention of seeking public elective office and who has filed his/her CoC, using the prescribed form, with the proper office within the period set.
When does an ASPIRANT become a CANDIDATE?	A person who has filed a CoC (Aspirant) only becomes a candidate for the elective position sought at the start of the campaign period.
Why is this distinction important?	Unlawful acts or omissions applicable to a candidate (like campaigning and expenditures) shall only apply upon the start of the campaign period.
When is the deadline to file COCs?	5:00 p.m., Tuesday, October 8, 2024 (Period to file is October 1 to 8, 2024)



CoC No. 1
COMELEC Resolution No. 11045
August 28, 2024

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4) Important Dates



RULES ON CERTIFICATES OF CANDIDACY (COCS) IMPORTANT DATES

September 1 - 28, 2024	Holding of Party Conventions
September 30, 2024	Deadline to submit to the COMELEC Law Department the List of Authorized Signatories who can sign the Certificates of Nomination and Acceptance (CONAs) (Note: If a CONA is signed by someone whose name is not in the List, s/he is considered an Independent Candidate.)
October 1 - 8, 2024	Period to file CoCs (Note: Filers are Aspirants, not yet Candidates.)
October 8, 2024	Deadline for substitution due to withdrawal
February 11, 2025 and March 28, 2025	Start of Campaign Period for Senators and Party-List Start of Campaign Period for BARMM and Local Officials (Note: Aspirants become Candidates at the start of the campaign period for the elective position sought.)

CoC Series No. 2, August 31, 2024
per COMELEC Resolution No. 11045 (August 28, 2024)

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Within 30 days from CoC filing until **December 13, 2024**:
Register Social Media accounts



COC Filing para sa 2025 Elections

October 1-8, 2024 (including Saturday and Sunday)

- Filing of Certificate of Candidacy (COC) for all **NATIONAL** positions, and **LOCAL** positions nationwide including the **Bangsamoro Region** (i.e., Governor, Vice-Governor, Provincial Board Members, Mayor, Vice-Mayor, and Councilors)
- Filing of Certificate of Nomination and Acceptance (CONA)
- Filing of List of Nominees, Certificate of Nomination, and Certificate of Acceptance of Nomination (CON-CAN) and Affidavit of Qualifications of Nominees
- Substitution of party-list nominees by reason of withdrawal of the acceptance of nomination
- Filing of COC of the substitute of the official candidate of a political party or coalition, who withdrew his or her COC

November 4-9, 2024 (Monday to Saturday)

- Filing of Certificate of Candidacy (COC) for **DISTRICT REPRESENTATIVES** in the **Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) Parliament** (i.e., only in the provinces of Lanao del Sur, Maguindanao, Basilan and Tawi-Tawi)

November 9, 2024 (Saturday)

- Last day of the filing of the **List of Nominees and Certificate of Acceptance of Nomination with Affidavit of Non-Affinity of Regional Parliamentary Political Party (RPPP) or Coalition** and the **Manifestation of Intent to Participate in the Parliamentary Elections (MIP-PE)**

Reference: Resolution Nos. 10999 and 11045, as amended by 11051

4) Social Media: What should be registered?

1. All **official social media accounts and pages**, websites, podcasts, blogs, vlogs, and other online and internet-based campaign platforms of:
 - Candidates intending to participate in the 2025 NLE and BARMM parliamentary elections
 - Parties intending to participate in the 2025 NLE and BARMM parliamentary elections
 - Their respective campaign teams
2. Social media accounts and pages, websites, podcasts, blogs, vlogs, and other online and internet-based campaign platforms created or managed by **any person or entity**, that is primarily designed or primarily used to promote the election or defeat of a particular candidate or candidates.

4) Liabilities of Aspirants (Pre-Election Period)

Not liable for ...

- Premature Campaign
- Vote-Buying
- Unaccounted Contributions and Expenditures
- Use of Billboards
- Unlimited media time
- Foreign Intervention

Liable for ...

