



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

IN THE MATTER OF
EXPANDING THE POWERS
AND FUNCTIONS OF THE
COMMITTEE ON KONTRA
BIGAY AND TO INTEGRATE
GUIDELINES AGAINST
ABUSE OF STATE
RESOURCES IN THE
CONDUCT OF ELECTIONS
IN CONNECTION WITH THE
MAY 12, 2025 NATIONAL
AND LOCAL ELECTIONS
(NLE) AND BARMM
PARLIAMENTARY
ELECTIONS (BPE) AND
SUBSEQUENT NLE AND BPE

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Promulgated: January 28, 2025

RESOLUTION NO. 11104

WHEREAS, Comelec Resolution No. 10946 entitled, "*Creation of the Committee on Kontra Bigay, Establishment of Kontra Bigay Complaint Center and Rules and Regulations in Connection with the Disqualification of Candidates for Vote-Buying under Section 68 of the Omnibus Election Code and Prosecution of Vote-Buying and Vote-Selling as an Election Offense under Section 261 (a) of the Same Code*", was promulgated on August 30, 2023, which created the Committee on Kontra Bigay (CKB) and instituted the Whole-of-Nation approach to combat vote-buying and vote-selling;

WHEREAS, the following provisions of the Omnibus Election Code (OEC) proscribe abuse of state resources (ASR) in the conduct of elections:

"(i) Intervention of public officers and employees. – Any officer or employee in the civil service, except those holding political offices; any officer, employee, or member or the Armed Forces of the Philippines, or any

police force, special forces, home defense forces, barangay self-defense units and all other para-military units that now exist or which may hereafter be organized who, directly or indirectly, intervenes in any election campaign or engages in any partisan political activity, except to vote or to preserve public order, if he is a peace officer.

(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

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(o) Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign. - Any person who uses under any guise whatsoever, directly or indirectly, (1) public funds or money deposited with, or held in trust by, public financing institutions or by government offices, banks, or agencies; (2) any printing press, radio, or television station or audio-visual equipment operated by the Government or by its divisions, sub-divisions, agencies or instrumentalities, including government-owned or controlled corporations, or by the Armed Forces of the Philippines; or (3) any equipment, vehicle, facility, apparatus, or paraphernalia owned by the government or by its political subdivisions, agencies including government-owned or controlled

corporations, or by the Armed Forces of the Philippines for any election campaign or for any partisan political activity.

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(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.

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(w) Prohibition against construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices. - During the period of forty-five days preceding a regular election and thirty days before a special election, any person who (a) undertakes the construction of any public works, except for projects or works exempted in the preceding paragraph; or (b) issues, uses or avails of treasury warrants or any device undertaking future delivery of money, goods or other things of value chargeable against public funds.

WHEREAS, the misuse of government property, funds and manpower by government officials for partisan political activity and their undue use of official powers to gain electoral advantage in their favor or their political parties or relatives who are candidates for elective office, obstruct the electoral process and conduct of free, honest, genuine and credible elections;

WHEREAS, those most affected by this scheme of abuse of government resources in elections are the highly vulnerable groups who are forced to surrender their right to suffrage in exchange for access to government services and subsidies;

WHEREAS, consistent with the constitutional mandate of the Commission to enforce and administer all laws and regulations relative to the conduct of an election, there is a need to provide guidelines against ASR in elections so as not to undermine the citizen's fundamental right to suffrage, and to ensure that governance should always be non-partisan, and should never be instrumentalized for political purposes;

NOW THEREFORE, the Commission on Elections, by virtue of the powers vested in it by the Constitution, OEC, RA No. 6646 and other election-related laws, has **RESOLVED** to expand the powers and functions

of the Committee on *Kontra Bigay* and providing guidelines against ASR in the conduct of elections.

ARTICLE I
COMPOSITION OF THE COMMITTEE ON KONTRA BIGAY
AND ITS EXPANDED POWERS AND FUNCTIONS

SECTION 1. *Expanded Powers and Functions of the Committee on Kontra Bigay.* - The Commission hereby expands the powers and functions of the CKB to effectively enforce all policies of the Commission against vote-buying and vote-selling, and ASR in elections, through a comprehensive whole-of-nation approach.

The Committee shall be assisted by the local committee in every region, province, city/ municipal, to be known as the Regional, Provincial and City/Municipal CKB.

