



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

RULES OF PROCEDURE ON THE FILING OF: (1) PETITION TO DENY DUE COURSE TO OR CANCEL CERTIFICATE OF CANDIDACY; (2) PETITION TO DECLARE A NUISANCE CANDIDATE; AND (3) PETITION FOR DISQUALIFICATION IN CONNECTION WITH THE 2025 NATIONAL AND LOCAL ELECTIONS INCLUDING THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO PARLIAMENTARY ELECTIONS.

GARCIA, George Erwin M.	Chairperson
INTING, Socorro B.	Commissioner
CASQUEJO, Marlon S.	Commissioner
FEROLINO, Aimee P.	Commissioner
BULAY, Rey E.	Commissioner
MACEDA, Ernesto P., Jr.	Commissioner
CELIS, Nelson J.	Commissioner

x-----x Promulgated: August 28, 2024

RESOLUTION NO. 11046

WHEREAS, COMELEC Resolution No. 10722,¹ as amended by Resolution No. 10723,² enacted the guidelines in the conduct of preliminary conference proceedings in the disposition of special action cases;

WHEREAS, in adherence with the Commission on Election's commitment to promptly resolve cases, the Commission promulgated Resolution Nos. 9523,³ 10673,⁴ and 10961⁵ which laid down the rules governing the filing of petitions for denial of due course to or cancellation of certificate of candidacy, disqualification, and declaration as nuisance candidates for the 12 May 2025 National and Local Elections (NLE) and Bangsamoro Autonomous Region in Muslim Mindanao Parliamentary Elections (BARMM-PE);

¹ In the Matter of the Guidelines in the Conduct of Preliminary Conference Proceedings, Clarifying Resolutions No. 9523 and 10673, 06 October 2021.

² In the Matter of Special Action Cases Motu Proprio filed Against Nuisance Presidential, Vice-Presidential, and Senatorial Candidates, Further Clarifying Resolutions No. 9523, 10673, and 10722, 12 October 2021.

³ In the Matter of the Amendment to Rules 23, 24 and 25 of the COMELEC Rules of Procedure for Purposes of the 13 May 2013 National, Local and ARMM Elections and Subsequent Elections, 25 September 2012.

⁴ In Re: Guidelines on Electronic Filing, Conduct of Hearings/ Investigations/ Inquiries *via* Video Conference and Service, 25 June 2020.

⁵ In the Matter of the Amendment of the Manner and Schedule of Filing of Pleadings Pursuant to COMELEC Resolution No. 10673 Entitled: Guidelines on Electronic Filing, Conduct of Hearings/ Investigations/ Inquiries *via* Video Conference and Service, 20 December 2023.

WHEREAS, leaning towards a vibrant Philippine democracy, the Commission on Elections undertakes to simplify the rules and guidelines on the resolution of special action cases;

WHEREAS, the Commission anticipates that sheer volume of Petitions to Deny Due Course to or Cancel Certificates of Candidacy, Petitions to Declare Nuisance Candidates, and Petitions for Disqualification, will be filed relative to the 2025 NLE and BARMM-PE;

NOW, THEREFORE, the Commission, by virtue of the powers vested in it by Section 3, Article IX-C of the 1987 Constitution,⁶ the Omnibus Election Code,⁷ Republic Act No. 6646,⁸ and other election laws, **RESOLVED**, as it hereby **RESOLVES** to promulgate the following Rules of Procedure for the purpose of the 2025 NLE and BARMM-PE:

Section 1. Grounds.

a. *Denial or Cancellation of Certificate of Candidacy.* - A verified Petition to Deny Due Course to or Cancel a Certificate of Candidacy for any elective office may be filed by any registered voter or a duly registered political party, organization, or coalition of political parties, on the exclusive ground that any deliberate and material representation contained in the Certificate of Candidacy (COC) as required by law is false.

b. *Declaration of a Candidate as a Nuisance Candidate.* - A verified Petition to Declare any candidate as a Nuisance Candidate may be filed by the Commission or any candidate for the same position, on any of the following grounds:

1. The COC has been filed to put the election process in mockery or disrepute;
2. The COC causes confusion among voters by the similarity of the names of the registered candidates; and
3. By other acts or circumstances which clearly demonstrate that the candidate has no *bona fide* intention to run for the office for which the COC has been filed and thus prevent the faithful determination of the true will of the electorate.