- Libel and Cyber-Libel
- Perjury
- Unfair Labor Practice
- Revised Penal Code-Crimes
- Tax Evasion
- Fraud
- Bouncing Checks
- Littering


Public Officers:

- Malversation
- Graft
- Dishonesty
- Abandonment
- Dereliction of Duty

4) Effect on Incumbent Public Officials

ELECTION 101

WITH
ATTY. AL AGRA
Election Law Expert



RULES ON CERTIFICATES OF CANDIDACY

**EFFECT OF FILING ON
INCUMBENT PUBLIC OFFICERS**

CoC Series No. 7, September 6, 2024 | COMELEC Resolution No. 11045 (August 28, 2024)

ASPECTS	APPOINTIVE OFFICIALS	ELECTIVE OFFICIALS
SCOPE	<ul style="list-style-type: none">Public appointive office or position (Secretaries, Bureau Heads, Commissioners), including active members of the AFP (and PNP), and other officers and employees in government-owned or-controlled corporations (and government instrumentalities, government financial institutions)Incumbent appointed members of BARMM Transition Authority whose positions are elective in nature (for election of BARMM Parliament District Representatives) and Parliament Members designated to Cabinet positions	<ul style="list-style-type: none">SenatorsRepresentativesProvincial OfficialsCity OfficialsMunicipal OfficialsBarangay Officials

EFFECT OF COC FILING	<ul style="list-style-type: none">Ipso facto resigned (must vacate the office at the start of the regular office hours of the day when the aspirant filed the CoC)BARMM Officials not considered resigned	<ul style="list-style-type: none">Not resignedShall continue to perform the functions of office till June 30, 2025
DUTIES	<ul style="list-style-type: none">Liable for acts and omissions during their tenureAfter filing of the CoC, must not commit crimes under the Revised Penal Code and other special penal lawsDuring the campaign period (when filer/ aspirant becomes a candidate), must observe election laws and laws pertaining to candidates	<ul style="list-style-type: none">Continue to perform functions (legislative and executive)Not abandon position (but can resign)Must not use government resources in campaign (Election Offense)Re-election does not extinguish pending casesAfter filing of the CoC, must not commit crimes under the Revised Penal Code and other special penal lawsDuring the campaign period (when filer/ aspirant becomes a candidate), must observe election laws and laws pertaining to candidates

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Not deemed resigned: Appointive Officials nominated in Party-List and BARMM

4) Independent Aspirants/ Candidates

ELECTION 101
WITH
ATTY. AL AGRA
Election Law Expert



RULES ON CERTIFICATES OF CANDIDACY INDEPENDENT ASPIRANTS/CANDIDATES

CoC Series No. 4, September 3, 2024 | COMELEC Resolution No. 11045 (August 28, 2024)

WHO ARE INDEPENDENT ASPIRANTS/CANDIDATES?	EFFECTS IF INDEPENDENT
<p>NO OR IMPROPER NOMINATION</p> <ol style="list-style-type: none">1. Not nominated by a registered party/ coalition2. Nominated by an unregistered party/ coalition3. Repudiated nomination4. Nominated by ≥ 1 registered party/ coalition <p>IRREGULAR CONA (CERTIFICATE OF NOMINATION AND ACCEPTANCE)</p> <ol style="list-style-type: none">1. CONA filed after deadline to file CoC2. CoC and CONA for different positions3. Cancelled CONA4. CONA signed by an unregistered person5. CONA signed by an unauthorized person6. CONA signed by an individual member of a coalition7. Authorized signatory nominated more than the number of candidates for contested position	<ol style="list-style-type: none">1. An independent aspirant/ candidate cannot be substituted.2. "IND" will appear beside name in Ballot.3. Appoint a watcher in venue where CoCs are filed/ [Polling Place].4. Spend PhP5/ voter (not just PhP3) for the May 2025 elections. <div><p>FILE PHOTO/PHILSTAR</p></div>

ALBERTOCAGRA.COMBALLOTUNBOXED.COM/SUBSCRIBE

4) Party Authorized Signatory

- INSTRUCTIONS:**
- 1. Kindly fill-out the information and submit to the Law Department, on or before September 30, 2024.
 - 2. Additional sheets may be used in case of more than five (5) authorized signatories.
 - 3. The President/Chairperson/Secretary-General shall sign each page of the Sworn List of Authorized Signatories.
 - 4. The List 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.
 - 5. No filing fee shall be imposed.

SWORN LIST OF AUTHORIZED SIGNATORIES
For the May 12, 2025 National and Local Elections (NLE) and BARMM Parliamentary Elections (BPE)

1. **Name of Political Party, Sectoral Party, Organization or Coalition:** _____
2. **Address of Political Party, Sectoral Party, Organization or Coalition:** _____
3. **Contact Number and Email Address of the Political Party, Sectoral Party, Organization or Coalition:** _____
4. **Acronym/s and its abbreviated version/s in not more than six (6) characters, taking into account the 30-character limitation of the name to appear on the official ballot of an aspirant:** _____

