



ANNEX "F"

Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

Complainant,

- versus -

For: Violation of Section 261 (v)
of the Omnibus Election Code
*(Prohibition Against Release,
Disbursement or Expenditure of
Public Funds)*

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.)

2. On _____, Respondent/s unlawfully released, disbursed and spent public funds in violation of Section 261 (v) 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)

3. Section 261 (v) of the OEC reads:

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

(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 "paquia" 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.

4. For purposes of the _____
Elections, the release, disbursement or expenditure of public funds for all kinds of public works and social services projects and programs, shall be prohibited from _____ to _____;
_____;

5. Clearly, when Respondent/s committed the act of _____, it is evident that all the elements of the offense under Section 261 (v) are present, particularly that public funds were released, disbursed and spent during the election ban on _____, for the construction of the said public work project. Said project is not included in the

enumeration of excepted public works under the said law; *(For Public Works.)*

Clearly, when Respondent/s committed the act of _____, it is evident that all the elements of the offense under Section 261 (v) are present, particularly that public funds were released, disbursed and spent during the election ban on _____, for the implementation of the social services projects and programs of _____. The act of _____, falls under the prohibition of the law; *(For Infrastructure Works/social services)*

6. The COMELEC has not issued any Certificate of Exemption for the release, disbursement and expenditure of public funds for the implementation of the said social services projects and programs of _____; *(For Infrastructure Works/social services)*

7. Such willful and unlawful release, disbursement and expenditure of public funds are considered abuse of state resources in elections that 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 (v) 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 _____.