

# Election Law and the 2025 Elections

## 20 Topics - 35 Takeaways



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# 1. Suffrage

What is the  
**Noble Purpose**  
of Philippine  
Elections?

**CHOPFE –**  
Credible,  
Honest, Orderly,  
Peaceful and  
Free Elections.



# 1. Suffrage

Can one be **imprisoned for not voting?**

Before, one can be imprisoned for not voting. Today, since 1987, suffrage is **a right.**



# 1. Suffrage

Can you be challenged on Election Day?

On election day, as one is about to cast his/her vote, he/she can be **challenged** for being an **illegal voter** or for committing an **illegal act**.



## 2. Regular Elections

How many **elections** will happen this **year?**

There are **3 levels** of elective offices – National, Regional and Local. There are **3 elections** in 2025.



## 2. Regular Elections

Can the National and Local elections be moved to June 9?

Philippine elections must be held **regularly** and can **only postponed**, with valid grounds, by law or by authority of law.



### 3. Aspirants and Candidates

Do we  
already have  
**candidates**  
*today?*

There are no  
candidates today for  
local elective  
positions, only  
**aspirants**. There are  
candidates already for  
Senators and Party-  
List.



### 3. Aspirants and Candidates

Is there  
**vote-buying**  
*today?*

Aspirants cannot be held liable for **vote-buying** and **illegal campaigning** but can be held liable for libel, physical injuries, coercion and littering.



## 4. Incumbents

Is a **Public Official** considered **resigned** when he/she files a **Certificate of Candidacy (CoC)**?

An incumbent **Elective Official** who files a CoC for any **Elective Office** is **not deemed resigned**.  
An **Appointive Official** is.



## 5. Qualifications

Where do we find the **qualifications of elective officials?**

The qualifications for National Elective Officials are found in the **1987 Constitution** while those for Local Elective Officials are listed in the **1991 Local Government Code**.



## 5. Qualifications

Can Congress require all **elective officials** to be **lawyers**?

Congress, by ordinary legislation, can only change the qualifications of **local officials**. However, the qualifications must be **germane** to the position.



## 6. Disqualifications

What **cases** can be filed against an **aspirant/candidate**?

Petitions to declare a candidate a **nuisance**, to **cancel** a certificate of candidacy and to **disqualify** a candidate.



## 7. Substitution

**Can an aspirant/  
candidate be  
substituted?**

Today, up to election day, per COMELEC, an affiliated aspirant/candidate can only be substituted on account of **death and disqualification**. But the **SC ...**



## 8. Party-List System

Can I be a nominee of a **Women's Party** and serve as its Party-List Representative?

Yes, for as long as I am a **member** of the Party and I **advocate** the interest and welfare of the sector.



## 8. Party-List System

Can a Party-List Organization which obtains 1.7% of 2<sup>nd</sup> votes secure a seat in the House of Representatives?

Yes, for as long as not all the 63 seats have been filled-up.



## 9. COMELEC

Describe  
**COMELEC.**

COMELEC is an independent **constitutionally-created** Public Office, an Administrative Agency, enjoys fiscal autonomy, can issue 6 rules, can adjudicate, and can cite persons in contempt. But it cannot amend laws, rule on the right of suffrage and disobey the Procurement Law.



# 10. Campaign by Public Officials

**Can Public Officials *campaign*?**

**Elective Officials can campaign while Appointive Officials, save Cabinet Secretaries, cannot. Job Order and Contract of Service Workers can. But they cannot abuse state resources.**



# 11. Campaign by Voters

**Must a voter follow campaign regulations?**

**A voter need not follow the size requirements for posters (2' x 3'), rally streamers (3' x 8') and printed materials (8.5"W x 14"L). Voters are also not required to register their campaign social media accounts.**

## 12. Campaign

Are all acts of **goodness** done during the campaign period considered **campaigning** or **vote-buying**?

Campaign has a **specific purpose** – to promote the election (+) or defeat (-) of a candidate.



## 12. Campaign

Are there **limits to negative campaigning?**

**Libel and cyber-libel are punishable. Campaign must be fair and non-discriminatory – no labeling/ red-tagging, no discrimination against women, no gender-based harassment and no vilification of PWDs.**



## 12. Campaign

Let us talk about *ayuda* from Government. Is this **allowed** to be distributed?

