



Election Law and the 2025 Elections

Selected Election Offenses

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 and Infographics

Host, Batas et AL – 2025 Election Series

Former Public Official, Acting Secretary of Justice,
Acting Solicitor General, Government Corporate Counsel and
Chairman of the Philippine Reclamation Authority

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

At the core of the Election Offenses/ Prohibitions

The *Why* of Philippine Elections:

CHOPFE

Credible

Honest

Ordery

Peaceful

Free

Elections

Flow of Discussion

1. What is the governing law?
2. Who are the liable persons?
3. Who are covered?
4. When prohibition commences?
5. What are the prohibited acts?
6. What are the conditions/ elements?
7. What are the exceptions/ defenses?



Firearms and Deadly Weapons

Governing Law	Section 32, RA No. 7166 and COMELEC Resolution No. 11067
Covered	Any person (even those with Permit to Carry Firearm outside of Residence, Letter Order and Mission Order)
Covered Period	Election Period (January 12 to June 11, 2025)
Prohibited Acts	Bear, carry or transport firearms or other deadly weapons in public places , including any building, street, park, private vehicle or public conveyance
Ban Exemption	Can carry, bear or transport if with written COMELEC authority (Certificate of Authority/ CA)
Grantor of Exemption	Committee on the Ban on Firearms and Security Concerns (COMELEC, PNP and AFP) or COMELEC Chairman
CA Types	Full Exemption Law Enforcement Agencies Diplomatic Missions Security Agencies Cashiers/ Disbursing Officers High-Risk Individuals Security Details Transport Sports Shooters Theatrical Property Shooting Range
Application	Applications must be exclusively submitted through electronic means via the official COMELEC website from Mondays to Fridays (excluding Saturdays, Sundays and Holidays) from 8:00 a.m. to 5:00 p.m.
Implementors	Regional, Provincial, City and Municipal Joint Security Control Centers

Movement in Government

Aspects	Transfer or Detail	Appointment or Hiring	Promotions or Salary Increases
Law	Section 261(h), BP 881	Section 261(g)(1), BP 881	Section 261(g)(2), BP 881
Persons Covered	Any public official	Any head, official or appointing officer of a government office, agency or instrumentality, whether national or local	Any government official
Period Covered	Election Period (January 12 to June 11, 2025)	45 Days from Election Day (March 28 to May 12, 2025)	
Prohibited Acts	Makes or causes any transfer or detail whatever of any officer or employee in the civil service including public school teachers	<ul style="list-style-type: none"> Appoints or hires any new employee, whether provisional, temporary or casual, Fills any new position 	<ul style="list-style-type: none"> Promotes Gives any increase of salary or remuneration or privilege
Exception (not an Offense)	Prior authority from COMELEC	Prior authority from COMELEC <ul style="list-style-type: none"> Essential to proper functioning of public office or urgent need Position shall not be filled in a manner that may influence the election 	None

Civil Servants and LGU Officials

Aspect	Civil Servants	LGU Elective Officials
Law	Section 261(h), BP 881	Section 261(x), BP 881
Covered	Any public official	
Period	Election Period (January 12 to June 11, 2025)	
Prohibited Acts	Makes or causes any transfer or detail whatever of any officer or employee in the civil service including public school teachers	Suspends any elective LGU official (provincial, city, municipal or barangay officer) [if under the Anti-Graft and Corrupt Practice Act , allowed]
Condition	To be an election offense, action done without COMELEC prior approval	

Vote-Buying/ -Selling/ -Betting

Prohibition	Vote-Buying	Vote-Selling	Vote-Betting
Governing Law	Section 261 (a)(1), BP 881	Section 261 (a)(2), BP 881	Section 261 (c), BP 881
Liable Persons	Any person		
Covered Period	Campaign Period: Starting February 11, 2025 for nationally-elected officials and March 28, 2025 for locally-elected officials		
Banned Activities	Gives, offers or promises	Solicits or receives	Bets or wagers
Consideration	<ul style="list-style-type: none"> ○ Money ○ Anything of value ○ Any office or employment, franchise or grant ○ Expenditure or cause an expenditure 	<ul style="list-style-type: none"> ○ Expenditure ○ Promise of any office or employment, public or private 	<ul style="list-style-type: none"> ○ Money ○ Thing of value
Objective	To vote for or against any candidate or withhold his vote in the election	To vote for or against any candidate or withhold his vote in the election	Upon the outcome of, or any contingency connected with an election

