



Election Law and the 2025 Elections Campaign Dos and Don'ts

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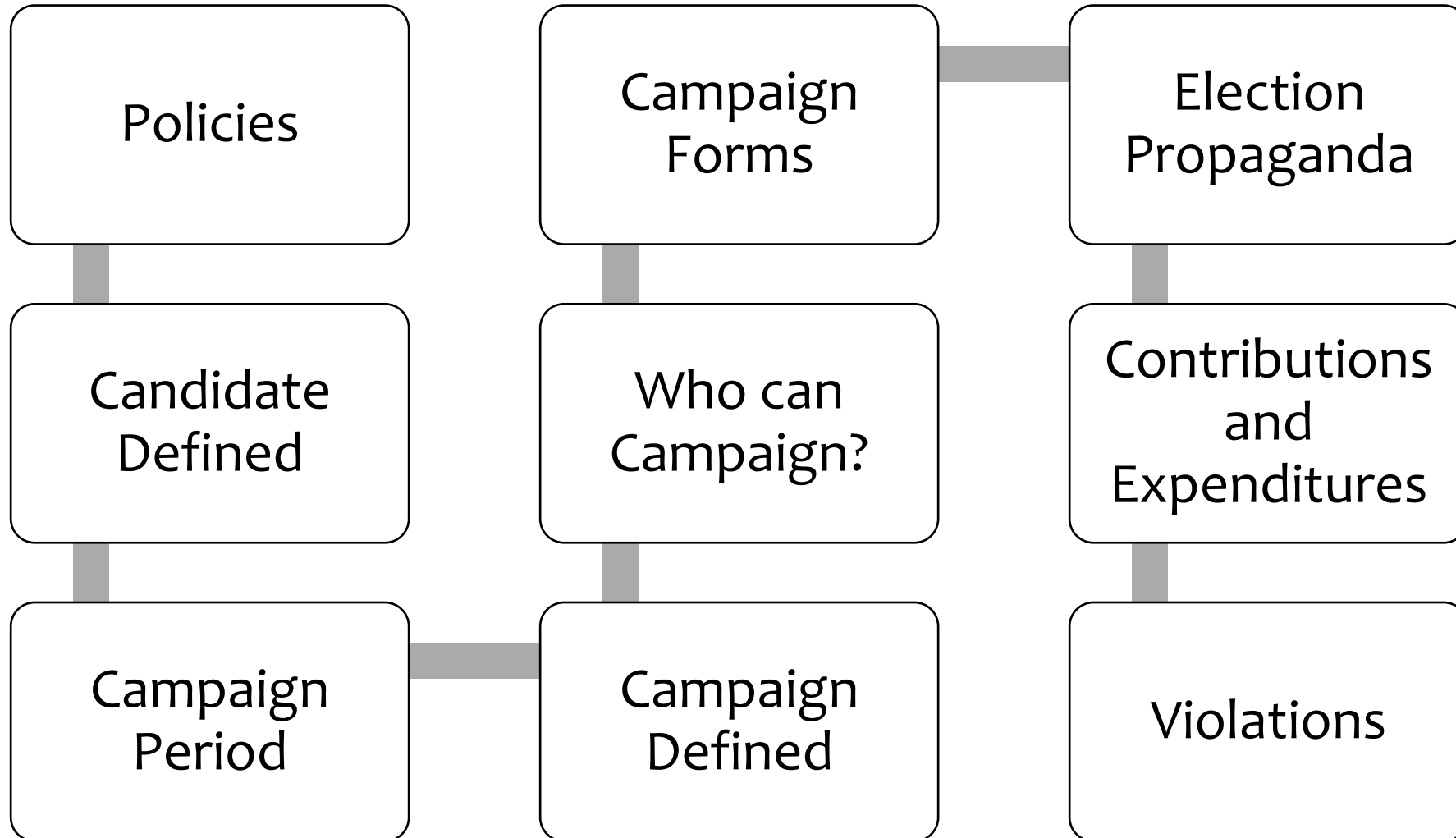
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Chairman of the Philippine Reclamation Authority

This afternoon, we will answer these questions.



1. Do we already have candidates today?
2. Can anyone campaign?
3. Are billboards allowed?
4. Can streamers be displayed anywhere?
5. Must voters follow campaign rules?
6. Is there vote-buying today?
7. Can a Mayor be suspended this April?
8. Can fund-raising events be held today?
9. Are public funds allowed to be used for public works?
10. Are private employers allowed to coerce their employees?