SECTION 2. *Composition and Organizational Structure of the Committee on Kontra Bigay.* - The CKB shall be composed of the following:

- a. Commissioner-in-Charge, as *Chairperson*
- b. Executive Director as *Vice-Chairperson*
- c. Deputy Executive Director for Operations (DEDO), Law Department, Education and Information Department (EID), Finance Services Department (FSD), Election and Barangay Affairs Department (EBAD) as *Members*
- d. Other members composed of the following national government agencies, civic organizations and election stakeholders, *to wit:*
 - i. Department of Justice (DOJ)
 - ii. Department of the Interior and Local Government (DILG)
 - iii. Department of Education (DepEd)
 - iv. Department of Information and Communications Technology (DICT)
 - v. Cybercrime Investigation and Coordinating Center (CICC)
 - vi. Philippine Information Agency (PIA)
 - vii. Armed Forces of the Philippines (AFP)
 - viii. Philippine National Police (PNP)
 - ix. National Bureau of Investigation (NBI)
 - x. Bangko Sentral ng Pilipinas (BSP)
 - xi. Commission on Audit (COA)

- xii. Civil Service Commission (CSC)
- xiii. Department of Social and Welfare and Development (DSWD)
- xiv. Anti-Money Laundering Council (AMLC)
- xv. Public Attorney's Office (PAO)
- xvi. Integrated Bar of the Philippines (IBP)
- xvii. Philippine Association of Law Schools (PALS)
- xviii. Accredited Citizens' Arms of the Commission and
- xix. Other government agencies and election stakeholders as may be deputized by the Commission.

The members shall render the necessary support and assistance, pre-election, election day and post-election, in accordance with their respective mandates.

The Committee shall be assisted by a Secretariat composed of personnel of the Commission as may be designated by the Vice-Chairperson.

SECTION 3. *Composition of the Regional Committee on Kontra Bigay.* - The Regional CKB (RCKB) shall be composed of the following members:

- a. Regional Election Director (RED)
- b. Regional Official of the DepEd
- c. Regional Director of DSWD
- d. Regional Director of COA
- e. Regional Director of CSC
- f. Regional Director of the PNP
- g. Division or Brigade Commander with the highest rank designated by the AFP
- h. Regional Director of the NBI
- i. Regional Prosecutor
- j. Representative, Regional Chapter of Citizens' Arms of the Commission.

SECTION 4. *Composition of the Provincial Committee on Kontra Bigay.* - The Provincial CKB (PCKB) shall be composed of the following members:

- a. Provincial Election Supervisor (PES)
- b. Highest-ranking provincial official of the DepEd

- c. Highest-ranking provincial official of the DSWD
- d. Highest-ranking provincial official of the COA
- e. Highest-ranking provincial official of the CSC
- f. Provincial Director of the PNP
- g. Battalion Commander of the highest-ranking officer in the area as may be designated by the AFP
- h. Provincial Head of the NBI
- i. Provincial Prosecutor
- j. Representative, Provincial Chapter of Citizens' Arms of the Commission.

SECTION 5. *Composition of the City/Municipal Committee on Kontra Bigay.* - The City or Municipal CKB (C/MCKB) shall be composed of the following members:

- a. Election Officer (EO)
- b. Highest-ranking city / municipal official of the DepEd
- c. Highest-ranking city/municipal official of the DSWD
- d. Highest-ranking city/municipal official of the COA
- e. Highest-ranking city/municipal official of the CSC
- f. PNP Chief of Police
- g. Highest-ranking officer in the area as may be designated by the AFP
- h. City Prosecutor / Provincial Prosecutor for MCKB
- i. Representative, Regional or Local Chapter of Citizens' Arms of the Commission.

SECTION 6. *Expanded Powers and Functions of the Committee on Kontra Bigay.* - The CKB shall have the following powers and functions:
To -

- a. Formulate, in coordination with the government agency members, civil society organizations, accredited citizens' arms and other stakeholders, a framework to deter and prosecute vote-buying and vote-selling, and ASR as defined herein;
- b. Recommend to the Commission *En Banc* the deputation of government agencies, instrumentalities and partnership with other civic society stakeholders for the purpose of adopting a comprehensive approach of preventing vote-buying and vote-selling, and ASR in elections;

