



Election Law and the 2025 Elections

50 Election Offenses/ Prohibitions/ Don'ts

Atty. Alberto C. Agra

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

Advocate, Election Law-for-All

Author, Ballot Unboxed Newsletter

Host, Batas et AL – 2025 Election Series



Election Offenses/ Prohibitions/ Don'ts Based on Timelines

1. Starting **January 12, 2025** (Election Period | 120 days)
2. Starting **February 11** and **March 28, 2025** (Campaign Periods | 90 and 45 days)
3. Starting **March 13, 2025** (60 days before Election Day)
4. Starting **March 28, 2025** (45 days before Election Day)
5. On **May 11, 2025** (1 day before Election Day)
6. On **May 12, 2025** (Election Day)
7. Anytime



Flow of Discussion

1. Who are covered
2. When prohibition commences
3. What are prohibited acts
4. What are the conditions/ elements
5. What are exceptions



At the core of the Election Offenses/ Prohibitions

The *Why* of Philippine Elections:

CHOPFE

Credible

Honest

Ordery

Peaceful

Free

Elections



Prohibitions:

Starting January 12, 2025



Bearing Firearms

Section 32, RA 7166

Who May Bear Firearms. –

- During the **election period**,
- no **person**
- shall **bear, carry or transport firearms or other deadly weapons**
- in **public places**, including any building, street, park, private vehicle or **public conveyance**
- even **if licensed** to possess or carry the same,
- unless **authorized in writing** by the **Commission**.



Bearing Firearms

Section 32, RA 7166

The **issuance of firearms licenses** shall be suspended during the election period.

Only **regular members or officers of the PNP**, the **AFP** and other **enforcement agencies of the Government** who are duly **deputized** in writing by the Commission for election duty may be authorized to carry and possess firearms during the **election period**: Provided, That, when in the **possession of firearms**, the deputized law enforcement officer must be: (a) in **full uniform** showing clearly and legibly his name, rank and serial number which shall remain visible at all times; and (b) in the **actual performance** of his election duty in the specific area designated by the Commission.



Bearing Firearms

COMELEC Resolution No. 11067

w) *Firearm* refers to any handheld or portable weapon, whether a small arm or light weapon, that expels or is designed to expel a bullet, shot, slug, missile or any projectile, which is discharged by means of expansive force of gases from burning gunpowder or other form of combustion or any similar instrument or implement, wherein the barrel, frame or receiver is considered a firearm.

The term shall include airguns, airsoft guns, antique firearms, and imitation firearms in whatever form that can cause an ordinary person to believe that they are real, including the parts thereof, as defined herein and in R.A. No. 10591 or the *Comprehensive Firearms and Ammunition Regulation Act*, and/or other pertinent laws.

x) *Imitation Firearms* refer to a replica of a firearm, or other device that is substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to believe that such imitation firearm is a real firearm.

m) *Controlled Chemicals* refer exclusively to chlorates, nitrates, nitric acid, and such other chemicals categorized under Section 3.1 of the *Implementing Rules and Regulations on Controlled Chemicals Pursuant to Section 4-C to 4-F of PD No. 1886, as Amended by RA No. 9516*, that can be used for the manufacture of explosives and explosive ingredients, where the explosive is capable or is intended to be made capable of producing destructive effect on contiguous objects or causing injury or death to any person.

n) *Deadly Weapons* include hand grenades or other explosives including their components and/or controlled chemicals, except pyrotechnics.



Bearing Firearms

COMELEC Resolution No. 11067

Committee on the Ban on Firearms and Security Concerns (COMELEC, PNP and AFP) or COMELEC Chairman:

- Issue **Certificates of Authority (CAs)** or Notices of Denial
- Permit to Carry Firearm outside of Residence, Letter Order and Mission Order: Suspended and ineffective (unless with CA)

Regional, Provincial, City and Municipal Joint Security Control Centers:

- Implement prohibitions on bearing, carrying and transporting of firearms

Categories of CAs

1. Full Exemption
2. Law Enforcement Agencies
3. Diplomatic Missions
4. Security Agencies
5. Cashiers/ Disbursing Officers
6. High-Risk Individuals
7. Security Details
8. Transport
9. Sports Shooters
10. Theatrical Property
11. Shooting Range



Using Bodyguards

Section 33, RA 7166

Security Personnel and Bodyguards. –

- During the **election period**,
- no **candidate** for public office, including **incumbent public officers seeking election** to any public office,
- shall **employ, avail** himself of or **engage** the services
- of **security personnel or bodyguards**, whether or not such bodyguards are regular members or officers of the PNP, the AFP or other law enforcement agency of the Government:
- Provided, That, when **circumstances warrant**, including but not limited to threats to life and security of a candidate,
- he may be **assigned by the Commission**, upon **due application**,
- regular members of the **PNP, the AFP or other law enforcement agency** who shall provide him security for the duration of the election period.