Topics





Primary Policies

Fair Election Act (RA 9006)

COMELEC Resolution No. 11086

Candidate Defined

Natural Person or Juridical Person (Party-List)

Seeking public elective office

Not withdrawn, died, cancelled CoC, disqualified

Campaign period has started (Operative Fact)



Elective Positions for 2025 Elections

Number of Elective Positions to be Voted for
National and Local Elections
May 12, 2025

Elective Position		Number
1	Senators	12
2	Party-List Representatives	63
3	Member, House of Representatives	254
4	Governor	82
5	Vice-Governor	82
6	Member, Sangguniang Panlalawigan	840
7	City Mayor	149
8	City Vice-Mayor	149
9	Member, Sangguniang Panlungsod	1,690
10	Municipal Mayor	1,493
11	Municipal Vice-Mayor	1,493
12	Member, Sangguniang Bayan	11,948
13	BARMM Members of the Parliament	25
14	BARMM Party Representatives	40
TOTAL NUMBER OF SEATS		18,320



Types of Candidates: Affiliated or Independent

Requirements

1. Registered Party
2. Nominated
3. Accepted
4. Subsisting
5. Only 1 Party
6. Authorized Representative

If Independent

1. Cannot be substituted
2. “IND” across name in Ballot
3. Can spend up to P5/ voter
4. Can appoint Pollwatchers
5. Can appoint Lawyers
6. Can put up Poster Areas



Campaign Period

Nationally-Elected

Senators and Party-List

90 days: February 11 to May 10

Locally-Elected

District Representatives, BARMM, Provincial, City and Municipal

45 days: March 28 to May 10



Accountabilities

As Candidates

1. Unregulated Campaign
2. Vote-Buying
3. Unaccounted Contributions and Expenditures
4. Unlimited media time
5. Foreign Intervention

As Aspirants

1. Libel and Cyber-Libel
2. Perjury
3. Unfair Labor Practice
4. Revised Penal Code-Crimes
5. Tax Evasion
6. Fraud
7. Bouncing Checks
8. Littering



Campaign Defined

Election campaign or partisan political activity refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office, and shall include among others: xxx

Purpose

Period

Person



Campaign Defined

Political advertisement or election propaganda refers to any matter **broadcasted, published, printed, displayed or exhibited**, in any **medium**, which contains the name, image, logo, brand, insignia, initials, and other symbol or graphic representation that is capable of being associated with a candidate, and is exclusively intended to draw the attention of the public or a segment thereof to promote or oppose/ directly or indirectly, the election of the said candidate or candidates to a public office. 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.

Campaigners: Private Citizens

Allowed to Campaign

1. Candidate
2. Party-List
3. Political Party
4. Voter*
5. Media Personality (not a candidate/ party official)*
6. Priest*

Not Allowed

1. Foreigners
2. Media Personality
 - Candidate (resigned | not appear and not portrayed | no premature campaign)
 - Party Official/ Campaign Staff (Non-Candidate)

* = No need to follow campaign regulations

Campaigners: Public Officers



CAN CAMPAIGN

- President
- Vice-President
- Executive Secretary
- Department Secretaries
- Members of the Cabinet
- Senators
- Representatives
- Local Government Elective Officials (Regional, Provincial, City, Municipal and Barangay)
- Personal and Confidential Staff and Consultants of the above
- Job Order and Contract of Service Workers



CANNOT CAMPAIGN

- Justices and Judges
- Undersecretaries, Assistant Secretaries and Bureau Heads
- Directors/Trustees/Members of GOCCs/Government Instrumentalities
- Civil Servants
- Members of AFP
- Members of PNP
- Public School Teachers
- LGU Appointive Officials
- Temporary Employees, Contractuals and Casuals





6 Campaign Forms/ Activities

1. Forming **organizations, associations, clubs, committees, or other groups** of persons for the purpose of soliciting votes and/or undertaking any campaign for or against a candidate
2. Creating any **social media platform**, user groups or community pages/ for the purpose of conducting campaigns or related partisan political activity

Digital Election Campaign



WHAT IS DIGITAL ELECTION CAMPAIGN (DEC)?