ELECTION 101



WITH
ATTY. AL AGRA
Election Law Expert



ELECTION OFFENSE SERIES NO. 11

13 ACTS: VOTE-BUYING IS PRESUMED WHEN...

Section 26, COMELEC Resolution No. 11104

With possession of campaign materials and other corroborative evidence:



01 Possessing or delivering monies, pay envelopes, bags, groceries or anything of value with sample ballots or other campaign materials.



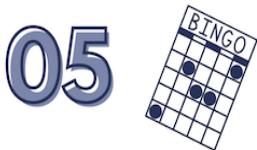
02 Offering or promising something of value for campaign purposes.



03 There are long lines/ queues for distribution of money, insurance/ health cards, grocery items for campaign purposes.



04 Giving money and grocery items during house-to-house campaigns.



05 Holding bingo games or talent shows with prizes where names of candidates are mentioned/ displayed.



06 Employing "hakot" system on May 11 and 12 for distribution of money and sample filled-out ballots.



07 Possessing or transporting P500,000.



08 Causing the splitting of P20,000 to smaller denominations.



09 Conducting medical missions, legal aid services and feeding programs where names of candidates are mentioned/ displayed.



10 Giving or distributing "ayuda" where names of candidates are mentioned/ displayed or "ayuda" which is not normally given to qualified individuals.



11 Hiring or appointing 2 pollwatchers per precinct per candidate.



12 Possessing indelible ink on May 12.



13 Possessing blank original ballots on May 12.

THESE ARE REBUTTABLE PRESUMPTIONS.

Suspicious Transactions of Vote-Buying/-Selling

Law	COMELEC Resolution No. 11104 and Omnibus Election Code (Section 261(a))
Offenders	Any person
Period of Ban	Election Period (Starting January 12, 2025)
Suspicious Acts (Elements)	<ol style="list-style-type: none">Any unusual transaction flow between accounts, digital banking and digital walletsIncluding unusual large cash withdrawals or encashment of checksInvolving the amount \geq P500,000.00 or the amount involved is not commensurate with the business or financial profile of the clientNo underlying legal/trade obligation, purpose or economic justification
To be considered vote-buying/-selling	<p>Acts: Gives, offers or promises; or solicits or receives</p> <p>Consideration: Money, anything of value, expenditure, employment, franchise, grant</p> <p>Purpose: To vote for or against any candidate or withhold his/her vote in the election</p>
Enforcement	<p>COMELEC:</p> <ol style="list-style-type: none">Can inquire into the financial records of candidates and any organization or group of persons, <i>motu proprio</i>, after due notice and hearingMay avail itself of the assistance of the COA, BSP, NBI, BIR, AFP and PNP, barangay officials, and other agencies of the government
Penalties	<p>By Candidates: Disqualification</p> <p>Other Persons: Election Offense</p>

Appointment and Promotions in Government



<i>Aspects</i>	<i>Appoints or Hires New Employees</i>	<i>Promotes or Gives Salary Increases</i>
Law	Section 261(g)(1), BP 881	Section 261(g)(2), BP 881
Persons Covered	Any head, official or appointing officer of a government office, agency or instrumentality, whether national or local	Any government official
Period Covered	March 28 to May 12, 2025	
Prohibited Acts	<ul style="list-style-type: none"> ○ Appoints or hires any new employee, whether provisional, temporary or casual, ○ Fills any new position 	<ul style="list-style-type: none"> ○ Promotes ○ Gives any increase of salary or remuneration or privilege
Exception (not an Offense)	Prior authority from COMELEC <ul style="list-style-type: none"> ○ Essential to proper functioning of public office or urgent need ○ Position shall not be filled in a manner that may influence the election 	None