Using Bodyguards

Section 33, RA 7166

The officers assigned for security duty to a candidate shall be subject to the same requirement as to **wearing of uniforms** prescribed in the immediately preceding section unless exempted in writing by the Commission.

If at any time during the election period, the **ground** for which the authority to engage the services of security personnel has been granted shall **cease to exist** if for any other valid cause, the **Commission shall revoke** the said authority.



Altering Precincts

Section 5, RA 8189

- **No territory comprising an election precinct shall be altered or a new precinct be established at the start of the election period.**
- **Splitting of an original precinct or merger of two or more original precincts shall not be allowed without redrawing the precinct map/s 120 days before election day.**



Organizing Strike Forces

Section 261(u), BP 881

Organization or maintenance of reaction forces, strike forces, or other similar forces. —

- Any **person**
- who **organizes or maintains**
- a **reaction force, strike force or similar force**
- during the **election period**.
- The heads of all reaction forces, strike forces, or similar forces shall, not later than 45 days before the election, submit to the **Commission a complete list of all members** thereof with such particulars as the Commission may require.



Transferring Civil Servants

Section 261(h), BP 881

Transfer of officers and employees in the civil service. —

- Any **public official**
- who **makes or causes**
- any **transfer or detail** whatever of any officer or employee in the **civil service** including **public school teachers,**
- within the **election period**
- except upon **prior approval** of the **Commission.**



Suspending LGU Officials

Section 261(x), BP 881

Suspension of elective provincial, city, municipal or barangay officer. —

- The provisions of law to the contrary notwithstanding
- during the **election period**,
- any **public official**
- who **suspends, without prior approval of the Commission**,
- any **elective provincial, city, municipal or barangay officer**,
- **unless** said suspension will be for purposes of applying the “**Anti-Graft and Corrupt Practices Act**” in relation to the suspension and removal of elective officials; in which case the provisions of this section shall be **inapplicable**.



Prohibitions:
Starting February 11/ March 28, 2025



Giving Donations

Section 104, BP 881

Prohibited Donations by Candidates, Treasurers of Parties or Their Agents. —

- No **candidate**, his or her **spouse** or any relative within the **second civil degree** of consanguinity or affinity, or his **campaign manager, agent or representative**
- shall during the **campaign period**, on the day before and on the day of the election,
- directly or indirectly, make 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**:
- Provided, That **normal and customary religious dues or contributions**, such as religious **stipends**, tithes or collections on Sundays or other designated collection days, as well as **periodic payments for legitimate scholarships** established and school contributions **habitually made before the prohibited period**, are excluded from the prohibition.
- The same prohibition applies to **treasurers, agents or representatives of any political party**.



Appointing Confidential Agents

Section 261(m), BP 881

Appointment or use of special policemen, special agents, confidential agents or the like.

- During the **campaign period**, on the day before and on election day,
- any **appointing authority** who appoints or **any person who utilizes the services**
- of special policemen, special agents, confidential agents or persons performing similar functions; persons previously appointed as special policemen, special agents, **confidential agents or persons performing similar functions** who continue acting as such, and those who fail to turn over their firearms, uniforms, insignias and other badges of authority to the proper officer who issued the same.
- At the start of the **aforementioned period**,
- the **barangay chairman, municipal mayor, city mayor, provincial governor, or any appointing authority**
- shall submit to the **Commission a complete list** of all special policemen, special agents, confidential agents or persons performing similar functions in the employ of their respective political subdivisions, with such particulars as the Commission may require.



Vote-Buying

Section 261(a), BP 881

Vote-buying and vote-selling. — (1)

- Any **person**
- who **gives, offers or promises**
- **money or anything of value**, gives or promises **any office or employment, franchise or grant**, public or private, or makes or offers to make an **expenditure**, directly or indirectly, or cause an expenditure to be made to any person, association, corporation, entity, or community
- in order to **induce anyone or the public** in general
- to **vote for or against any candidate** or **withhold his vote** in the election, or to vote for or against any aspirant for the nomination or choice of a candidate in a convention or similar selection process of a political party.