Under COMELEC Resolution No. 11064 | DEC Series No. 1 | September 23, 2024

DEFINITION	COVERED ACTIVITIES
<ul style="list-style-type: none"> • Nature: Election campaign (or partisan activity) • Medium: Conducted through online channels including digital platforms, social media, websites, and other internet-based tools • Purpose: Aimed at promoting the election or defeat of a particular candidate or candidates to a public office, or to influence voter behavior during campaign period 	<ol style="list-style-type: none"> 1. Creating social media content 2. Holding political caucuses, conferences, meetings, rallies, or other similar assemblies conducted virtually or online 3. Making online, digital, or virtual speeches, announcements or commentaries, or holding interviews 4. Publishing, displaying, or distributing campaign literature or materials 5. Enhancing or amplifying the visibility or exposure of digital images, video, or audio in digital platforms 6. Directly or indirectly soliciting votes, pledges, or support for or against any candidate



TRANSPARENCY AND DISCLOSURE REQUIREMENTS ON USE OF A.I.

Under COMELEC Resolution No. 11064 | DEC Series No. 4 | September 26, 2024

WHAT TO DISCLOSE?	All election propaganda and campaign materials of candidates and political parties that utilize AI
HOW TO DISCLOSE?	<p>Disclosure/disclaimer must:</p> <ol style="list-style-type: none"> 1. Be clear, conspicuous, and not easily removed or altered 2. Remain visible or audible for a sufficient duration both before and after the campaign material is presented 3. Explicitly state that the content has been manipulated using AI, providing a detailed explanation of thenature and extent of the manipulation 4. Include a statement confirming that prior consent has been obtained from all individuals depicted in the AI manipulated election material 5. Be contained in the same campaign material and not in a separate file
WHAT ARE THE OTHER REQUIREMENTS FOR DISCLOSURE?	<ol style="list-style-type: none"> 1. Visual Media: font size no smaller than largest font Distinguishable Enclosed in printed box 2. Audio-Visual Media: presented both in written form and as an audible statement considerable amount of time at the beginningand end of the media 3. Audio-Only Media: spoken in a clear and audible manner and at a volume that can be easily heard by the average listener at the beginning andthe end of the audio content 4. For all forms: digital technologies must be employed to verify authenticity (watermarks, cryptographic metadata, or any technology that ensures content provenance)
WHAT IF FAIL TO DISCLOSE?	Required to explain why a Complaint should not be filed Request for removal/ takedown/ blocking



Digital Election Campaign



PROHIBITED ACTS ON DIGITAL ELECTION CAMPAIGN

Under COMELEC Resolution No. 11064 | DEC Series No. 3 | September 25, 2024

PROHIBITED ACTS	PROCEDURE
<ul style="list-style-type: none">• PURPOSE: Propagate dis/misinformation about candidates/ parties/ election system• ACTS:<ol style="list-style-type: none">1. Using false amplifiers2. Applying coordinated inauthentic behavior and utilization of hyperactive users3. Creating and disseminating deepfakes, cheapfakes, and soft fakes4. Using fake and unregistered social media accounts5. Creating and disseminating fake news• ALSO: Using AI-content-produced without compliance to COMELEC transparency and disclosure requirements	<p>TASK FORCE KKK HALALAN to:</p> <ol style="list-style-type: none">1. Report, detect and monitor (with deputized agencies)2. Gather evidence, validate, and investigate3. Issue Show Cause Order4. Motu proprio filing of election offense complaint before COMELEC Law Department5. Submit report or complaint to NTC, NBI or MTRCB6. Refer complaint to relevant agencies7. Debunk fake news



DISINFORMATION & MISINFORMATION

Under COMELEC Resolution No. 11064 | DEC Series No. 3.1 | September 25, 2024

DISINFORMATION	<ul style="list-style-type: none">• False information that is spread• Information that is based on fact, but removed from its original context and is maliciously manipulated• Used in a partisan political activity or digital election campaign• With the intent to mislead, harm, or manipulate public opinion or voter behavior.
MISINFORMATION	<ul style="list-style-type: none">• False or inaccurate information• That is spread in a partisan political activity or digital election campaign• Regardless of whether there is intent to mislead



6 Campaign Forms/ Activities

3. Making **speeches, announcements, or commentaries**, or holding interviews for or against the election of any candidate
4. Holding **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



Rallies

Physical Rallies

- Requires city/ municipal permits
- Applications filed with city/ municipality (LGU submits list to EO) [For SOCE purposes, inform COMELEC]
- Applications posted
- LGU acts on application within 3 days (inaction \equiv approved)
- Ground to Deny: Prior permit given (can be appealed to PES/ RED-NCR)
- Prohibited Acts:
 - Free transportation/ food/ drinks within 5 hours before/ after the rally
 - Vote-Buying

E-Rallies

- Livestreaming on candidate's social media platforms
- Not covered by limitations on broadcast advertising
- Required: Disclosure that identifies it as a political meeting or rally (date, time and location)
- Candidates:
 - may receive in-platform gifts and game currency
 - cannot give gifts to livestream audiences, nor to run promotions and campaigns that will award in-platform gifts or game currency to platform users and livestream audiences



