

Election Law and the 2025 Elections

20 Topics - 35 Takeaways



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

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

20 March 2025



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 2nd 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.**



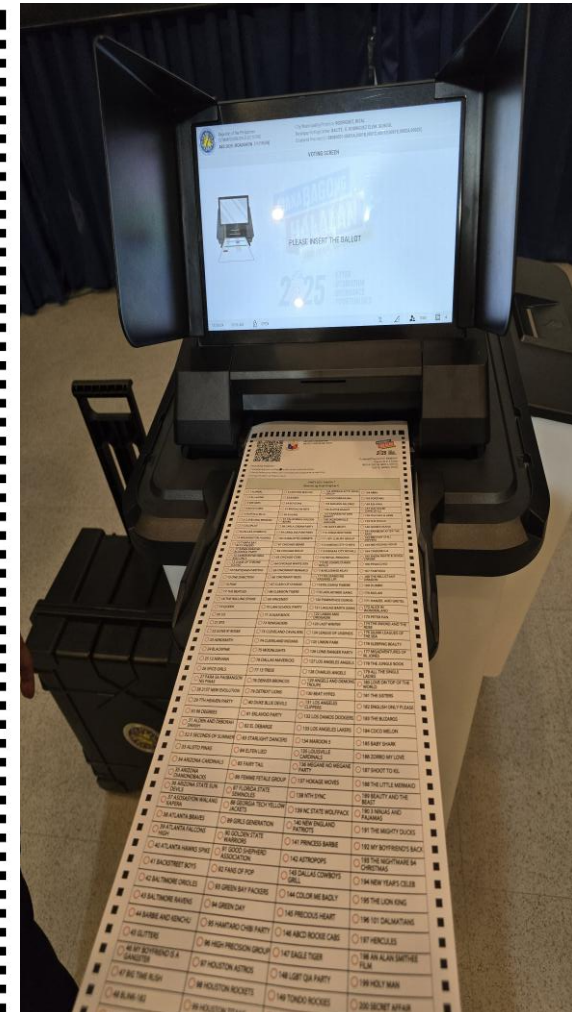
MAY 12, 2025 NATIONAL, LOCAL AND BARMM PARLIAMENTARY ELECTIONS
ALANGILAN, CITY OF BACOLOD, NEGROS OCCIDENTAL

Clustered Precinct ID: 45010091
Precincts in Cluster: 0302A, 0302B, 0302C, 0305A, 0305B

PARAAN NG PAGBOTO
1. Markahan ang tolo ng biling satabi ng nais ibotong kandidato.
2. Gamitin lamang ang marking pen na ibinigay para sa pagmarka ng mga biling.
3. Huwag markahan ng higit sa isang biling.

PARTY LIST / Vote for 1
(Bumoto ng hindi hihigit sa 1)