Vote-Selling

Section 261(a), BP 881

Vote-buying and vote-selling. — (2)

- Any **person**, association, corporation, group or community
- who **solicits or receives**, directly or indirectly,
- any **expenditure or promise of any office or employment, public or private,**
- for any of the **foregoing considerations.**



Fund Raising

Section 97, BP 881

Prohibited Raising of Funds. — It shall be unlawful for

- **any person**
- **to hold dances, lotteries, cockfights, games, boxing bouts, bingo, beauty contests, entertainments, or cinematographic, theatrical or other performances**
- **for the purpose of raising funds for an election campaign or for the support of any candidate**
- **from the commencement of the election period up to and including election day;**



Fund Raising

Section 97, BP 881

- or for **any person** or organization, whether civic or religious,
- directly or indirectly, to **solicit and/or accept**
- from any **candidate** for public office, or from his **campaign manager**, agent or representative, or any person acting in their behalf,
- any **gift, food, transportation, contribution or donation in cash or in kind**
- from the commencement of the **election period** up to and including election day;
- Provided, That **normal and customary religious stipends**, tithes, or collections on Sundays and/or other designated collection days, are excluded from this prohibition.



Giving Free Transportation and Food

Section 89, BP 881

Transportation, Food and Drinks. — It shall be unlawful for

- any **candidate**, political party, organization, or **any person**
- to **give or accept, free of charge**, directly or indirectly,
- **transportation, food or drinks or things of value**
- during the **five hours before and after a public meeting**, on the day preceding the election, and on the day of the election;
- or to **give or contribute**, directly or indirectly, money or **things of value for such purpose.**



Wagering upon Result of Election

Section 261(c), BP 881

Wagering upon result of election. —

- Any **person**
- who **bets or wagers**
- upon the **outcome** of, or **any contingency connected with an election.**
- Any money or thing of value or deposit of money or thing of value situated anywhere in the Philippines put as such bet or wager shall be **forfeited to the government.**



Coercion of Subordinates

Section 261(d), BP 881

Coercion of subordinates. — (1)

- Any **public officer**, or any **officer** of any **public or private corporation or association**, or any **head, superior, or administrator** of any **religious organization**, or any **employer or land-owner**
- who **coerces or intimidates or compels**, or in any manner influence, directly or indirectly,
- any of his **subordinates or members or parishioners or employees** or house helpers, tenants, overseers, farm helpers, tillers, or lease holders
- to **aid, campaign or vote for or against any candidate** or any aspirant for the nomination or selection of candidates.



Coercion of Subordinates

Section 261(d), BP 881

Coercion of subordinates. — (2)

- Any **public officer** or **any officer** of any commercial, industrial, agricultural, economic or social enterprise or **public or private corporation or association**, or any **head, superior or administrator of any religious organization**, or any **employer** or landowner
- who **dismisses or threatens to dismiss, punishes or threatens to punish by reducing his salary, wage or compensation, or by demotion, transfer, suspension, separation, excommunication, ejection, or causing him annoyance** in the performance of his job or in his membership,
- any **subordinate member or affiliate, parishioner, employee** or house helper, tenant, overseer, farm helper, tiller, or lease holder,
- for **disobeying or not complying** with any of the acts ordered by the former
- to **aid, campaign or vote for or against any candidate**, or any aspirant for the nomination or selection of candidates.

Threats, Intimidation, Terrorism, Use of Fraudulent Device or Other Forms of Coercion

Section 261(e), BP 881



Threats, intimidation, terrorism, use of fraudulent device or other forms of coercion. —

- Any **person**
- who, directly or indirectly, **threatens, intimidates or actually causes, inflicts or produces any violence, injury, punishment, damage, loss or disadvantage**
- upon any **person or persons** or that of the immediate members of his family, his honor or property, or uses any fraudulent device or scheme
- to **compel or induce** the registration or refraining from registration of any voter, or the **participation in a campaign** or refraining or desistance from any campaign, or the **casting of any vote or omission to vote**, or any promise of such registration, campaign, vote, or omission therefrom.