The distribution of **AICS, TUPAD, AKAP** and **4Ps** was given COMELEC exemption. Elective officials and aspirants/ candidates are not allowed to be present during the distribution.



## 12. Campaign

Are **free legal aid clinics** allowed during the **campaign period**?

Free legal aid clinics and medical missions where **names of candidates** are mentioned or displayed are presumed **vote-buying**.



# 13. Tri-Media Campaign

Is campaigning  
in tri-media  
allowed?

The use of tri-media in campaigning is expressly allowed and regulated by statute – **TV** (90/ 60 minutes/ station), **radio** (180/ 90 minutes/ station) and **print** (1/4 page in broadsheet and 1/2 page in tabloid  $\leq$  3x/ week). Being featured in the **news** is not counted.



# 14. Billboards and Gadgets

Are **billboards** and giving of **T-Shirts and Gadgets** allowed during the **campaign period**?

Putting up billboards during the campaign period is **expressly allowed** by COMELEC. Distribution of T-shirts and gadgets allowed only with **COMELEC authority**.



# 15. Use of Public Funds

Can **public funds** be disbursed **anytime?**

Starting March 28, public funds cannot be disbursed for **public works, social services and housing-related projects** unless with COMELEC authority. For victims of **calamities**, no need.



# 16. Election Offenses

**Can a Mayor  
be suspended  
*today?***

**The Gun Ban,  
Suspension Ban for  
LGU Elected  
Officials and  
Transfer/ Detail Ban  
in the Public Sector  
are already in force.**



# 16. Election Offenses

What are the **election offenses** that can be committed during the **campaign period**?

- Vote-Buying
- Fund-Raising
- Giving Donations
- Coercing Subordinates
- Giving Free Food & Drinks during rallies



# 17. Contributions & Expenditures

How much can a **candidate** spend if there are **1,000,000** voters?

What if a candidate **exceeds**?

*Affiliated*

P3M (x P3)

*Independent*

P5M (x P5)

There are 3 expenditures not covered in caps.



# 18. Voting

What **activities** are **not allowed** on **Election Day**?

- Vote-Buying/ -Selling/ -Betting
- Campaigning
- Free Transportation, Food and Drinks
- Setting-up of Booths
- Cockfighting



# 18. Voting

What time can you cast your vote on Election Day?

Regular voting hours is from 7:00 a.m. to 7:00 p.m., but Seniors, Persons with Disabilities and Pregnant Women can vote as early as 5:00 a.m..



# 18. Voting

**Pollwatchers:**  
Who? What?  
How?

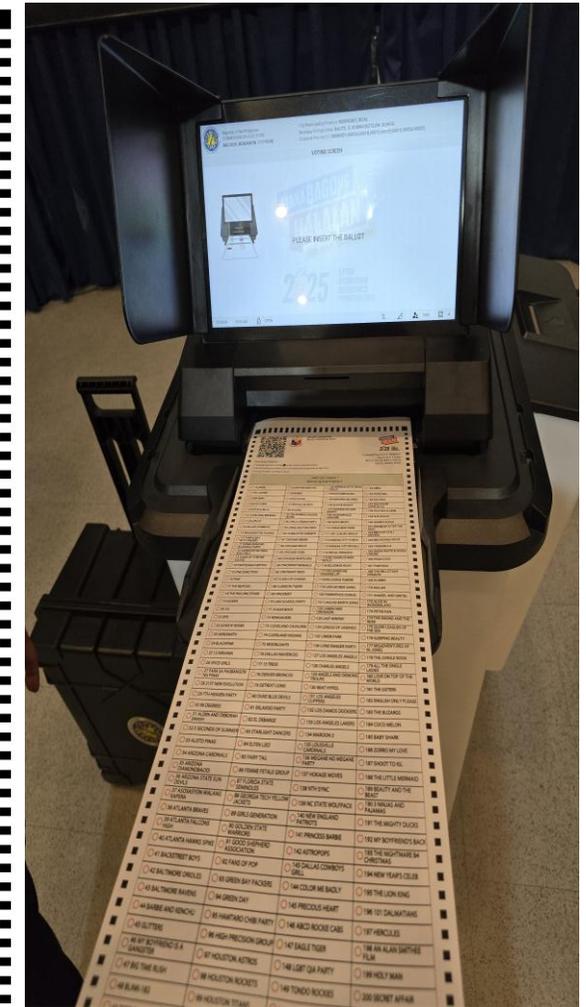
Pollwatchers (2/ polling place) must be **registered voters** of the place where they are assigned. They can **witness proceedings**, stay in the designated area, take photos and videos and challenge voters. They cannot take photos of ballots.