- c. Ensure inter-agency and multi-stakeholder convergence in the implementation of these Rules, including in the regional, provincial, city and municipal levels;
- d. Encourage private sectors, civic society organizations and other stakeholders to participate in the implementation of these Rules, and in the programs and activities of the CKB against vote-buying and vote-selling, and ASR in elections;
- e. Whenever necessary, issue supplemental guidelines, protocols or policies in furtherance of these Rules, evaluate and modify existing policies, or define and recommend to the Commission *En Banc*, the enhancement of policies against vote-buying and vote-selling, and ASR in elections;
- f. Develop strategic communication, advocacy and collaborative plans as well as capacity-building measures to engage the public in information gathering and dissemination against vote-buying and vote-selling, and ASR as defined herein, including reporting of possible commission of these election offenses;
- g. Direct and supervise the conduct of synchronized nation-wide operations against vote-buying and vote selling, and ASR as defined herein;
- h. Modify, recommend, educate and assist law enforcement elements in the identification of vote-buying and vote-selling, and ASR in elections, *modus operandi*, including the gathering of evidence that may aid in the arrest of suspected individuals who would commit these election offenses;
- i. Monitor, receive and evaluate incidents or cases of vote-buying and vote-selling, and ASR, which are lodged through the *Kontra Bigay* Complaint Center (KBCC);
- j. Facilitate the filing of appropriate complaint for election offense or disqualification of candidates for vote-buying and vote-selling, or acts constituting ASR in elections, with the Law Department of the Commission or Clerk of the Commission, respectively; and

- k. Perform such other powers and duties as may be directed to it by the Commission *En Banc*.

SECTION 7. *Powers and Functions of the Local Committee on Kontra Bigay.* - The RCKB, PCKB and the C/MCKB shall have the following functions:

- a. Implement all policies of the Commission against vote-buying and vote-selling, and ASR as defined herein, within their respective jurisdiction;
- b. Encourage private sectors, civic society organizations and other stakeholders in their respective jurisdiction to participate in the implementation of these Rules, as well as the programs and activities of the CKB against vote-buying and vote-selling, and ASR in elections;
- c. Assist law enforcement elements in their respective jurisdiction in the identification of vote-buying and vote-selling, and ASR in elections, *modus operandi* including the gathering of evidence that may aid in the arrest of suspected individuals who would commit these election offenses;
- d. The RED shall issue the necessary show cause order as may be directed to it by the CKB, evaluate and render a recommendation on all reports and complaints for vote-buying and vote-selling, and ASR in elections;
- e. Gather relevant evidence for vote-buying and vote-selling, or acts constituting ASR in elections such as corroborated video clips, photographs and other audio and visual recordings in relation to the report or complaint filed;
- f. The RED or PES, or through their authorized representatives, shall establish a local KBCC to receive incidents and reports of vote-buying and vote-selling, and acts constituting ASR, as well as to perform other tasks as may be delegated to it by the CKB in their area of jurisdiction, including investigation of said reported election offenses;

- g. Monitor incidents or cases of vote-buying and vote-selling, and acts constituting ASR in elections which are lodged before the local KBCC within their area of jurisdiction;
- h. Report incidents of vote-buying and vote-selling, and acts constituting ASR in elections committed *in flagrante* to the PNP/AFP having jurisdiction over the place where the alleged offense took place;
- i. Submit a monthly report to the CKB on the status of cases filed with and/or prosecuted by them pursuant to the authority as herein granted to EO_s, PES_s and RED_s;
- j. Conduct extensive social and political education, and capacity building on anti-vote buying/vote-selling, and ASR in elections, in all forms of media communication through seminars and other relevant program, in their areas of jurisdiction; and
- k. Perform such other powers and duties as may be directed to it by the CKB and the Commission *En Banc*.

SECTION 8. *The Department of Justice, Duties and Functions.* –
 The DOJ is hereby deputized to perform the following duties and functions:

- a. Assist the Commission in its information campaign against vote-buying and vote-selling, and ASR as defined herein;
- b. Conduct preliminary investigation of all election offenses of vote-buying and vote-selling, and acts constituting ASR in elections, and prosecute the same pursuant to its concurrent jurisdiction with the Commission;
- c. To carry-out case build-up based on available evidence, to ensure the existence of a *prima facie* case and reasonable certainty of conviction for election offense of vote-buying and vote-selling or acts constituting ASR in election;
- d. To coordinate with law enforcement agencies for the necessary and sufficient evidence for the prosecution of election offenses of vote-buying and vote-selling, and acts constituting ASR in election;