<input type="radio"/> 1 4PS	<input type="radio"/> 40 BABAE AKO	<input type="radio"/> 80 BOSES PARTY-LIST	<input type="radio"/> 119 COOP NATCCO
<input type="radio"/> 2 PPP	<input type="radio"/> 41 ARISE	<input type="radio"/> 81 ARANGKADA FILIPINO	<input type="radio"/> 120 KABAYAN
<input type="radio"/> 3 FPJ PANDAY BAYANIHAN	<input type="radio"/> 42 MAGDALO	<input type="radio"/> 82 AANGAT TAYO	<input type="radio"/> 121 1MUNTI
<input type="radio"/> 4 KABATAAN	<input type="radio"/> 43 APEC	<input type="radio"/> 83 OFW	<input type="radio"/> 122 PINOY WORKERS
<input type="radio"/> 5 OUTERTE YOUTH	<input type="radio"/> 44 MAGBUBUKID	<input type="radio"/> 84 BIDA KATAGUMPAY	<input type="radio"/> 123 API PARTY
<input type="radio"/> 6 ML	<input type="radio"/> 45 SSS-GSIS PENSYONADO	<input type="radio"/> 85 KAMANGGAGAWA	<input type="radio"/> 124 AKO BISAYA
<input type="radio"/> 7 PBBM	<input type="radio"/> 46 GABRIELA	<input type="radio"/> 86 BFF	<input type="radio"/> 125 KAMALAYAN
<input type="radio"/> 8 P3PWD	<input type="radio"/> 47 TINGOG	<input type="radio"/> 87 BUNYOG	<input type="radio"/> 126 AKO TANOD
<input type="radio"/> 9 MURANG KURYENTE	<input type="radio"/> 48 APAT-DAPAT	<input type="radio"/> 88 AGRI	<input type="radio"/> 127 PROBINSYANO AKO
<input type="radio"/> 10 BICOL SARO	<input type="radio"/> 49 AHON MAHIRAP	<input type="radio"/> 89 SENIOR CITIZENS	<input type="radio"/> 128 KABABAHIAN
<input type="radio"/> 11 IPATUPAD	<input type="radio"/> 50 UGB	<input type="radio"/> 90 4K	<input type="radio"/> 129 RAM
<input type="radio"/> 12 PATROL	<input type="radio"/> 51 AKBAYAN	<input type="radio"/> 91 PBP	<input type="radio"/> 130 ALONA
<input type="radio"/> 13 JUAN PINOY	<input type="radio"/> 52 AGIMAT	<input type="radio"/> 92 ONE COOP	<input type="radio"/> 131 AKO BICOL
<input type="radio"/> 14 ARTE	<input type="radio"/> 53 PHILRECA	<input type="radio"/> 93 CIBAC	<input type="radio"/> 132 GP GALING SA PUSO
<input type="radio"/> 15 WFI	<input type="radio"/> 54 KAPUSO PM	<input type="radio"/> 94 BHT-BAGONG HENERASYON	<input type="radio"/> 133 KAUNLAD PINOY
<input type="radio"/> 16 MAAGAP	<input type="radio"/> 55 ILOCANO DEFENDERS	<input type="radio"/> 95 LAGILA	<input type="radio"/> 134 ABP
<input type="radio"/> 17 UNITED SENIOR CITIZENS	<input type="radio"/> 56 1-RIDER PARTY-LIST	<input type="radio"/> 96 EDUAKSYON	<input type="radio"/> 135 CWS
<input type="radio"/> 18 EPANAW SAMBAYANAN	<input type="radio"/> 57 TICTOK	<input type="radio"/> 97 ANG TINIG NG SENIORS	<input type="radio"/> 136 LPQMA
<input type="radio"/> 19 AKO PADAYON	<input type="radio"/> 58 BAYAN MUNA	<input type="radio"/> 98 BG PARTY-LIST	<input type="radio"/> 137 A TEACHER
<input type="radio"/> 20 TUCP	<input type="radio"/> 59 ANG PROBINSYANO	<input type="radio"/> 99 PINOY AKO	<input type="radio"/> 138 SWERTE
<input type="radio"/> 21 ACT TEACHERS	<input type="radio"/> 60 ANAT	<input type="radio"/> 100 H.E.L.P. PILIPINAS	<input type="radio"/> 139 GABAY
<input type="radio"/> 22 IPACHAN	<input type="radio"/> 61 BANAT	<input type="radio"/> 101 HEALTH WORKERS	<input type="radio"/> 140 MALASAKIT (BAYANIHAN)
<input type="radio"/> 23 TGP	<input type="radio"/> 62 SBP	<input type="radio"/> 102 PEOPLE'S CHAMP	<input type="radio"/> 141 AKAY NI SOL
<input type="radio"/> 24 DUMPER PTDA	<input type="radio"/> 63 BUHAY	<input type="radio"/> 103 AA-KASOSYO PARTY	<input type="radio"/> 142 LUNAS
<input type="radio"/> 25 ANAKALUSUGAN	<input type="radio"/> 64 TULUNGAN TAYO	<input type="radio"/> 104 SOLID NORTH PARTY	<input type="radio"/> 143 DIWA
<input type="radio"/> 26 AKSYON DAPAT	<input type="radio"/> 65 SAGIP	<input type="radio"/> 105 ABAMIN	<input type="radio"/> 144 PINUNO
<input type="radio"/> 27 BHW	<input type="radio"/> 66 BTS BAYANING TSUPER	<input type="radio"/> 106 TRABAHU	<input type="radio"/> 145 PAMILYA MUNA
<input type="radio"/> 28 SULONG DIGNIDAD	<input type="radio"/> 67 VENDORS	<input type="radio"/> 107 ANGKASANGGA	<input type="radio"/> 146 BAGONG PILIPINAS
<input type="radio"/> 29 BATANG QUIAPO	<input type="radio"/> 68 ACT-CIS	<input type="radio"/> 108 TODA AKSYON	<input type="radio"/> 147 HUGPONG FEDERAL
<input type="radio"/> 30 PBA	<input type="radio"/> 69 AKTIBONG KAAGAPAY	<input type="radio"/> 109 TURISMO	<input type="radio"/> 148 TUPAD
<input type="radio"/> 31 GILAS	<input type="radio"/> 70 ASENSO PINOY	<input type="radio"/> 110 ABONG	<input type="radio"/> 149 LAANG KAWAL
<input type="radio"/> 32 AKO ILOKANO AKO	<input type="radio"/> 71 SOLO PARENTS	<input type="radio"/> 111 ASAP NA	<input type="radio"/> 150 PAMILYA KO
<input type="radio"/> 33 PAMILYANG MAGSASAKA	<input type="radio"/> 72 ANG KOMADRONA	<input type="radio"/> 112 LINAP	<input type="radio"/> 151 BBM
<input type="radio"/> 34 CLICK PARTY	<input type="radio"/> 73 PHOMDI	<input type="radio"/> 113 UNITED FRONTLINERS	<input type="radio"/> 152 HEAL PH
<input type="radio"/> 35 ABANTE BISDAK	<input type="radio"/> 74 PUSONG PINOY	<input type="radio"/> 114 KASAMBAYAN	<input type="radio"/> 153 ABANG LINGKOD
<input type="radio"/> 36 MANILA TEACHERS	<input type="radio"/> 75 KUSUG TAUSUG	<input type="radio"/> 115 TUTOK TO WIN	<input type="radio"/> 154 MAGSASAKA
<input type="radio"/> 37 PAMANA	<input type="radio"/> 76 DAMAYANG FILIPINO	<input type="radio"/> 116 AKO OFW	<input type="radio"/> 155 MAHARILKA
<input type="radio"/> 38 NANAY	<input type="radio"/> 77 MPBL	<input type="radio"/> 117 AGAP	<input type="radio"/> 156 USWAG ILONGGO
<input type="radio"/> 39 NANAY	<input type="radio"/> 78 ANGAT	<input type="radio"/> 118 ITAHANAN	
<input type="radio"/> 40 NANAY	<input type="radio"/> 79 KALINGA		