Party
Information

Signatories

Name of Authorized Signatory	Three (3) sets of specimen signature of each signatory	Position	Jurisdiction, whether National or Local (If Local, name of Province/City/Municipality)
1.	a. _____ b. _____ c. _____		
2.	a. _____ b. _____ c. _____		
3.	a. _____ b. _____ c. _____		
4.	a. _____ b. _____ c. _____		
5.	a. _____ b. _____ c. _____		

(Use extra sheet if necessary)

Certification

I, _____, the Chairperson/President/Secretary-General, hereby CERTIFY as follows:

- 1) The List of Authorized Signatories with Specimen Signatures consisting of _____ pages and with my signature on each and every page thereof, contains the complete list of names of authorized signatories of the above political party/coalition, for purposes of the May 12, 2025 NLE and BPE;
- 2) Attached hereto is a sworn _____, as proof of authorization to submit the Sworn List of Authorized Signatories;
- 3) In case of conflicting signatories for one (1) elective position, the nomination issued by _____ shall be the recognized candidate of the PP or Coalition.
- 4) The information provided in this form is complete and correct to the best of my knowledge;
- 5) By affixing my signature below, I understand that any personal information provided herein will be used solely by the Commission on Elections in the evaluation of the Certificate of Candidacy and Certificate of Nomination and Acceptance.

(Name and Signature of the Chairperson/President/Secretary-General)

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 _____.

(Officer Authorized to Administer Oath)

Doc. No. _____
Page No. _____
Book No. _____
Series 2024.

NOTICE/DISCLAIMER: All authorized recipients of any personal data, personal information, privileged information and sensitive personal information contained in this document, including other pertinent documents attached thereto that are shared by the Commission on Elections in compliance with existing laws and rules, and in conformity with the Data Privacy Act of 2012 (R.A. No. 10173) and its Implementing Rules and Regulations, as well as the pertinent Circulars of the National Privacy Commission, are similarly bound to comply with said laws, rules and regulations, relating to data privacy, security, confidentiality, protection and accountability.

- If others: deemed not filed
- Conflict: Chair or Pres. prevails

4) Substitutions



RULES ON CERTIFICATES OF CANDIDACY: **SUBSTITUTION**

CoC Series No. 3, September 2, 2024 | COMELEC Resolution No. 11045 (August 28, 2024)

GROUND	Withdrawal, Death and Disqualification (DQ) by Final Judgment*
DEADLINES FOR SUBMISSION	If Original Aspirant withdraws: October 8, 2024 If Original Aspirant/ Candidate dies or is disqualified: Mid-day, May 12, 2025
EFFECTS	1. Original Aspirant/ Candidate will no longer be an Aspirant/ Candidate and the Substitute will become the Aspirant/ Candidate. 2. Name in Ballot: a. If due to withdrawal: Name of Substitute Aspirant will appear in Ballot. b. If death or DQ happens between: i. October 9 to November 15, 2024 – Name of Substitute will appear in Ballot. ii. November 16, 2024 to mid-day of May 12, 2025 – Name of Original Candidate will appear in Ballot. To be voted upon, the Substitute must have the same surname as Original.

REQUIREMENTS

1. The Original Aspirant/ Candidate must not be an Independent Aspirant/ Candidate.
2. The Substitute must belong to same party as the Original.
3. The Substitute must be qualified.
4. If due to withdrawal, the Statement of Withdrawal by the Original Aspirant must include the name of the Substitute.
5. If due to death, the Substitute shall submit the death certificate of the Original Aspirant/ Candidate.

PROCEDURES

1. The Substitute must file his/ her CoC with Certificate of Nomination and Acceptance (CONA) with the appropriate COMELEC Office.
2. If die/ DQ'd between May 11 – 12 (mid-day), 2025 file CoC with Electoral Board/ COMELEC Local Office.
3. COMELEC En banc to resolve substitution for national positions.
4. COMELEC Law Department to act on substitution for local positions.

4) Substitution due to Disqualification by Final Judgment

Illegitimate Aspirant/ Candidate

Not Possess Qs |
Possess DQs |
Nuisance | Material
Misrepresentation

Legitimate Aspirant/ Candidate

Election Offense

4) Disqualifications: Aspirants/ Candidates

1. Lack qualifications/ possess disqualifications
2. Violate Term Limits
3. Commission of an election offense
4. Nuisance Candidate
5. Sentenced by Final Judgment (*accessory penalty*)
6. Willfully Commits Material Misrepresentation
7. No valid, timely and properly filed CoC