- e. Identify, report, and take the necessary and appropriate action against any unusual or suspicious transactions that may indicate vote-buying and vote-selling, and ASR in elections, or other *modus operandi* schemes being carried out;
- f. Assist the Commission in the monitoring of all cases of vote-buying and vote-selling, and acts constituting ASR in elections, as filed before its Regional, Provincial and other field/local offices, as well as the relevant cases filed before the courts, by providing updates to the CKB;
- g. Provide legal guidance to law enforcement agencies in all planned operations against vote-buying and vote-selling, and ASR in elections;
- h. Upon the request of the CKB, submit a comprehensive report and data on the complaints for vote-buying and vote-selling, and acts constituting ASR in elections, filed before its Regional, Provincial and other field/local offices, as well as relevant cases filed before the courts;
- i. After the election period, provide and recommend effective measures to better improve the enforcement of the provisions of the OEC on vote-buying and vote-selling and acts constituting ASR in elections as defined herein; and
- j. Render any other assistance that may be necessary for the enforcement of the provisions of the OEC on vote-buying and vote-selling and acts constituting ASR in elections.

SECTION 9. *The Department of the Interior and Local Government, Duties and Functions.* – The DILG is hereby deputized to perform the following duties and functions:

- a. Assist the Commission in its information campaign against vote-buying and vote-selling, and ASR in elections, in all local government units (LGUs);
- b. Implement and conduct education information drive for all its personnel and LGUs, in coordination with the CSC, COA and Office of the Ombudsman, on the identification of vote-buying

and vote-selling, and acts constituting ASR in elections, including techniques and manner of gathering evidence; and

- c. Render any other assistance that may be necessary for the enforcement of the provisions of the OEC on vote-buying and vote-selling, and acts constituting ASR in elections.

SECTION 10. *The Department of Education, Duties and Functions.*

- The Department of Education (DepEd) is hereby deputized to perform the following duties and functions:

- a. Assist the Commission in its information campaign against vote-buying and vote-selling and, ASR in elections in all LGUs;
- b. Integrate relevant education against vote-buying and vote-selling, and ASR in elections into the modules and curricula of all public and private elementary and high school students;
- c. In coordination with the COA, monitor the grant or revocation of scholarships which may be misused as tools for mobilizing votes;
- d. Initiate the conduct of symposium, debates and other relevant school activities to promote education against vote-buying and vote-selling, and ASR in elections;
- e. Encourage school organizations to implement programs and projects against vote-buying and vote-selling, and ASR in elections; and
- f. Render any other assistance that may be necessary for the enforcement of the provisions of the OEC on vote-buying and vote-selling and, acts constituting ASR in elections.

SECTION 11. *Department of Information and Communications Technology and Cybercrime Investigation and Coordinating Center, Duties and Functions.* - The DICT and CICC are hereby deputized to perform the following duties and functions:

- a. Assist the Commission in its information campaign against digital or online vote-buying and vote-selling, and acts constituting ASR in elections;

- b. Assist the Commission in its investigation of all election offenses of digital or online vote-buying and vote-selling, and acts constituting ASR in elections, by giving access to relevant data such as but not limited to the names of the sender/giver and recipient, transaction dates, amount transacted and area of transaction;
- c. Identify, report and take the necessary and appropriate action against unusual or suspicious transactions that may indicate digital vote-buying and vote-selling, and ASR in elections, or other *modus operandi* schemes being carried out;
- d. Assist in the gathering of evidence that may aid in the prosecution or arrest of suspected individuals who commit the election offenses of digital or online vote-buying and vote-selling, and ASR;
- e. After the election period, provide and recommend effective measures to better improve the enforcement of the provisions of the OEC on vote-buying and vote-selling, and acts constituting ASR in elections as defined herein; and
- f. Render any other assistance that may be necessary for the enforcement of the provisions of the OEC on vote-buying and vote-selling and acts constituting ASR in elections.

SECTION 12. *The Philippine Information Agency, Duties and Functions.* – The PIA is hereby deputized to perform the following duties and functions:

- a. Assist the Commission in its information campaign against vote-buying and vote-selling, and ASR in elections;
- b. Integrate into its projects and programs as the official public information arm of the Government, education against vote-buying and vote-selling, and ASR in elections;
- c. Render any other assistance that may be necessary for the enforcement of the provisions of the OEC on vote-buying and vote-selling and, acts constituting ASR in elections.