⁶ SECTION 3. The Commission on Elections may sit *en banc* or in two divisions, and shall promulgate its rules of procedure in order to expedite disposition of election cases, including pre-proclamation controversies. All such election cases shall be heard and decided in division, provided that motions for reconsideration of decisions shall be decided by the Commission *en banc*. (Emphasis Supplied.)

⁷ Batas Pambansa Blg. 881, approved on 03 December 1985.

⁸ An Act Introducing Additional Reforms in the Electoral System and for Other Purposes, also known as "The Electoral Reforms Law of 1987", approved on 05 January 1988.

A Petition to Declare a Candidate a Nuisance Candidate invoking grounds for a Petition to Deny Due Course to or Cancel COC, or grounds for Disqualification, or combining grounds for a separate remedy, shall be summarily dismissed.

c. Disqualification of Candidates. - A registered voter or a duly registered political party, organization or coalition of political parties may file a verified Petition for Disqualification against any candidate for any of the following grounds:

1. For lack of qualifications or possessing any of the grounds for disqualification provided by law or the Constitution;
2. For failure to file Statement of Contributions and Expenditures (SOCE) for two elections pursuant to Section 14 of Republic Act No. 7166;⁹ and
3. In an action or protest in which he or she is a party, for having been declared by final decision of a competent court, guilty of, or found by the Commission of, having:
 - i. Given money or material consideration to influence, induce to corrupt voters or public officials performing electoral functions;
 - ii. Committed acts of terrorism to enhance his or her candidacy;
 - iii. Spent in his or her election campaign an amount in excess of that allowed by law;

⁹ **Sec. 14. Statement of Contributions and Expenditures; Effect of Failure to File Statement.** - Every candidate and treasurer of the political party shall, within thirty (30) days after the day of the election, file in duplicate with the offices of the Commission the full, true and itemized statement of all contributions and expenditures in connection with the election. No person elected to any public offices shall enter upon the duties of his office until he has filed the statement of contributions and expenditures herein required. The same prohibition shall apply if the political party which nominated the winning candidate fails to file the statement required herein within the period prescribed by this Act.

Except candidates for elective barangay office, failure to file the statements or reports in connection with electoral contributions and expenditures are required herein shall constitute an administrative offense for which the offenders shall be liable to pay an administrative fine ranging from One thousand pesos (P1,000.00) to Thirty thousand pesos (P30,000.00), in the discretion of the Commission.

The fine shall be paid within thirty (30) days from receipt of notice of such failure; otherwise, it shall be enforceable by a writ of execution issued by the Commission against the properties of the offender.

It shall be the duty of every city or municipal election registrar to advise in writing, by personal delivery or registered mail, within five (5) days from the date of election all candidates residing in his jurisdiction to comply with their obligation to file their statements of contributions and expenditures.

For the commission of a second or subsequent offense under this section, the administrative fine shall be from Two thousand pesos (P2,000.00) to Sixty thousand pesos (P60,000.00), in the discretion of the Commission. **In addition, the offender shall be subject to perpetual disqualification to hold public office. (Emphasis Supplied.)**

iv. Solicited, received, or made any contribution prohibited under Sections 89,¹⁰ 95,¹¹ 96,¹² 97,¹³ and 104¹⁴ of the Omnibus Election Code;

¹⁰ **Sec. 89. 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.