Private Sector



Prohibition	Coercion	Threats, etc.	Undue Influence
Governing Law	Section 261 (d), BP 881	Section 261 (e), BP 881	Section 261 (7), BP 881
Liable Persons	<ul style="list-style-type: none"> Any officer of a private corporation/ association Any head, superior, or administrator of any religious organization Any employer or land-owner 	Any person	Any person
Exerted on	Any of his/her subordinates or members or parishioners or employees or house helpers, tenants, overseers, farm helpers, tillers, or lease holders	Any person or persons or that of the immediate members of his/her family, his/her honor or property	Any person, association, corporation or entity which may induce anyone or the public in general
Covered Period	Campaign Period (February 11 for Nationally-Elected Officials and March 28 for Locally-Elected)		
Prohibited Activities	<ul style="list-style-type: none"> Coerces or intimidates or compels, or in any manner influence Dismisses or threatens to dismiss, punishes or threatens to punish by reducing his/her salary, wage or compensation, or by demotion, transfer, suspension, separation, excommunication, ejection, or causing him/her annoyance in the performance of his/her job or in his/her membership 	Threatens, intimidates or actually causes, inflicts or produces any violence, injury, punishment, damage, loss or disadvantage	<ul style="list-style-type: none"> Promises any office or employment, public or private Makes or offers to make an expenditure, directly or indirectly, or causes an expenditure
Objective of Unlawful Act	To aid, campaign or vote for or against any candidate	To compel or induce the participation in a campaign or refraining or desistance from any campaign, or the casting of any vote or omission to vote	To vote or withhold his vote, or to vote for or against any candidate

Release of Public Funds



Governing Law	Section 261 (v), Batas Pambansa Blg. 881 and COMELEC Resolution No. 11060
Liabe Persons	<ul style="list-style-type: none">○ For release of public funds: Any public official or employee○ For distribution of relief goods to the victims of the calamity or disaster: Candidate or spouse or member of family within the 2nd civil degree of affinity or consanguinity
Covered Period	Starting March 28, 2025 (45 days before regular elections)
Prohibited Activities	<ul style="list-style-type: none">○ Releases, disburses or expends any public funds for Public Works, Social Services (DSWD or LGU) and Housing-related Projects○ Distribution of relief or other goods to victims of the calamity or disaster
Excluded from Prohibition	<ul style="list-style-type: none">○ COMELEC exemption required: For Social Services and Housing-Related Projects, Assistance to Individuals in Crisis Situation○ COMELEC exemption not required: For Calamities and Disasters (but must report to COMELEC Law Department), Salaries and MOOE, and non-Social Services and non-Housing-Related activities established before March 28 and reported to COA provided not used for campaign
Procedure for Applying for Exemption	Use prescribed form Original Copy file with COMELEC Law Department Deadline to apply is February 11 Application may be opposed (summary hearing conducted) COMELEC Chairman to approve or disapprove recommendation

Raising of Campaign Funds

Governing Law	Section 97, Batas Pambansa Blg. 881
Covered	Any person (aspirant, candidate, political party, party-list organization, public officer, private individual and voter)
Period	Election Period (Interpreted as Campaign Period : Starting February 11 for national-elected and March 28 for locally-elected)
Prohibited Activities	Hold dances, lotteries, cockfights, games, boxing bouts, bingo, beauty contests, entertainments, or cinematographic, theatrical or other performances
Purpose of Activities	To be an Election Offense, the purpose of the activity must be to raise funds for an election campaign or for the support of any candidate

Giving Donations



Governing Law	Section 104, Batas Pambansa Blg. 881
Liable Persons	<ul style="list-style-type: none">○ Candidate, his/her spouse or any relative within the second civil degree of consanguinity or affinity, his/her campaign manager, agent or representative○ Treasurers, agents or representatives of any political party
Covered Period	<ul style="list-style-type: none">○ Campaign Period: Starting February 11, 2025 for nationally-elected officials and March 28, 2025 for locally-elected officials○ On the day before and on the day of the election (May 11 and 12, 2025)
Prohibited Activities	<ul style="list-style-type: none">○ Make any donation, contribution or gift in cash or in kind○ Undertake or contribute to the construction or repair of roads, bridges, school buses, 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
Excluded from Prohibition	<ul style="list-style-type: none">○ Normal and customary religious dues or contributions, such as religious stipends, tithes or collections on Sundays or other designated collection days○ Periodic payments for legitimate scholarships established and school contributions habitually made before the prohibited period