Undue Influence

Section 261(j), BP 881

Undue influence. — It is unlawful for

- any **person**
- to **promise any office or employment**, public or private, or to make or offer to make an expenditure, directly or indirectly, or to cause an expenditure
- to be made to **any person, association, corporation or entity**,
- which may **induce anyone or the public in general**
- either to **vote or withhold his vote, or to vote for or against any candidate** in any election or any aspirant for the nomination or selection of an official candidate in a convention of a political party.
- It is likewise unlawful for any person, association, corporation or community, to solicit or receive, directly or indirectly, any **expenditure or promise or any office, or employment, public or private**, for any of the foregoing considerations.



Dismissal of Employees, Laborers or Tenants

Section 261(I), BP 881

Prohibition against dismissal of employees, laborers, or tenants. —

- No **employee or laborer**
- shall be **dismissed**, nor a **tenant be ejected** from his landholdings
- for **refusing or failing to vote** for any candidate of his employer or landowner.
- Any employee, laborer or tenant so dismissed or ejected shall be reinstated and the salary or wage of the employee or laborer, or the share of the harvest of the tenant, shall be **restored** to the aggrieved party upon application to the proper court.

Use of Public Funds, Money Deposited in Trust, Equipment and Facilities

Section 261(o), BP 881



Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign. —

- Any **person**
- who **uses under any guise** whatsoever, directly or indirectly,
- (1) **public funds or money** deposited with, or **held in trust** by, public financing institutions or by government offices, banks, or agencies;
- (2) **any printing press, radio, or television station or audio-visual equipment** operated by the Government or by its divisions, sub-divisions, agencies or instrumentalities, including government-owned or controlled corporations, or by the Armed Forces of the Philippines; or
- (3) **any equipment**, vehicle, facility, apparatus, or paraphernalia owned by the government or by its political subdivisions, agencies including government-owned or controlled corporations, or by the Armed Forces of the Philippines
- for any **election campaign or for any partisan political activity.**



Use of Armored Land, Water or Air Craft

Section 261(r), BP 881

Use of armored land, water or air craft. —

- Any **person**
- who **uses**
- during the **campaign period**, on the day before and on election day,
- any **armored land, water or air craft**, provided with any temporary or permanent equipment or any other device or contraption for the mounting or installation of cannons, machine guns and other similar high caliber firearms, including military type tanks, half trucks, scout trucks, armored trucks, of any make or model, whether new, reconditioned, rebuilt or remodelled:
- Provided, That **banking or financial institutions and all business firms** may use not more than two armored vehicles strictly for, and limited to, the purpose of transporting cash, gold bullion or other valuables in connection with their business from and to their place of business, upon previous authority of the Commission.



Prohibitions: ***Starting March 13, 2025***



Releasing of Prisoners

Section 261(n), BP 881

Illegal release of prisoners before and after election. —

- The **Director of the Bureau of Prisons**, any **provincial warden**, the **keeper of the jail** or the person or persons required by law to keep prisoners in their custody
- who **illegally orders or allows any prisoner** detained in the national penitentiary, or the provincial, city or municipal jail
- to **leave the premises** thereof **60 days before** and **30 days after the election**.
- The municipal or city warden, the provincial warden, the keeper of the jail or the person or persons required by law to keep prisoners in their custody shall **post in three conspicuous public places a list** of the prisoners or detention prisoners under their care. Detention prisoners must be categorized as such.



Prohibitions: ***Starting March 28, 2025***



Campaigning on April 17 and 18, 2025

Section 5, RA 7166

However, in the preparation of the election calendar, the Commission **may exclude** the:

- day before the day of the election itself,
- **Maundy Thursday and Good Friday.**
- Any **election campaign** or partisan political activity **for or against any candidate** outside of the campaign period herein provided is **prohibited** and shall be considered as an **election offense** punishable under Section 263 and 264 of the Omnibus Election Code.



Appointing in Government

Section 261(g)(1), BP 881

Appointment of new employees, creation of new position, promotion, or giving salary increases. —

- During the period of **45 days before a regular election** and 30 days before a special election,
- any **head, official or appointing officer of a government office**, agency or instrumentality, whether national or local, including government-owned or controlled corporations,
- who **appoints or hires any new employee**, whether provisional, temporary or casual, or creates and fills any new position,
- except upon **prior authority of the Commission.**
- The Commission shall not grant the authority sought unless, it is satisfied that the position to be filled is **essential to the proper functioning** of the office or agency concerned, and that the position shall **not** be filled in a manner that may **influence the election.**



Appointing in Government

Section 261(g)(1), BP 881

As an **exception** to the foregoing provisions,

- a **new employee** may be appointed in case of **urgent need**:
- Provided, however, That **notice of the appointment** shall be given to the **Commission** within three days from the date of the appointment.
- Any **appointment or hiring** in **violation** of this provision shall be **null and void**.