¹¹ **Sec. 95. Prohibited contributions.** - No contribution for purposes of partisan political activity shall be made directly or indirectly by any of the following:

- a. Public or private financial institutions: Provided, however, that nothing herein shall prevent the making of any loan to a candidate or political party by any such public or private financial institutions legally in the business of lending money, and that the loan is made in accordance with laws and regulations and in the ordinary course of business;
- b. Natural and juridical persons operating a public utility or in possession of or exploiting any natural resources of the nation;
- c. Natural and juridical persons who hold contracts or sub-contracts to supply the government or any of its divisions, subdivisions, or instrumentalities, with goods or services or to perform construction or other works;
- d. Natural and juridical persons who have been granted franchises, incentives, exemptions, allocations or similar privileges or concessions by the government or any of its divisions, subdivisions, or instrumentalities, including government-owned or controlled corporations;
- e. Natural and juridical persons who, within one year prior to the date of the election, have been granted loans or other accommodations in excess of P100,000 by the government or any of its divisions, subdivisions or instrumentalities including government-owned or controlled corporations;
- f. Educational institutions which have received grants of public funds amounting to no less than P100,000.00;
- g. Officials or employees in the Civil Service, or members of the Armed Forces of the Philippines; and
- h. Foreigners and foreign corporations.

It shall be unlawful for any person to solicit or receive any contribution from any of the persons or entities enumerated herein.

¹² **Sec. 96. Soliciting or receiving contributions from foreign sources.** - It shall be unlawful for any person, including a political party or public or private entity to solicit or receive, directly or indirectly, any aid or contribution of whatever form or nature from any foreign national, government or entity for the purposes of influencing the results of the election.

¹³ **Sec. 97. 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; 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.

¹⁴ **Sec. 104. 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, 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: 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.

- v. Violated any of Sections 80,¹⁵ 83,¹⁶ 85,¹⁷ 86,¹⁸ and 261¹⁹ paragraphs d, e, k, v, and cc sub-paragraph 6 of the Omnibus Election Code;

¹⁵ **Sec. 80. Election campaign or partisan political activity outside campaign period.** - It shall be unlawful for any person, whether or not a voter or candidate, or for any party, or association of persons, to engage in an election campaign or partisan political activity except during the campaign period: Provided, that political parties may hold political conventions or meetings to nominate their official candidates within thirty days before the commencement of the campaign period and forty-five days for Presidential and Vice-Presidential election.

¹⁶ **Sec. 83. Removal, destruction, or defacement of lawful election propaganda prohibited.** - It shall be unlawful for any person during the campaign period to remove, destroy, obliterate, or in any manner deface or tamper with, or prevent the distribution of lawful election propaganda.

¹⁷ **Sec. 85. Prohibited forms of election propaganda.** - It shall be unlawful:

- a. To print, publish, post or distribute any poster, pamphlet, circular, handbill, or printed matter urging voters to vote for or against any candidate unless they bear the names and addresses of the printer and payor as required in Section 84 hereof
- b. To erect, put up, make use of, attach, float or display any billboard, tinplate-poster, balloons and the like, of whatever size, shape, form or kind, advertising for or against any candidate or political party;
- c. To purchase, manufacture, request, distribute or accept electoral propaganda gadgets, such as pens, lighters, fans of whatever nature, flashlights, athletic goods or materials, wallets, shirts, hats, bandanas, matches, cigarettes and the like, except that campaign supporters accompanying a candidate shall be allowed to wear hats and/or shirts or T-shirts advertising a candidate;
- d. To show or display publicly any advertisement or propaganda for or against any candidate by means of cinematography, audio-visual units or other screen projections except telecasts which may be allowed as hereinafter provided; and
- e. For any radio broadcasting or television station to sell or give free of charge air time for campaign and other political purposes except as authorized in this Code under the rules and regulations promulgated by the Commission pursuant thereto.

Any prohibited election propaganda gadget or advertisement shall be stopped, confiscated or torn down by the representative of the Commission upon specific authority of the Commission.