4) Disqualifications: Election Offense

- **Pleading?** Petition to Disqualify a Candidate
- **What Offenses?** Enumerated in Section 68 OEC (2 options – DQ case or Election Offense criminal case): Vote-Buying; Terrorism, Unlawful Expenditures, Unlawful Campaign, Coercion of Subordinates, Threats, Prohibition against Release of Public Funds
- **Where File?** Comelec Division
- **When File?** Before Proclamation
- **If Not File?** Election Protest; Election Offense

4) Disqualifications: Nuisance

- **Petition?** Petition to Declare a Candidate a Nuisance Candidate
- **Who Is/ Considerations?** Campaign Capability, Intention, Performance, Exposure, Platform, Party Affiliation, Organization, Profession, Income, Health, Education, Name
 - *Not Grounds: unpopularity and being an independent candidate; lack of financial resources to wage a campaign*
- **Who Files?** Real Parties-in-Interest (similar names)
- **Where File?** Comelec Division
- **When File?** Within 5 days from Last Day of Filing of Certificate of Candidacy (**October 13, 2024**) | from filing of CoC
- **If Not File?** No remedy

4) Disqualifications: Material Misrepresentation

- **What?** Petition to Deny Due Course or Cancel a CoC
- **Elements?**
 - Misrepresentation: Not true (facts which are true to the best knowledge of candidate)
 - Material: pertains to Qualifications and Disqualifications (e.g. residency) | knew conviction of crime involving moral turpitude (libel) | violation of 3-term rule
 - *not material if pertaining to surname, profession, political party affiliation, civil status, legitimacy*
 - Willful/ Deliberate – Intent to defraud voters
 - Candidate not actually qualified
- **Where File?** Comelec Division
- **When File?** 25 days from Filing of CoC

4) Sanctions against Local Officials



DISCIPLINARY ACTIONS AGAINST AND CANDIDACIES OF LOCAL ELECTIVE OFFICIALS

1. No investigation during the election period.
2. No suspension during the election period unless with COMELEC approval.
3. No preventive suspension during the election period.
4. No recall on the last year.
5. No condonation because of re-election.



(4) Certificate of Candidacy

5) Certificate of Candidacy (CoC)

Complete

Truthful

Timely filed

Law does **not** demand from candidates **perfect accuracy/ 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.**

5) Certificate of Candidacy (CoC)

- No CoC = Cannot run
- 1 person = 1 CoC (*withdraw other CoCs if filed > 1*)
- File personally or through authorized representative (SPA) (not mail, email or fax)
- If filed in due form (no patent defects/ blanks), COMELEC ministerial duty to receive COC (*if incomplete, not stamped "Received"*)
- If filed in wrong office = deemed not filed (Law Department, ORED, OPES or OEO)
- Companions (maximum): Senators 4, others 3
- Posting of CoCs and CONAs: Starting **October 18, 2024**

5) CoCs: Personal Information

1. NAME:		
1.1 Last Name		
1.2 First Name		
1.3 Middle Name		
2. NICKNAME OR STAGENAME: (Indicate only one nickname or stage name)		
(Political Party/Coalition of Political Parties)		
4. Name to appear on the Official Ballot not to exceed thirty (30) characters: (including space, letter, number, symbol and punctuation)		
(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)		

Name

Picture
(taken last
6 months)

Affix photo
taken within the
last six (6)
months

Passport Size

Sex

9. SEX:

☐

Male

☐

Female

Civil Status

13. CIVIL STATUS:

☐

Single

☐

Married

☐

Widow/er

Full Name of Spouse, if married

14. PROFESSION OR OCCUPATION:

Profession

3. OFFICIALLY NOMINATED BY: (Attach CONA)

(Political Party/Coalition of Political Parties)

Party
Affiliation

Contact
Information

7. ADDRESS FOR ELECTION PURPOSES: (Could be the same as No. 3)

8. E-MAIL ADDRESS:

(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.)

17. I AM ELIGIBLE FOR THE OFFICE I SEEK TO BE ELECTED TO.

5) Certificate of Nomination and Acceptance

Annex - I

Republic of the Philippines)
_____) S.S.

CERTIFICATE OF NOMINATION AND ACCEPTANCE

By virtue of the power and authority vested in me by the Constitution and By-Laws of

(Name of Political Party) I, _____
(Name)
the _____
(Position in the Political Party)
and duly authorized signatory for and in behalf of the party, hereby nominates:

Nomination

(Name of Nominee)

(Address of the Nominee)

as the party's official candidate in the **May 12, 2025 National and Local Elections (NLE) and BARMM Parliamentary Elections (BPE)** for the position of _____
in _____
(Place where the candidate intended to be elected)

IN WITNESS WHEREOF, I hereunto affix my signature this ____ day of _____ 2024,
in _____, Philippines.