# 19. Voting

A voter shall/ should:

- shade ovals.
- deposit the ballot inside the Automated Counting Machine.
- not make unnecessary markings.



# 19. Voting

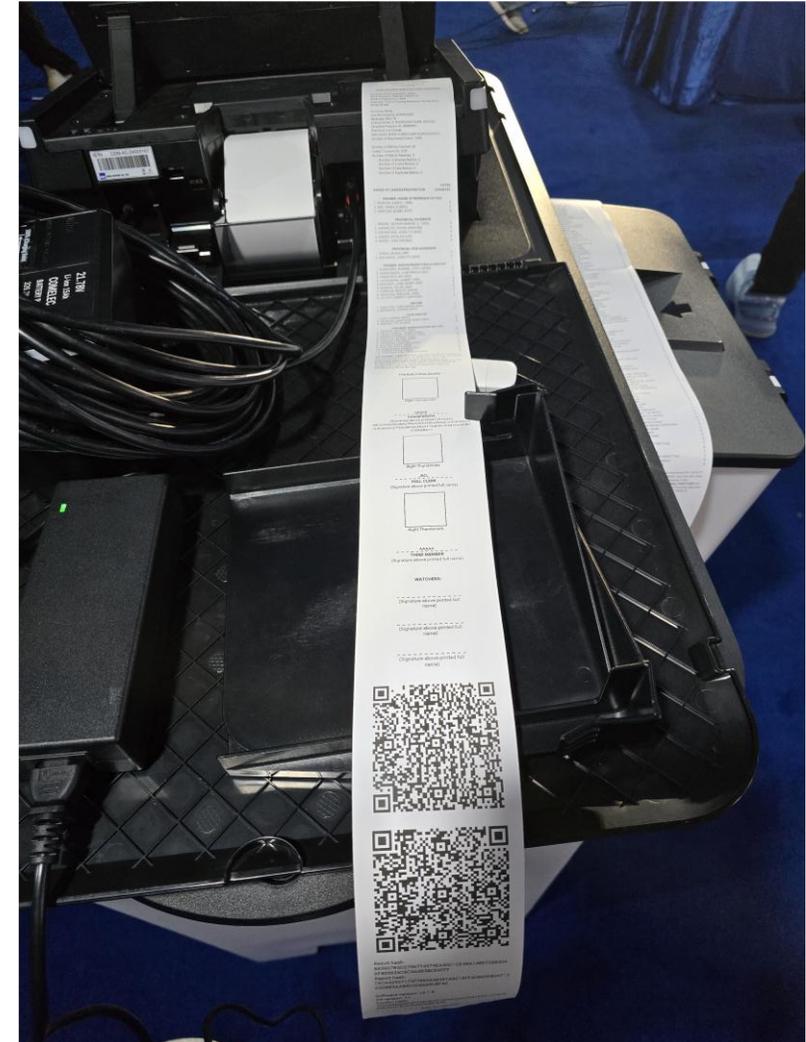
The Automated Counting Machine:

- displays the **choices** of the voter.
- prints a Voter-Verified Paper Audit Trail (**VVPAT**).
- transmits the **results**.



# 20. Canvassing & Proclamation

30 Election Returns have **QR Codes**, will be transmitted (after printing of 9 copies and posting of 1 copy), and will be given to Political Parties.





## 20. Canvassing & Proclamation

Who proclaims *winning candidates*?

The basis for canvassing and **proclamation** are the **transmitted results**. The **COMELEC en banc** proclaims 12 Senators and allocates 63 party-list seats while **Local Boards of Canvassers** proclaim winning local candidates.



## 20. Canvassing & Proclamation

What happened to *Alice Guo*?

In 2022, she was **proclaimed**. No DQ case and Election Protest case were filed. Quo Warranto and Election Offense cases recently/subsequently filed.

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