¹⁸ **Sec. 86. Regulation of election propaganda through mass media.** -

- a. The Commission shall promulgate rules and regulations regarding the sale of air time for partisan political purposes during the campaign period to insure the equal time as to duration and quality in available to all candidates for the same office or political parties at the same rates or given free of charge; that such rates are reasonable and not higher than those charged other buyers or users of air time for non-political purposes; that the provisions of this Code regarding the limitation of expenditures by candidates and political parties and contributions by private persons, entities and institutions are effectively enforced; and to ensure that said radio broadcasting and television stations shall not unduly allow the scheduling of any program or permit any sponsor to manifestly favor or oppose any candidate or political party by unduly or repeatedly referring to or including said candidate and/or political party in such program respecting, however, in all instances the right of said stations to broadcast accounts of significant or newsworthy events and views on matters of public interest.
- b. All contracts for advertising in any newspaper, magazine, periodical or any form of publication promoting or opposing the candidacy of any person for public office shall, before its implementation, be registered by said newspaper, magazine, periodical or publication with the Commission. In every case, it shall be signed by the candidate concerned or by the duly authorized representative of the political party.
- c. No franchise or permit to operate a radio or television station shall be granted or issued, suspended or cancelled during the election period.

Any radio or television stations, including that owned or controlled by the Government, shall give free of charge equal time and prominence to an accredited political party or its candidates if it gives free of charge air time to an accredited political party or its candidates for political purposes.

In all instances, the Commission shall supervise the use and employment of press, radio and television facilities so as to give candidates equal opportunities under equal circumstances to make known their qualifications and their stand on public issues within the limits set forth in this Code on election spending.

Rules and regulations promulgated by the Commission under and by authority of this section shall take effect on the seventh day after their publication in at least two daily newspapers of general circulation. Prior to the effectivity of said rules and regulations, no political advertisement or propaganda for or against any candidate or political party shall be published or broadcast through the mass media.

Violation of the rules and regulations of the Commission issued to implement this section shall be an election offense punishable under Section 264 hereof.

¹⁹ **Sec. 261. Prohibited Acts.** - The following shall be guilty of an election offense:

- d. 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.
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.
- e. 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.
 - k. Unlawful electioneering. - It is unlawful to solicit votes or undertake any propaganda on the day of registration before the board of election inspectors and on the day of election, for or against any candidate or any political party within the polling place and with a radius of thirty meters thereof.
 - v. 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 forty-five days before a regular election and thirty days before a special election, releases, disburses or expends any public funds for:
 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 forty-five-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 forty-five-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;
 - 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.

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.

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.

- vi. Acquired permanent residency or immigrant status in a foreign country, unless waiver of status as permanent resident or immigrant of a foreign country is made in accordance with the residence requirement provided for in election laws;
- vii. Violated any of Section 40 (a), (b), and (c) of the Local Government Code (LGC) of 1991;²⁰ or
- viii. Violated all other grounds under the LGC and the OEC.

Section 2. When to File Petition. -

- a. **Denial or Cancellation of Certificate of Candidacy.** - The petition must be filed not later than a non-extendible period of twenty-five (25) days from the time of filing of the COC subject of the petition.

In case of substitution of candidate by reason of death or incapacity, the Petition must be filed within five (5) days from the time the substitute candidate filed his COC.

- b. **Declaration of a Candidate as a Nuisance Candidate.** - The petition shall be filed within a non-extendible period of five (5) days from the last day of the filing of COC.

In case of substitution of candidate by reason of death or incapacity, the petition shall be filed within a non-extendible period of five (5) days from the time the substitute candidate filed a COC.

- c. **Disqualification of Candidates.** - The Petition shall be filed not later than the date of proclamation

For cases under Section 1.c.2, the Petition shall be filed at any time during office hours.

cc. On candidacy and campaign:

- 6. Any person who solicits votes or undertakes any propaganda, on the day of election, for or against any candidate or any political party within the polling place or within a radius of thirty meters thereof.

²⁰

Republic Act No. 7160, SECTION 40. Disqualifications.