(Name and Signature of Authorized Signatory)

(Date)

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 _____

(Officer Authorized to Administer Oath)

ACCEPTANCE/CONFORMITY OF THE CANDIDATE

I hereby voluntarily accept the foregoing nomination.

(Name and Signature of Candidate)

(Date of Acceptance)

NOTICE/DISCLAIMER: All authorized recipients of any personal data, personal information, privileged information and sensitive personal information contained in this document, including other pertinent documents attached thereto that are shared by the Commission on Elections in compliance with existing laws and rules, and in conformity with the Data Privacy Act of 2012 (R.A. No. 10173) and its Implementing Rules and Regulations, as well as the pertinent Circulars of the National Privacy Commission, are similarly bound to comply with said laws, rules and regulations, relating to data privacy, security, confidentiality, protection and accountability.

Acceptance

5) CoCs: Material Information

12. PLACE OF BIRTH:

City/Mun _____

Province _____

Domicile/ Residency

6. PERIOD OF RESIDENCE IN THE PHILIPPINES UP TO THE DAY BEFORE MAY 12, 2025:

No. of Years	<input type="text"/>	<input type="text"/>	No. of Months	<input type="text"/>	<input type="text"/>
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10. AGE:

Age

11. DATE OF BIRTH:

		—			—				
Month			Day			Year			

Registered Voter

15.

☐ I AM A REGISTERED VOTER OF

☐ I WILL BE A REGISTERED VOTER OF:

Barangay _____

City/Mun _____

Province _____

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?

☐ Yes (Please provide details at the back)

☐ No

Cases

CASE DOCKET	CASE TITLE	DATE FILED	STATUS

5) CoCs: Certification and Documentary Requirements

..... WITHOUT INTENTIONAL RESERVATION OR PURPOSE OF EVASION.

I hereby certify that the facts stated herein are true and correct to the best of my knowledge.

Signature of Candidate Over Printed Name

Signature (Original
or Digital)

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)

Notarized (not
COMELEC staff)

THIS FORM CAN BE I
OR MAY BE DOWN

Documentary Stamp:
Attached to 1 copy and
written on 4

OFFICES FREE OF CHARGE

Attach (Optional): Bio-Data
or Program of Government

5) CoCs: 10 Declarations



RULES ON CERTIFICATES OF CANDIDACY: 10 DECLARATIONS

CoC Series No. 6, September 5, 2024 | COMELEC Resolution No. 11045 (August 28, 2024)

1. I am eligible for the office I seek to be elected to.
2. I am a (natural-born) Filipino citizen
3. I am not a permanent resident of, or an immigrant to, a foreign country.
4. I executed a sworn renunciation of foreign citizenship. (If applicable, attach a copy.)
 - An aspirant/candidate must possess all the qualifications – age, citizenship, residency, a registered voter and able to read and write and none of the disqualifications – foreign citizenship and permanent residency elsewhere, etc.
 - If not qualified and if there is misrepresentation in the CoC, his/ her CoC may be cancelled.
5. 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.
 - A candidate must account his/ her electoral contributions and expenditures.
 - Those who do not file the SOCE are not allowed to assume office and may be sanctioned.
 - A candidate who spends beyond the limit may be disqualified.

6. I shall abide by the rules and regulations of the Commission, including its code of conduct on social media.

- COMELEC can issue rules on the use of social media as a form of campaigning.
- Proponents of fake news may be prosecuted and may be disqualified.

7. I shall not advocate violence or unlawful means to achieve my goals.

8. 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.

- A candidate may be disqualified for committing acts of terrorism.
- These declarations are embodied in the Oath of Office.
- Public Officers are obligated to follow the law.

9. 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.

- This promotes transparency and accountability of aspirants and candidates.
- This complies with the Data Privacy Act, provided personal sensitive information is not made public.

10. I impose this obligation upon myself voluntarily, without mental reservation or purpose of evasion.

- Submission of the CoC means consent to these declarations.

Election Law Series

(2) January 17, 2025

1. Election Period Dos and Don'ts
2. Campaign Dos and Don'ts
3. Allowable and Prohibited Contributions and Expenditures
4. Election Offenses

(3) April 11, 2025

1. Postponement and Failure of Elections
2. Casting-Counting-Canvassing-Proclamation
3. Guide to Pollwatchers and Lawyers
4. Pre-Proclamation Controversies
5. Annulment of Proclamation
6. Election Protest

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