SECTION 13. *The Armed Forces of the Philippines, Duties and Functions.* - The AFP is hereby deputized to perform the following duties and functions:

- a. Assist the Commission in its information campaign against vote-buying and vote-selling, and ASR in elections;
- b. Assist the Commission in ensuring the security of its personnel and all stakeholders during the implementation of these Rules; and
- c. Render any other assistance that may be necessary for the enforcement of the provisions of the OEC on vote-buying and vote-selling and, acts constituting ASR in elections.

SECTION 14. *The Philippine National Police, Duties and Functions.* - The PNP is hereby deputized to perform the following duties and functions:

- a. Assist the Commission in its information campaign against vote-buying and vote-selling, and ASR in elections;
- b. Carry out case build-up by gathering evidence that may aid in the prosecution or arrest of suspected individuals who commit the election offenses of vote-buying and vote- selling, and acts constituting ASR in elections;
- c. Identify, report and take the necessary and appropriate action against unusual or suspicious transactions that may indicate vote-buying and vote-selling, and ASR in elections, or other *modus operandi* schemes being carried out;
- d. Assist the Commission and other prosecuting arms of the Government, in the investigation and prosecution of vote-buying and vote-selling, and ASR in elections, by providing and preserving evidence related to the reported incidents of these election offenses;
- e. Implement and conduct education information drive for all its personnel on the identification of vote-buying and vote-selling, and acts constituting ASR in elections, including techniques and manner of gathering evidence; and

- f. Deploy its personnel for monitoring and investigation of incidents of vote-buying and vote-selling, and ASR in elections;
- g. Ensure the security and safety of complainants and witnesses to the election offenses of vote-buying and vote-selling, and acts constituting ASR in elections;
- h. Arrest a person when, in his or her presence, the person to be arrested has committed, is actually committing, or is attempting to commit the election offense of vote-buying and vote-selling, and acts constituting ASR in elections as defined herein; and
- i. Render any other assistance that may be necessary for the enforcement of the provisions of the OEC on vote-buying and vote-selling, and acts constituting ASR in elections.

SECTION 15. *The National Bureau of Investigation, Duties and Functions.* - The NBI is hereby deputized to perform the following duties and functions:

- a. Assist the Commission in its information campaign against vote-buying and vote-selling, and ASR in elections;
- b. Conduct investigation and carry out case build-up for the purpose of gathering sufficient data and evidence necessary for the prosecution of election offenses of vote-buying and vote-selling, and ASR in elections;
- c. Effect the arrest of a person who, in the presence of the deputized NBI Agent, has committed, is actually committing, or is attempting to commit vote-buying or vote-selling, and acts constituting ASR in elections;
- d. Identify, report and take the necessary and appropriate action against unusual or suspicious transactions or patterns that may constitute vote-buying or vote- selling, and acts constituting ASR in elections;
- e. Coordinate with the Commission for the conduct of comprehensive education information drive for all its personnel for the effective implementation of the provisions of these Rules,

including the identification of acts constituting vote-buying and vote-selling, and ASR in elections, including techniques and manner of gathering evidence;

f. Render any other assistance that may be necessary for the enforcement of the provisions of the OEC on vote-buying and vote-selling, and acts constituting ASR in elections.

SECTION 16. *The Bangko Sentral ng Pilipinas and Anti-Money Laundering Council, Duties and Functions.* - The BSP and AMLC are hereby deputized to perform the following duties and functions:

- a. Assist the Commission in its information campaign of the Commission against vote-buying and vote-selling, and ASR in elections;
- b. Initiate the investigation of suspicious transactions or pattern of transactions indicative of vote-buying and vote-selling, and ASR in elections, money laundering and/or terrorism financing;
- c. Assist the Commission and other prosecuting arms of the Government, in its investigation of acts of vote-buying and vote-selling, and ASR in elections, by giving access to relevant data such as but not limited to the names of the sender/giver and recipient, transaction dates, amount transacted, and area of transaction;
- d. Identify, report and take the necessary and appropriate action against unusual or suspicious transactions that may indicate vote-buying and vote-selling, and ASR in elections, or other *modus operandi* schemes being carried out;
- e. Assist in the gathering of evidence that may aid in the prosecution or arrest of suspected individuals who commit the election offenses of vote-buying and vote- selling, and acts constituting ASR in elections;
- f. Submit to the CKB a weekly comprehensive report or data detailing cases or transactions indicative of vote-buying and vote-selling, or ASR in elections; and

- g. Render any other assistance that may be necessary for the enforcement of the provisions of the OEC on vote-buying and vote-selling and acts constituting ASR in elections.