19. Voting

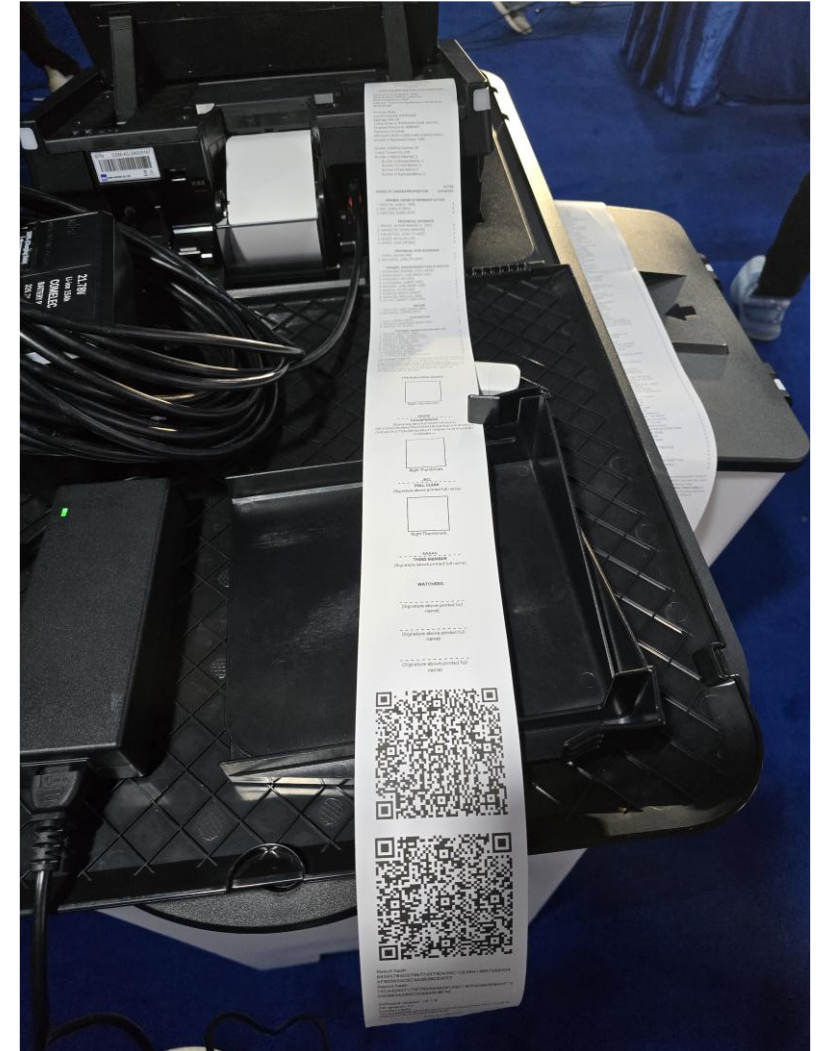
The Automated Counting Machine:

- 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.

 www.albertocagra.com

 09175353823

 alberto agra

 attyagra

 alberto.c.agra@gmail.com

Thank you.



<http://ballotunboxed.com/subscribe>