Promoting in Government

Section 261(g)(2), BP 881

- Any **government official**
- who **promotes, or gives any increase of salary or remuneration or privilege**
- to any **government official or employee,**
- including those in **government-owned or controlled corporations.**



Releasing Public Funds

Section 261(v), BP 881

Prohibition against release, disbursement or expenditure of public funds. —

- Any **public official or employee** including barangay officials and those of government-owned or controlled corporations and their subsidiaries, who,
- during **45 days before a regular election** and 30 days before a special election,
- **releases, disburses or expends any public funds** for:



Releasing Public Funds

Section 261(v), BP 881

(1) Any and all kinds of **public works**, except the following:

(a) **Maintenance of existing and/or completed public works project:** Provided, That **not more than the average number of laborers or employees** already employed therein during the six-month period immediately prior to the beginning of the 45 day period before election day shall be permitted to work during such time: Provided, further, That **no additional laborers** shall be employed for maintenance work within the said period of forty-five days;

(b) **Work undertaken by contract through public bidding held, or by negotiated contract** awarded, **before the 45 day period** before election: Provided, That work for the purpose of this section undertaken under the so-called “takay” or “paquiao” system shall not be considered as work by contract;



Releasing Public Funds

Section 261(v), BP 881

(c) Payment for the **usual cost of preparation for working drawings, specifications, bills of materials, estimates, and other procedures preparatory to actual construction including the purchase of materials and equipment, and all incidental expenses for wages of watchmen and other laborers** employed for such work in the central office and field storehouses before the beginning of such period: Provided, That the number of such laborers shall not be increased over the number hired when the project or projects were commenced; and

(d) **Emergency work** necessitated by the occurrence of a **public calamity**, but such work shall be limited to the **restoration of the damaged facility.**



Releasing Public Funds

Section 261(v), BP 881

No payment shall be made within five days before the date of election to laborers who have rendered services in projects or works except those falling under subparagraphs (a), (b), (c), and (d), of this paragraph.

This prohibition shall **not apply to ongoing public works projects commenced before the campaign period** or similar projects under foreign agreements.

For purposes of this provision, it shall be the duty of the **government officials or agencies** concerned to **report to the Commission the list** of all such projects being undertaken by them.



Releasing Public Funds

Section 261(v), BP 881

(2) The **Ministry of Social Services and Development** and any other office in other ministries of the government performing functions similar to said ministry, except for **salaries of personnel, and for such other routine and normal expenses**, and for such other expenses as the **Commission may authorize after due notice and hearing**. Should a **calamity or disaster occur, all releases** normally or usually coursed through the said ministries and offices of other ministries shall be turned over to, and administered and disbursed by, the **Philippine National Red Cross**, subject to the supervision of the Commission on Audit or its representatives, and no candidate or his or her spouse or member of his family within the second civil degree of affinity or consanguinity shall participate, directly or indirectly, in the distribution of any relief or other goods to the victims of the calamity or disaster; and

(3) The Ministry of Human Settlements and any other office in any other ministry of the government performing functions similar to said ministry, except for salaries of personnel and for such other necessary administrative or other expenses as the Commission may authorize after due notice and hearing.



Releasing Public Funds

COMELEC Resolution No. 11060

Activity/ Expense	Period	Allowed
Social Services (SS)	March 28 – May 11	With COMELEC exemption
Assistance to Individuals in Crisis Situation	May 2 – May 12	If normally given to qualified individuals (basic needs)
Housing-Related (HR)	March 28 – May 11	With COMELEC exemption
Treasury Warrants	March 28 – May 11	(Absolutely prohibited)
Calamities and Disasters	(at anytime)	COMELEC exemption not required (report to COMELEC Law Dept.)
Salaries and MOOE	(at anytime)	COMELEC exemption not required
Projects/ Programs/ Activities Not SS and HR	March 28 – May 11	COMELEC exemption not required Established < 03.28 and reported to COA Not used for campaign



Releasing Public Funds

COMELEC Resolution No. 11060

Request for Exemption

- Use **prescribed form**
- Original signed hard copy filed with **COMELEC Law Department** (not email)
- Deadline to file: **February 11, 2025**
- Application may be **opposed** (summary hearing)
- **COMELEC Chairman** to approve or disapprove recommendation
- Grant of exemption **exclusive** to project and agency
- **Revocable**: misrepresentation and violation of conditions



Constructing Public Works

Section 261(w), BP 881

Prohibition against construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices. —

- During the period of **45 days preceding a regular election** and 30 days before a special election,
- any **person**
- who (a) undertakes the construction of any **public works, except** for projects or works exempted in the preceding paragraph; or
- (b) issues, uses or avails of **treasury warrants** or any device **undertaking future delivery of money, goods** or other things of value chargeable against public funds.