6 Campaign Forms/ Activities

5. Directly or indirectly **soliciting votes**, pledges or support for or against any candidate
6. Publishing, displaying, or distributing **campaign literature or materials** designed to support or oppose the election of any candidate



10 Lawful Election Propaganda

1. **Pamphlets, leaflets, cards, decals, stickers, or other written or printed materials** the size of which does not exceed 8 ½” width and 14” in length
2. **Handwritten or printed letters** urging voters to vote for or against any particular party or candidate for public office



10 Lawful Election Propaganda

3. **Posters** or standing displays (“standees”) made of cloth, paper, cardboard, or any recyclable material, whether framed or posted, with an area not exceeding 2’ x 3’
4. **Streamers** not exceeding 3’ x 8’ in size, displayed at the site, and on the occasion of a public meeting or rally
 - Said streamers may be displayed 5 days before the date of the meeting or rally and shall be removed within 24 hours after said meeting or rally

Requirements

1. Encouraged to use **recyclable and environment-friendly materials**
2. Required to indicate “***This material should be recycled or disposed responsibly.***”
3. Bear and be identified by the reasonably legible words “***political advertisement paid for***” followed by the true and correct name and address of the candidate or party for whose benefit the election propaganda was printed (and “***political advertisement paid by***”)
 - **Notices:** readable (sufficient type size), 12-point type size if $\leq 2' \times 3'$ contained in a printed box, printed with a reasonable degree of color contrast



Requirements

4. Gender-sensitive and conform with **Magna Carta of Women**
5. Encouraged to make available printed materials in **Braille**
6. Respect **intellectual property** rights
7. Post, display or exhibit any election campaign or propaganda material outside of authorized **common poster areas**, in **public places**, or in **private properties** without the consent of the owner thereof



Areas to Post

1. Common poster areas (CPA) in public places
 - Parties and Independent Candidates | Own Expense | Exclusive use
 - File with EO within 5 days from effectivity of Resolution (act within 3 days – appeal to PES/ RED-NCR)
 - COMELEC Authority through City/ Municipal Election Officer (post locations of CPAs)
 - Allowed at plazas, markets, barangay centers and the like
 - Not a post, tree, wall of a building or existing public structure, trees, shrubs or plants along public roads
 - 1 CPA: $\leq 5,000$ voters (every increment of 5,000 – 1 additional CPA)
 - Size:
 - Political Parties and Party-List: 12' x 16' (192 ft²)
 - Independent Candidates: 4' x 6' (24 ft²)
 - Allocation: 1 CPA for every 32 Party-List Organizations



Requirements for Posting

2. Private property with consent of owner

- Cannot be posted in Public Places
 - Publicly-owned/ controlled announcement boards, motor vehicles, public transport vehicles, waiting sheds, sidewalks, lamp posts, traffic signages, under/overpasses, flyovers, center islands, bridges, schools, government buildings, public transport terminals
- Liable: those who posted and candidates/ others who cause posting (presumption if not removed within 3 days from notice from City/ Municipal Election Officer)



10 Lawful Election Propaganda

5. **Mobile units**, vehicles/ motorcades of all types, whether engine or manpower driven or animal drawn, with or without sound systems or loud speakers and with or without lights
 - Pamphlets, leaflets, cards, decals, stickers, or other written or printed materials posted on mobile units, vehicles, or motorcades shall be subject to the size limitations provided for in this Section
6. **Paid advertisements in print or broadcast media** subject to the requirements set forth in Section 11 hereof and the Fair Election Act



Media Election Propaganda

- **Television:** 120 minutes (for national); 60 minutes (for local) per station
- **Radio:** 180 minutes (for national); 90 minutes (for local) per station
 - ≥ 2 candidates – length of time mentioned/ promoted
 - Excludes appearance and guesting (news, on-the-spot coverage)
- **Print:** $\frac{1}{4}^{\text{th}}$ page in broadsheet; $\frac{1}{2}$ page in tabloid
 - $\leq 3x$ / week
 - ≥ 2 candidates – size/ frequency applies to all; cost pro-rated



Requirements

1. Bear and be identified by the reasonably legible or audible words “***political advertisement paid for***” followed by the true and correct name and address of the candidate or party for whose benefit the election propaganda was printed or aired
2. Bear, and be identified by, the reasonably legible, or audible words “***political advertisement paid by***” followed by the true and correct name and address of the payor
 - **Notices for Print:** readable (sufficient type size), 12-point type size if $\leq 2' \times 3'$, contained in a printed box, printed with a reasonable degree of color contrast
 - **TV Notice:** appear in letters equal to or greater than 4% of the vertical picture height, whole duration, reasonable degree of contrast