SECTION 17. *The Commission on Audit, Duties and Functions.* - The COA is hereby deputized to perform the following duties and functions:

- a. Assist the Commission in its information campaign against vote-buying and vote-selling, and ASR as defined herein;
- b. Provide the Commission relevant information and issuances on the release of funds for the implementation of projects, activities and programs of the government agencies, including LGUs, during the period of forty-five (45) days before a regular election;
- c. Ensure that government funds are not used for election campaigns and partisan political activity in the guise of legitimate projects or programs of the government;
- d. Coordinate and assist the Commission and other prosecuting arms of the Government, in the case build-up stage of investigation of election offenses of vote-buying and vote-selling, and ASR in elections by providing necessary and relevant documents, data and evidence within its custody and jurisdiction;
- e. In coordination with the DepEd and DSWD, monitor the grant or revocation of scholarships and other government assistance, which may be misused as tools for mobilizing votes;
- f. Identify, report and take the necessary and appropriate action against unusual or suspicious transactions of government officials and employees which may constitute violation of the OEC and/or civil service laws, rules and regulations;
- g. Investigate violations of policies against the posting of information and publicity of programs, projects, activities of government agencies, including LGUs;

- h. Ensure that the establishment of local economic enterprises and public utilities by LGUs are not used for partisan political purposes, by bloating personnel complement or by allowing them to engage in electioneering or partisan political activity; and
- i. Render any other assistance that may be necessary for the enforcement of the provisions of the OEC on vote-buying and vote-selling, and acts constituting ASR in elections.

SECTION 18. *The Civil Service Commission, Duties and Functions.*

- The CSC is hereby deputized to perform the following duties and functions:

- a. Assist the Commission in its information campaign against vote-buying and vote-selling, and ASR as defined herein;
- b. Implement and conduct comprehensive education information drive for all personnel of the LGUs, in coordination with the DILG, COA and Office of the Ombudsman, on the identification of vote-buying and vote-selling, and acts constituting ASR in elections, including techniques and manner of gathering evidence;
- c. Strictly monitor and ensure that no officer or employee in the civil service, except those political offices, shall engage directly or indirectly, in any electioneering or partisan political campaign;
- d. Coordinate and assist the Commission and other prosecuting arms of the Government, in the case build-up stage of investigation of election offenses of vote-buying and vote-selling, and ASR in elections, by providing necessary and relevant documents, data and evidence within its custody and jurisdiction;
- e. Identify, report and take the necessary and appropriate action against any promise of office or employment in government for the purpose of inducing either to vote for or to withhold vote against any candidate, or any unusual or unjustified increase in the hiring of Job Order and Contract of Service workers during election period, which may

constitute violation of the OEC and/or civil service laws, rules and regulations; and

- f. Render any other assistance that may be necessary for the enforcement of the provisions of the OEC on vote-buying and vote-selling, and acts constituting ASR in elections.

SECTION 19. *The Department of Social Welfare and Development, Duties and Functions.* – The DSWD is hereby deputized to perform the following duties and functions:

- a. Assist the Commission in its information campaign against vote-buying and vote-selling, and ASR in elections, in all forms of media communication through seminars and other relevant program, within their areas of jurisdiction;
- b. Ensure that public funds, facilities or equipment are not used for election campaigns or for any partisan political activity under the guise of social welfare programs or assistance;
- c. Ensure that no candidate, or his or her spouse or member of his or her family within the second civil degree of affinity or consanguinity, shall directly or indirectly use social welfare programs or projects of government for election campaigns or partisan political activity, or participate in the distribution of government assistance during forty-five (45) days before a regular election;
- d. Develop mechanisms and efficient manner of distribution or delivery of assistance to secure that social welfare programs, such as the *Ayuda sa Kapos ang Kita Program* (AKAP), *Assistance for Individuals in Crisis Situations* (AICS), TUPAD, *Pantawid sa Pamilyang Pilipino Program* (4Ps), among others, are strictly and exclusively granted to qualified beneficiaries;
- e. Coordinate with the Commission, COA and other relevant government agencies, for the case build-up and gathering of evidence relative to the use of government property and resources for election campaign and partisan political activity, which are necessary for the filing of pertinent administrative or criminal complaints;

- f. Render any other assistance that may be necessary for the enforcement of the provisions of the OEC on vote-buying and vote-selling, and acts constituting ASR in elections.