The following persons are disqualified from running for any elective local position:

- (a) Those sentenced by final judgment for an offense involving moral turpitude or for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;
- (b) Those removed from office as a result of an administrative case;
- (c) Those convicted by final judgment for violating the oath of allegiance to the Republic;

Section 3. *Where to File Petition and Manner of Filing.* - The verified petition shall be filed personally or *via* electronic mail at the OCOC.

In case the petition is filed personally, the party shall submit four (4) hard copies of the petition with complete annexes, a Portable Document Format (PDF) thereof saved in a read-only flash drive, and proof of payment of the fees.

In case the petition is filed electronically in PDF, the party shall immediately send four (4) hard copies of the petition with complete annexes along with the payment of filing and legal research fees through the fastest means available, including personal filing, registered mail, or any courier services, before the afore-mentioned office.

Petitions filed not in accordance with these rules shall not be docketed or may be outrightly dismissed. However, the petitioner may re-file the petition in accordance with these Rules before the lapse of reglementary period provided for filing of the petition.

In cases of Petitions filed *motu proprio* by the Commission, either personal or E-mail filing is sufficient.

Section 4. *Procedures to be Observed.* - Both parties shall observe the following procedures:

1. The petitioner shall, before filing the Petition, furnish the respondent with a copy of the Petition with complete annexes, through personal service or *via* E-mail, to the physical address or E-mail address indicated in respondent's COC;
2. An electronic copy of Respondent's COC, downloaded from the official website of the Commission, is admissible in evidence if it complies with the rules on admissibility prescribed by the Rules of Court and related laws and is authenticated by the submission of an affidavit stating the circumstances thereof;
3. Any notice or document sent to the E-mail address provided in the COC shall be considered received by the candidate, and shall be binding on the candidate as if the notice or document had been personally served. The candidate shall be responsible for ensuring that the E-mail address or physical address provided in the COC is accurate and accessible at all times;
4. In cases where personal or electronic service is not feasible, or the respondent's whereabouts cannot be ascertained, the petitioner shall execute an affidavit stating the reason or circumstances

thereof and resort to service *via* registered mail or any courier services. The proof of service or affidavit stating the circumstances of the service shall be attached to the Petition;

5. The Petition shall contain the correct information as to the addresses, telephone numbers, and E-mail of both parties and counsel;
6. Upon receipt of the Petition, and the official receipt for the payment of filing fees of PhP 10,000.00 and legal research fee of PhP 100.00, the case shall be docketed accordingly and be prefixed as SPA (DC).

An additional payment of fees of the same amount shall be charged for every additional respondent.

For *motu proprio* cases filed by the Commission, there shall be no filing and legal research fees and be prefixed as SPA (DC)(MP) and SPA (DC)(CF);

6. The Petition shall be immediately raffled to a Division, provided that Petitions alleging perpetual disqualification from holding public office shall instead be referred to the Law Department of the Commission for proper administrative disposition. Thereafter, the OCOC shall verify compliance with the afore-mentioned requirements;
7. The Commission may summarily dismiss the Petition on any of the following grounds:
 - i. The Commission has no jurisdiction over the subject matter;
 - ii. The Petition is insufficient in form;
 - iii. The Petition was filed beyond the period prescribed by the rules;
 - iv. The filing fee and legal research fee were not paid within the reglementary period;
 - v. The Petition was not filed in the proper venue;
 - vi. The petitioner failed to duly serve the Petition with complete annexes to the respondent;
 - vii. The petitioner failed to submit proof of service of the Petition with complete annexes to the respondent or failed to execute an affidavit of service;

viii. The petitioner knowingly provides a false or incorrect E-mail for the respondent or uses a different E-mail address than that indicated in the latter's COC or in any way provides defective notice, such as failing to attach a copy of the Petition in the E-mail; and

ix. The parties failed to comply with the rules governing electronic filing and service of pleadings and other papers by the parties, except cases filed personally.

8. If the Petition is not summarily dismissed, the OCOC shall issue the corresponding Summons directly to the respondent or through the Office of the Election Officer (OEO) having jurisdiction over the party, *via* E-mail. Provided that if the Summons is served electronically to the field office, the concerned OEO shall personally serve a copy of the Summons, Petition, and Annexes to the respondent.