Constructing Public Works

COMELEC Resolution No. 11078

- **Public Works:** Infrastructure projects for public use using public funds
- **Infrastructure Projects:** include the construction, improvement, rehabilitation, demolition, repair, restoration, or maintenance of roads and bridges, railways, airports, seaports, communication facilities, civil works components of information technology projects, irrigation, flood control and drainage, water supply, sewerage and solid waste management systems, shore protection, energy/power and electrification facilities, national buildings, school buildings, hospital buildings, and other related construction projects of the government
- **Period of Ban:** March 28 to May 11, 2025



Constructing Public Works

COMELEC Resolution No. 11078

Procedure for **Certificate of Exception**

- Agency to submit list to COMELEC (Political Finance and Affairs Department)
- Filed online
- On or before March 28, 2025
- Opposition may be filed (summary hearing)
- COMELEC Chairman to issue or not issue the Certificate



Constructing Public Works

COMELEC Resolution No. 11078

Excluded from Ban

1. Maintenance of existing and/or completed public works project
2. Work undertaken by contract through public bidding held, or by negotiated contract awarded
3. Payment for the usual cost of preparation for working drawings
4. Emergency work necessitated by the occurrence of a public calamity
5. Public Works contracted under Public-Private Partnerships and Build-Operate-Transfer
6. Repair, maintenance and rehabilitation of irrigation facilities



Prohibitions:

On May 11, 2025



Campaigning

Section 5, RA 7166

However, in the preparation of the **election calendar**, the Commission:

- may exclude the **day before the day of the election itself**, Maundy Thursday and Good Friday.
- Any **election campaign** or partisan political activity for or against any candidate outside of the campaign period herein provided is **prohibited** and shall be considered as an **election offense** punishable under Section 263 and 264 of the Omnibus Election Code.



Giving Donations

Section 104, BP 881

Prohibited Donations by Candidates, Treasurers of Parties or Their Agents. —

- No **candidate**, his or her **spouse** or any relative within the **second civil degree** of consanguinity or affinity, or his campaign manager, agent or representative shall
- during the campaign period, on the **day before** and on the day of **the election**,
- directly or indirectly, make 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**:
- Provided, That **normal and customary religious dues or contributions**, such as religious **stipends**, tithes or collections on Sundays or other designated collection days, as well as **periodic payments for legitimate scholarships** established and school contributions **habitually made before the prohibited period**, are excluded from the prohibition.
- The same prohibition applies to **treasurers, agents or representatives of any political party**.



Giving Free Transportation and Food

Section 89, BP 881

Transportation, Food and Drinks. —

- It shall be unlawful for
- any **candidate**, political party, organization, or any person
- to **give or accept, free of charge**, directly or indirectly,
- **transportation, food or drinks or things of value**
- during the five hours before and after a public meeting, on the **day preceding the election**, and on the day of the election;
- or to **give or contribute**, directly or indirectly, money or **things of value for such purpose**.



Selling Liquor

Section 261(dd)(1), BP 881

- Any **person**
- who **sells, furnishes, offers, buys, serves or takes intoxicating liquor**
- on the days fixed by law for the registration of voters in the polling place, or on the **day before the election** or on election day:
- Provided, That **hotels and other establishments** duly certified by the **Ministry of Tourism** as **tourist oriented** and **habitually in the business** of catering to foreign tourists may be exempted for justifiable reasons **upon prior authority of the Commission**: Provided, further, That foreign tourists taking intoxicating liquor in said authorized hotels or establishments are exempted from the provisions of this subparagraph.



