



ANNEX "D"

Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

Complainant,

- versus -

For: Violation of Section 261 (j)
of the Omnibus Election Code
(*Undue Influence*)

Respondent.

x-----x

COMPLAINT

I _____, herein Complainant, is of legal age and a resident of _____, after having been sworn to in accordance with law depose and states that:

1. Respondent _____, is of legal age and a resident of _____;
(narration of detailed information of the respondent. Respondent may be an association, corporation or community)

2. Respondent _____, is of legal age and a resident of _____. Respondent is a candidate for the position of _____ in connection with the _____ Elections;

3. On _____ Respondent/s committed undue influence in violation of Section 261 (j) of the Omnibus Elections Code (OEC), as follows:

(narration of detailed circumstances of the allegation/complaint, with reference to evidence with assigned Annexes. The narration of facts shall be based on personal knowledge / acts which are personally witnessed by Complainant/s.)

The _____
is/are hereto attached as Annex "A". *(title or description of referred evidence)*

4. Section 261 (j) of the OEC reads:

Section 261. Prohibited acts. The following shall be guilty of an election offense:

(j) Undue influence. - It is unlawful for any person to promise any office or employment, public or private, or to make or offer to make an expenditure, directly or indirectly, or to cause an expenditure to be made to any person, association, corporation or entity, which may induce anyone or the public in general either to vote or withhold his vote, or to vote for or against any candidate in any election or any aspirant for the nomination or selection of an official candidate in a convention of a political party. It is likewise unlawful for any person, association, corporation or community, to solicit or receive, directly or indirectly, any expenditure or promise or any office, or employment, public or private, for any of the foregoing considerations.

5. The elements of the offense of undue influence are as follows: That -

- a. The offender is any person, association, corporation or community;
- b. The offender:
 - i. Promises any office or employment in the public or private;
 - ii. Makes or offers to make an expenditure, directly or indirectly;
 - iii. Causes an expenditure to be made to any person, association, corporation or entity;
 - iv. Solicits or receives, directly or indirectly, any expenditure or promise of any office or employment, public or private. Offender in this case may include an association, corporation or community.

c. The act was done in order to induce anyone or the public in general either to vote or withhold his / her vote, or to vote for or against any candidate in any election or any aspirant for the nomination or selection of an official candidate in a convention of a political party.

6. Clearly, when Respondent/s committed the act of _____, it is evident that all the elements of the offense of undue influence are present;

7. Verily, prescinding from the foregoing, the acts of Respondent/s who is a / are government employees, are also considered abuse of state resources in elections as government manpower and resources are used for partisan political activity. Respondent/s, indirectly used his / her position and official power to induce, influence and manipulate the voters and ultimately undermines the electoral system which is detrimental to democratic governance; *(applies in case the Respondent is a government official/ employee.)*

Verily, such willful and unlawful act of inducing, influencing and manipulating the voters undermines the electoral system which is detrimental to democratic governance

8. Therefore, in view of the foregoing, I am executing this Complaint to attest to the truth of the facts stated herein and for purposes of filing an election offense case against the Respondent/s for violation of Section 261 (j) of the OEC.

IN WITNESS WHEREOF, I hereunto affix my signature this _____ at _____.

Name and Signature of Complainant
(Address and Contact Details)

SUBSCRIBED AND SWORN TO before me, this _____
at _____, Affiant exhibiting to me an identification
document/card which contains a photograph and signature bearing No.
_____, issued by _____.

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of _____.