Within a non-extendible period of five (5) days from receipt of the E-mail, the field office concerned shall send an affidavit of service and acknowledgment receipt to the OCOC through E-mail;

9. Within a non-extendible period of five (5) days from receipt of summons, the respondent shall file his or her verified ANSWER CUM MEMORANDUM personally or *via* E-mail (clerkofthecommission@comelec.gov.ph) pursuant to Section 3 of these Rules. Respondent shall furnish the petitioner a copy thereof.

The failure of the respondent to file his or her verified Answer *cum* Memorandum within the reglementary period shall bar the respondent from submitting controverting evidence.

A motion to dismiss, reply, rejoinder and similar pleadings are prohibited and shall be considered mere scraps of paper. Nonetheless, the grounds for a motion to dismiss may be used as affirmative defenses.

Once the case is submitted for Resolution, no other pleadings seeking affirmative relief shall be allowed.

Further, there shall be no Motion for Reconsideration on any Interlocutory Orders; and

10. The case shall be deemed submitted for resolution upon the receipt of the respondent's Answer *cum* Memorandum or upon the expiration of the period to do so, whichever comes first.

The Commission may, at its discretion, set a clarificatory hearing, and order any other pleading to be filed for a period not exceeding three (3) days reckoned from the date of the hearing.

Section 5. Reception of Evidence. - In case the Division or the Commission *En Banc* sets a clarificatory hearing, the OCOC is hereby designated to receive evidence and conduct a comparison between the original and/or certified true copies and copies of documentary and real evidence.

Section 6. Promulgation. - The promulgation of a Resolution or Final Order of the Division or the Commission *En Banc* shall be made by filing or delivering a complete copy of the Resolution or Order with complete case records to the OCOC.

The OCOC shall, thereafter serve the Resolution or Final Order of the Division or Commission *En Banc* to all counsel, or parties if not represented by counsel, through their official E-mail addresses or personal service by the OEO.

The Division or the Commission *En Banc* may issue or promulgate Omnibus Resolutions or Final Orders, when necessary, for the prompt disposition of petitions.

Section 7. Period to Resolve. - The period to resolve shall be in accordance with Sections 7 and 8, Rule 18 of the COMELEC Rules of Procedure as amended by COMELEC Resolution No. 7808.²¹

Section 8. Motion for Reconsideration. - A motion to reconsider a Resolution or Final Order of a Division shall be filed within five (5) days from receipt thereof pursuant to Section 3 of these Rules, and upon the payment of filing fee in the amount of PhP 1,000.00. Such motion, if not *pro-forma*, suspends the execution for implementation of the Resolution or Final Order. The movant shall be required to furnish a copy of his or her motion for reconsideration to the adverse party prior to filing the same with the OCOC.

If the movant is not paying in cash through the Cash Division, he or she shall send a PDF copy of the Postal Money Order, Cashier's Check, or Manager's Check to the same E-mail thread within the reglementary period to file.

²¹ In the Matter of Amending Rule 3 Sections 4, 6, and 8; Rule 18 Sections 1 and 5; and Rule 38 Section 8 with Additional Sections of the 1993 COMELEC Rules of Procedure and Inserting a New Rule on Precedence and Protocol, promulgated on 16 January 2007.

Failure of the movant to pay the required filing fee and/ or research fee, or furnish the adverse party with a copy of the motion for reconsideration prior to the filing of the same, shall be a ground for the dismissal of the motion for reconsideration, after elevation to the Commission (*En Banc*).

The Clerk of the Commission shall immediately notify the Presiding Commissioner of the Division who shall certify the case to the Commission *En Banc*. The case shall be raffled for resolution to a member of the Commission *En Banc* without need of comment from the adverse party. If *pro forma*, the Motion for Reconsideration maybe denied.