Requirements

3. If donated, 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
4. Required to incorporate sign language interpreters and closed captioning

Requirements

5. For negative campaigning: Right to Reply (formal verified claim with COMELEC Region or EID within 36 hours from 1st broadcast)
6. Discounted rates
 - TV 50% | Radio 40% | Print 10%
7. COMELEC shall ensure that candidates are given equal opportunity, under equal circumstances to make known their qualifications and their stand on public issues



10 Lawful Election Propaganda

7. **Mobile or transit advertisement** on public utility vehicles provided that the advertisement is consistent with the guidelines of the Land Transportation and Franchising Regulatory Board (LTFRB) for commercial advertisements
8. **Signboard** displayed in the **headquarters** subject to the limitation provided in Section 24 hereof
 - 1 HQ Identification | 3' x 8' | ≤ 5 days start of campaign period | Campaign posters



Headquarters

Party/ Candidate	Number	Submit List to
National Party or Candidate	1/ Province or HUC	COMELEC Law Department and EID
Regional Party	1/ Province or HUC	RED
Provincial Party or Candidate	1/ Municipality	PES
District Representatives	1/ District (1/ Municipality)	---
City Candidates	1/ Councilor District	EO (if NCR, RED)
Municipal Candidates	1	EO (if NCR, RED)

10 Lawful Election Propaganda

9. **Billboards/ Outdoor Advertisement:** Static or LED |
Duration: ≤ 2 months and ≥ 1 km radius from each other (national) and ≤ 1 month and ≥ 500 m radius from each other (local)
10. **All other forms** of election propaganda **not prohibited** by the Omnibus Election Code or these rules
- T-shirts, calendars, cigarettes, e-cigarettes, vape, athletic equipment and goods, pens, lanyards, bags, wallets, lanyards
 - File a request with COMELEC en banc (with samples)
 - No (approved) request = Election Offense



Removal of Propaganda

Lawful Propaganda

- Cannot be removed, destroyed, taken down or, in any manner, defaced or tampered with, or distribution prevented
- Removed within 5 days after elections and without need of notice at their expenses

Unlawful Propaganda

- Prohibited | Contains illegal statements | Not comply with Disclosures | Violative of Intellectual Property
- If displayed before Campaign Period: Removed by candidate/party \geq 72 hours before start of campaign period
- COMELEC shall stop, confiscate, remove or take down (anyone can report)



Removal Modes

1. Simple Abatement or Summary Removal (those in prohibited locations e.g. outside CPAs)
2. Punitive Abatement or Removal subject to Notice and Filing of Case
 - EO surveys areas and document
 - EO sends Notice to Remove with instruction to remove in 72 hours (non-removal \equiv presumption of ownership/ person who caused violation)
 - If not removed, EO prepares Complaint-Affidavit
 - EO files with COMELEC Law Department (CLD)
 - CLD evaluates and finds probable cause
 - RED to conduct Preliminary Investigation through Investigating Officer (Lawyer)
 - RED submits findings to CLD
 - CLD submits recommendation to COMELEC en banc
 - COMELEC en banc issues resolution



Prohibited Contributions

- All SEC-registered corporations (2 views)
- Financing Institutions
- Public Utility Operator
- Natural Resources Explorer
- Government Contractors
- Franchise Holders
- Donee Institution from Government (P100,000)
- Donee Educational Institutions (P100,000)
- Foreigners/ Foreign Corporations
- Civil Servants and AFP



Lawful Expenditures

1. Use of Facilities
2. Travel
3. Compensation
4. Communications
5. Written Materials
6. Pollwatchers
7. Office/ HQ
8. Advertisements
9. Meetings/ Rallies
10. Volunteers

Not included in P5/3 per voter cap:

11. Counsel
12. Copying of List of Voters
13. Sample Ballots



Violators

Candidate

1. Disqualification Case
 - File with COMELEC Division
 - On or before Proclamation
 - If win in elections and case resolved with finality after proclamation, unseated (succession or special elections)
2. Election Offense Case

Others

Election Offense Case

- File with COMELEC Law Department or Prosecutor's Office
- Within 5 years from commission
- Information filed
- Trial by Regional Trial Court
- If convicted:
 - Imprisonment of $1 < x < 6$
 - Deprived of political rights

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Thank you.



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