SECTION 20. *The Public Attorney's Office, Duties and Functions.* – The PAO is hereby deputized to perform the following duties and functions:

- a. Assist the Commission in its information campaign against vote-buying and vote-selling, and ASR as defined herein;
- b. To render legal assistance to complainants, reporters and witnesses of vote-buying and vote-selling, and acts constituting ASR, by helping and assisting in the drafting of complaints, affidavits and other relevant documents, as well as providing notarial services at no cost;
- c. Assist the Commission and other prosecuting arms of the government, in the case build-up stage of investigation by gathering and identifying pieces of evidence that are necessary and relevant to the case of vote-buying and vote-selling, or ASR in elections;
- d. Provide legal guidance to law enforcement agencies in all planned operations against vote-buying and vote-selling, and ASR in elections;
- e. Provide legal assistance to the AFP, PNP, NBI and other law enforcement agencies, in case an action, suit or administrative case is filed against them in connection with the discharge of their functions and implementation of this Resolution, subject to the merit test;
- f. Submit to the CKB through the Secretariat a weekly comprehensive report on cases of vote-buying and vote-selling, and acts constituting ASR which they have filed;
- g. Provide and recommend effective measures to better improve the enforcement of the provisions of the OEC on vote-buying and vote-selling, and acts constituting ASR in elections as defined herein;

- h. Provide and recommend effective measures to better improve the enforcement of the provisions of the OEC on vote-buying and vote-selling, and acts constituting ASR in elections; and
- i. Render any other assistance that may be necessary for the enforcement of the provisions of the OEC on vote-buying and vote-selling, and acts constituting ASR in elections.

SECTION 21. *Integrated Bar of the Philippines and Philippines Association of Law Schools, Duties and Functions.* - The IBP and PALS are hereby deputized to perform the following duties and functions:

- a. Assist the Commission in its information campaign against vote-buying and vote-selling, and ASR as defined herein;
- b. To render legal assistance to complainants, reporters and witnesses of vote-buying and vote-selling, and acts constituting ASR, by answering queries thereon and helping or assisting in the drafting of complaints, affidavits and other relevant documents, subject however to the availability of lawyers;
- c. Provide legal assistance to the AFP, PNP, NBI and other law enforcement agencies, in case an action, suit or administrative case is filed against them in connection with the discharge of their functions and implementation of this Resolution, subject to the merit test; and
- d. Render any other assistance that may be necessary for the enforcement of the provisions of the OEC on vote-buying and vote-selling, and acts constituting ASR in elections.

SECTION 22. *Legal Network for Truthful Elections (LENTE), National Citizens' Movement for Free Elections (NAMFREL), Parish Pastoral Council for Responsible Voting (PPCRV), and other Accredited Citizens' Arms of the Commission, Duties and Functions.* - The Legal Network for Truthful Elections (LENTE), National Citizens' Movement for Free Elections (NAMFREL), Parish Pastoral Council for Responsible Voting (PPCRV), and other Accredited Citizens' Arms of the Commission shall perform the following duties and functions:

- a. Assist the Commission in its information campaign against vote-buying and vote-selling, and ASR as defined herein;
- b. Assist the Commission and other prosecuting arms of the government, in the case build-up stage of investigation by identifying schemes or gathering of pieces of evidence that are necessary and relevant to the case of vote-buying and vote-selling, or ASR in elections;
- c. To provide legal assistance and aid the complainants and witnesses of the offenses of vote-buying and vote-selling, and acts constituting ASR, by answering queries thereon, helping and assisting in the drafting of complaints, affidavits and other relevant documents, and filing the same with the Commission or other prosecuting arms of the government;
- d. Assist in the management and administration of reports and complaints filed through the platform established herein; and
- e. Render any other assistance that may be necessary for the enforcement of the provisions of the OEC on vote-buying and vote-selling, and acts constituting ASR in elections.