Use of Armored Land, Water or Air Craft

Section 261(r), BP 881

Use of armored land, water or air craft. —

- Any **person**
- who **uses**
- during the campaign period, on the **day before** and on **election day**,
- any **armored land, water or air craft**, provided with any temporary or permanent equipment or any other device or contraption for the mounting or installation of cannons, machine guns and other similar high caliber firearms, including military type tanks, half trucks, scout trucks, armored trucks, of any make or model, whether new, reconditioned, rebuilt or remodelled:
- Provided, That **banking or financial institutions and all business firms** may use not more than two armored vehicles strictly for, and limited to, the purpose of transporting cash, gold bullion or other valuables in connection with their business from and to their place of business, upon previous authority of the Commission.



Appointing Confidential Agents

Section 261(m), BP 881

Appointment or use of special policemen, special agents, confidential agents or the like.

- During the campaign period, on the **day before** and on **election day**,
- any **appointing authority** who appoints or **any person who utilizes the services**
- of special policemen, special agents, confidential agents or persons performing similar functions; persons previously appointed as special policemen, special agents, **confidential agents or persons performing similar functions** who continue acting as such, and those who fail to turn over their firearms, uniforms, insignias and other badges of authority to the proper officer who issued the same.
- At the start of the **aforementioned period**,
- the **barangay chairman, municipal mayor, city mayor, provincial governor, or any appointing authority**
- shall submit to the **Commission a complete list** of all special policemen, special agents, confidential agents or persons performing similar functions in the employ of their respective political subdivisions, with such particulars as the Commission may require.



Prohibitions:

On May 12, 2025



On Voting

Section 261(z), BP 881

(2) Any person

- who **votes more than once** in the same election, or
- who, **not being a registered voter, votes** in an election.

(3) Any person who **votes in substitution** for another whether with or without the latter's knowledge and/or consent.

(4) Any person who,

- **not being illiterate or physically disabled, allows his ballot to be prepared by another, or**
- **prepares the ballot of another** who is **not illiterate or physically disabled**, with or without the latter's knowledge and/or consent



On Voting

Section 261(z), BP 881

(5) Any person who avails himself of any means or scheme to **discover the contents of the ballot** of a voter who is preparing or casting his vote or who has just voted

(6) Any voter who, in the course of voting, **uses a ballot other than the one given** by the board of election inspectors or has in his possession more than one official ballot

(7) Any person who places under **arrest or detains a voter without lawful cause**, or **molests** him in such a manner as to **obstruct** or prevent him from going to the polling place to cast his vote or from returning home after casting his vote, or to **compel him to reveal** how he voted



On Voting

Section 261(z), BP 881

(10) Any member of a **board of election inspectors** who has made possible the casting of **more votes than there are registered voters**

(14) Any member of the **board of election inspectors** who **knowingly uses ballots other than the official ballots**, except in those cases where the use of emergency ballots is authorized

(15) Any public official who neglects or fails to properly **preserve or account for any ballot box, documents** and forms received by him and kept under his custody

(16) Any person who **reveals the contents of the ballot** of an **illiterate or disabled voter** whom he assisted in preparing a ballot



On Voting

Section 261(z), BP 881

(17) Any person who, without authority, **transfers the location of a polling place**

(21) Any person who, through any act, means or device, **violates the integrity of any official ballot or election returns** before or after they are used in the election

(22) Any person who **removes, tears, defaces or destroys any certified list of candidates** posted inside the **voting booths** during the hours of voting



On Voting

Section 261(z), BP 881

(23) Any person who holds or causes the holding of an election on **any other day** than that fixed by law or by the Commission, or stops any election being legally held

(24) Any person who deliberately **blurs his fingerprint** in the **voting record**



Campaigning

Section 5, RA 7166

The campaign periods are hereby fixed as follows:

- (a) For President, Vice-President and Senators, ninety (90) days **before the day of the election**; and
- (b) For Members of the House of Representatives and elective provincial, city and municipal officials, forty-five (45) days **before the day of the election.** xxx

Any **election campaign** or partisan political activity for or against any candidate **outside of the campaign period** herein provided is prohibited and shall be considered as an **election offense** punishable under Section 263 and 264 of the Omnibus Election Code.



Giving Donations

Section 104, BP 881

Prohibited Donations by Candidates, Treasurers of Parties or Their Agents. —

- No **candidate**, his or her **spouse** or any relative within the **second civil degree** of consanguinity or affinity, or his **campaign manager**, agent or representative shall
- during the campaign period, on the day before and on the **day of the election**,
- directly or indirectly, make 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**:
- Provided, That **normal and customary religious dues or contributions**, such as religious **stipends**, tithes or collections on Sundays or other designated collection days, as well as **periodic payments for legitimate scholarships** established and school contributions **habitually made before the prohibited period**, are excluded from the prohibition.
- The same prohibition applies to **treasurers, agents or representatives of any political party**.