Free Transportation, Food and Drinks

Governing Law	Section 104, Batas Pambansa Blg. 881
Liable Persons	<ul style="list-style-type: none"> ○ Any candidate, political party, organization ○ Any person
Covered Period	<ul style="list-style-type: none"> ○ 5 hours before and after a public meeting/ rally held during the Campaign Period (<i>Starting February 11, 2025 for nationally-elected officials and March 28, 2025 for locally-elected officials</i>) ○ On the day before and on the day of the election (May 11 and 12, 2025)
Prohibited Activities	<ul style="list-style-type: none"> ○ Give or accept, free of charge, directly or indirectly, transportation, food or drinks or things of value ○ Give or contribute, directly or indirectly, money or things of value for such purpose.

The Money Ban, Ayuda Distribution Ban and Suspicious Acts of Vote-Buying/ -Selling



Bans	Money Ban	Ayuda Distribution Ban	Suspicious Acts of Vote-Buying/ -Selling
Law	COMELEC Resolution No. 11104 citing Batas Pambansa Blg. 881		
Liable Persons	Any person (except cashiers or disbursing officers provided in the actual performance of duties while carrying their certificates of employment and company IDs)	Candidates who are incumbent elected officials or their spouses or members of their families within the 2nd civil degree of affinity or consanguinity, or their known supporters or employees	Any person
Period of Ban	2 days before Election and Election Day May 10 to 12, 2025	10 days before Election Day and Election Day May 2 to 12, 2025	Election Period Starting January 12, 2025
Prohibited Activities/ Elements	<ol style="list-style-type: none"> 1. Possess, transport, carry 2. Cash > P500,000.00 or its equivalent in any foreign currency 3. Along with campaign paraphernalia and/ or corroborating evidence 	Giving and distribution of “Ayuda”, TUPAD, AKAP, AICS and 4Ps (except medical and burial assistances which are normally given to qualified individuals)	<ol style="list-style-type: none"> 1. Any unusual transaction flow between accounts, digital banking and digital wallets 2. Including unusual large cash withdrawals or encashment of checks 3. Involving the amount > P500,000.00 or the amount involved is not commensurate with the business or financial profile of the client 4. No underlying legal/trade obligation, purpose or economic justification
Presumption	Possession and transport create presumption of vote-buying/-selling	Distribution presumed vote-buying/ -selling, or Abuse of State Resources	N/A
Enforcement	Covered by COMELEC Checkpoints	None stated	COMELEC: <ol style="list-style-type: none"> 1. Can inquire into the financial records of candidates and any organization or group of persons, <i>motu proprio</i>, after due notice and hearing 2. May avail itself of the assistance of the COA, BSP, NBI, BIR, AFP and PNP, barangay officials, and other agencies of the government
Penalties	Vote-buying by Candidates: Disqualification Vote-Buying by Any Person: Election Offense		

Election Day



Prohibition	Selling Liquor	Opening of Booths	Holding of Fairs
Governing Law	Section 261 (dd)(1) BP 881	Section 261 (dd)(2) BP 881	Section 261 (dd)(3) BP 881
Liabe Persons	Any person		
Prohibited Activities	<ul style="list-style-type: none"> ○ Sells, furnishes, offers, buys, serves or takes ○ Intoxicating liquor 	<ul style="list-style-type: none"> ○ Opens in any polling place or within a 30m radius ○ Booths or stalls of any kind for the sale, dispensing or display of wares, merchandise or refreshments, whether solid or liquid 	Holds fairs, cockfights, boxing, horse races, jai-alai or any other similar sports
Exception	<ul style="list-style-type: none"> ○ Prior COMELEC authority ○ Hotel and tourist-oriented establishments 	None	None

 www.albertocagra.com

 09175353823

 alberto agra

 attyagra

 alberto.c.agra@gmail.com

Thank you.



<http://ballotunboxed.com/subscribe>