Section 9. Finality -

A Resolution or Final Order is deemed final and executory if, in case of a Division ruling, no motion for reconsideration is filed within the reglementary period, or the motion for reconsideration is denied in accordance with the preceding paragraph, or in cases of rulings of the Commission *En Banc*, no restraining order is issued by the Supreme Court within five (5) days from receipt of the Resolution or Final Order.

Section 10. Granting of Petition - Effects. -

a. In the event a Petition to Deny Due Course to or Cancel Certificate of Candidacy is granted by final judgment, the person whose COC is cancelled or denied due course is never considered a candidate. Thus, the votes cast for the candidate whose COC has been cancelled or denied due course shall be deemed as stray votes.

Should the Petition be granted after the proclamation of the candidate whose COC has been denied due course or cancelled, the latter's proclamation shall be declared null and void and without any legal force and effect. The person obtaining the highest number of valid votes based on the Certificate of Canvass shall be proclaimed as the duly elected candidate.

There can be no valid substitution for a candidate whose COC has been cancelled or denied due course.

b. In case the candidate has been declared a nuisance candidate by final judgment, the votes cast for the nuisance candidate shall be added to the candidate who share the same name. Thereafter, the candidate who garnered the highest number of votes shall be proclaimed.

In cases where two or more candidates have the same names as the nuisance candidate, the votes cast shall be considered as stray votes and shall not be credited to any candidate.

In case the nuisance candidate does not have the same name as any candidate for the same position, the votes cast for the nuisance candidate shall be considered as stray votes.

In case of a multi-slot office, if the ballot contains one vote for the nuisance candidate and no vote for the *bona fide* candidate, the vote will be counted in the latter's favor. However, if the nuisance candidate and the *bona fide* candidate each gets one vote, only one vote will be counted in the latter's favor.

c. In the event a Petition to Disqualify a candidate is granted by final judgment and the disqualified candidate obtains the highest number of votes, the candidate with the second highest number of votes cannot be proclaimed and the rule of succession, if allowed, shall be observed.

In case the rules of succession shall not apply, a vacancy shall exist for such position.

Section 11. *Petition if Unresolved Before Completion of Canvass - Effects.* - If a Petition to Deny Due Course to or Cancel a Certificate of Candidacy or Disqualification or Declaration of Nuisance Candidate is unresolved by final judgment on the day of the elections, and the grounds thereto are strong, the petitioner may file a motion with the Division or Commission En Banc where the case is pending, to suspend the proclamation of the candidate concerned.

The Division or the Commission *En Banc, motu proprio*, may suspend the proclamation of the winning candidate who is the respondent in the Petition, provided, that the evidence is strong.

Section 12. *Applicability.* - The herein rules of procedure shall apply to all Petitions to Deny Due Course to or Cancel Certificates of Candidacy, Petitions to Declare Nuisance Candidates, and Petitions for Disqualification tagged as SPA cases and filed relative to the 2025 NLE and BARMM-PE.


Section 13. *Amendment Clause.* - All rules and regulations inconsistent with the provisions of this Resolution are hereby amended accordingly.

Section 14. Effectivity. - This Resolution shall take effect immediately upon its publication. The Education and Information Department (EID) is hereby directed to cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines. The Information and Technology Department (ITD) is likewise directed to publish the same in the official COMELEC website (www.comelec.gov.ph).

Let the Office of the Clerk of the Commission implement this Resolution.

SO ORDERED.


GEORGE ERWIN M. GARCIA
C000047815
 Chairman


SOCORRO B. INTING
 Commissioner


MARLON S. CASQUEJO
 Commissioner


AIMEE P. FEROLINO
 Commissioner


REY E. BULAY
 Commissioner


ERNESTO FERDINAND P. MACEDA, JR.
 Commissioner


NELSON J. CELIS
 Commissioner

CERTIFICATION

APPROVED for publication, August 28, 2024.


CONSUELO B. DIOLA
 Director IV

Office of the Commission Secretary

This Resolution can be verified at this number (02) 8527 2987; e-mail address comsec@comelec.gov.ph