Giving Free Transportation and Food

Section 89, BP 881

Transportation, Food and Drinks. — It shall be unlawful for

○ any **candidate**, political party, organization, or any person

○ to **give or accept, free of charge**, directly or indirectly,

○ **transportation, food or drinks or things of value**

○ during the five hours before and after a public meeting, on the day preceding the election, and on the **day of the election**;

○ or to **give or contribute**, directly or indirectly, money or **things of value for such purpose**.



Selling Liquor

Section 261(dd)(1), BP 881

- Any **person**
- who **sells, furnishes, offers, buys, serves or takes intoxicating liquor**
- on the days fixed by law for the registration of voters in the polling place, or on the day before the election or on **election day**:
- Provided, That **hotels and other establishments** duly certified by the **Ministry of Tourism** as **tourist oriented** and **habitually in the business** of catering to foreign tourists may be exempted for justifiable reasons **upon prior authority of the Commission**: Provided, further, That foreign tourists taking intoxicating liquor in said authorized hotels or establishments are exempted from the provisions of this subparagraph.



Opening of Booths

Section 261(dd)(2), BP 881

- Any **person**
- who **opens** in any **polling place** or within a **radius of 30 meters** thereof
- on **election day** and during the counting of votes,
- **booths or stalls** of any kind for the **sale, dispensing or display**
- of **wares, merchandise or refreshments**, whether solid or liquid, or for any other purposes.



Holding of Fairs, Cockpits, Boxing & Similar Sports

Section 261(dd)(3), BP 881

- Any **person**
- who holds on **election day**,
- fairs, cockfights, boxing, horse races, jai-alai or any other **similar sports**.



Appointing Confidential Agents

Section 261(m), BP 881

Appointment or use of special policemen, special agents, confidential agents or the like.

- During the campaign period, on the day before and **on election day**,
- any **appointing authority** who appoints or **any person who utilizes the services**
- of special policemen, special agents, confidential agents or persons performing similar functions; persons previously appointed as special policemen, special agents, **confidential agents or persons performing similar functions** who continue acting as such, and those who fail to turn over their firearms, uniforms, insignias and other badges of authority to the proper officer who issued the same.
- At the start of the **aforementioned period**,
- the **barangay chairman, municipal mayor, city mayor, provincial governor, or any appointing authority**
- shall submit to the **Commission a complete list** of all special policemen, special agents, confidential agents or persons performing similar functions in the employ of their respective political subdivisions, with such particulars as the Commission may require.



Deadly Weapons

Section 261(p), BP 881

Deadly weapons. —

- Any **person**
- who **carries any deadly weapon**
- in the **polling place** and within a **radius of 100 meters** thereof
- during the days and hours fixed by law for the registration of voters in the polling place, **voting, counting of votes, or preparation of the election returns.**
- However, in cases of **affray, turmoil, or disorder**, any **peace officer** or public officer authorized by the Commission to supervise the election is entitled to carry firearms or any other weapon for the purpose of preserving order and enforcing the law.



Use of Armored Land, Water or Air Craft

Section 261(r), BP 881

Use of armored land, water or air craft. —

- Any **person**
- who **uses**
- during the campaign period, on the day before and on **election day**,
- any **armored land, water or air craft**, provided with any temporary or permanent equipment or any other device or contraption for the mounting or installation of cannons, machine guns and other similar high caliber firearms, including military type tanks, half trucks, scout trucks, armored trucks, of any make or model, whether new, reconditioned, rebuilt or remodelled:
- Provided, That **banking or financial institutions and all business firms** may use not more than two armored vehicles strictly for, and limited to, the purpose of transporting cash, gold bullion or other valuables in connection with their business from and to their place of business, upon previous authority of the Commission.



Prohibitions: *Anytime*



Coercion of Election Officials/ Employees

Section 261(f), BP 881

Coercion of election officials and employees. —

- Any **person** who,
- directly or indirectly, **threatens, intimidates, terrorizes or coerces**
- any **election official or employee**
- in the **performance of his election functions or duties.**



Election Law Series

Part 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



 www.albertocagra.com
 09175353823
 alberto agra
 attyagra
 alberto.c.agra@gmail.com

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