SECTION 23. *Committee Secretariat, Duties and Functions.* - The CKB shall be assisted by the Secretariat, to perform the following duties and functions:

- a. Provide technical, administrative and operational support to the CKB in the implementation of the policies of the Commission against vote-buying and vote-selling, and ASR in elections as herein defined, and other programs and activities thereof;
- b. Ensure that all policies, directives, plans and programs of the CKB are faithfully carried out;
- c. Manage, store and archive all received data and related records on vote-buying and vote-selling, and acts constituting ASR in elections, and ensure that they are readily available and accessible for reference;
- d. Ensure that all complaints and reports for vote-buying and vote-selling are properly received and acted upon, by referring the

same to the concerned RCKB for the issuance of show cause order and preparation of a recommendation for the filing of complaint or dismissal thereof, based on the evidence submitted. Provided that, the implementation of the show cause order and preparation of recommendation may be delegated to the RCKB, PCKB or C/MCKB;

- e. Assist the KBCC in the evaluation and transmission with the Law Department of the appropriate complaint for election offense of vote-buying and vote-selling, and acts constituting ASR, if upon its evaluation there exist sufficient evidence for the offense charged;
- f. Monitor the progress and status of complaints that have been filed with the Law Department; and
- g. Perform such other tasks and functions as may be directed by the CKB.

ARTICLE II

PROHIBITION AGAINST

VOTE-BUYING AND VOTE-SELLING

SECTION 24. *Prohibited Acts.* - The following shall be guilty of election offense of vote-buying and vote-selling:

- a. Any person who gives, offers or promises money or anything of value, gives or promises any office or employment, franchise or grant, public or private, or makes or offers to make an expenditure, directly or indirectly, or cause an expenditure to be made to any person, association, corporation, entity, or community in order to induce anyone or the public in general to vote for or against any candidate or withhold his vote in the election, or to vote for or against any aspirant for the nomination or choice of a candidate in a convention or similar selection process of a political party.
- b. Any person, association, corporation, group or community who solicits or receives, directly or indirectly, any expenditure or promise of any office or employment, public or private, for any of the foregoing considerations.

SECTION 25. *Other Forms/Acts of Vote-Buying and Vote-Selling.*- The act of vote-buying and vote-selling includes the giving of money through digital or online banking transactions or any other mobile wallet applications.

SECTION 26. *Presumed Vote-Buying and Vote-Selling.*- The commission of the following acts, along with possession of campaign materials and other corroborative evidence, shall be presumed to be vote-buying and vote-selling:

- a. Possessing or delivery of any coins, notes, monies, cards, pay envelopes, bags, groceries, tokens or anything of value, together with sample ballots or other campaign materials in favor of or against a candidate;
- b. Offering or promising something of value in consideration for someone's vote;
- c. Long lines or queues of registered voters / persons for the distribution of money, discount, insurance or health cards, grocery items and such other goods, intended to be used to induce the persons to vote for or against any candidate or withhold their votes in the election, or to vote for or against any aspirant for the nomination or choice of a candidate in a convention or similar selection process of a political party;
- d. House to house election campaign which involves the giving of money, discount cards, grocery items and such other goods, to induce the household or the occupants to vote for or against any candidate or withhold their votes in the election, or to vote for or against any aspirant for the nomination or choice of a candidate in a convention or similar selection process of a political party;
- e. Holding of bingo games, talent shows or other similar activities that involves the distribution of prizes by the candidates or their supporters or by any person in which the names of the candidates are mentioned, or those conducted in a place where the names or the pictures of the candidates are displayed or visible;
- f. Employing the "hakot" system or the gathering of two (2) or more registered voters to a specific place before election day and on election day, for the purpose of distributing money or anything of value and/ or sample filled-out ballots;

- g. Possessing, transporting and/ or carrying cash exceeding Five Hundred Thousand Pesos (P500,000.00) or its equivalent in any foreign currency, along with campaign paraphernalia and / or corroborated evidence during the period of two (2) days before an election and on election day, except those authorized persons as stated in Section 28 of this Resolution;
- h. Causing the splitting of the amount of at least P20,000.00 to smaller denominations of P200.00, P100.00, P50.00 or P20.00, during the period of five (5) days before election day and on election day, except when necessary to or in connection with the occupation or business of the possessor;
- i. Conducting medical missions, legal aid services, feeding programs or any caravan offering any or all of these services in a certain barangay or locality, in which the names of the candidates are mentioned, or those conducted in a place where the name or picture of a candidate is visible or displayed;
- j. Giving, distributing and receiving any assistance or "ayuda", in which the names of the candidates are mentioned, or those conducted in a place where the name or picture of the candidate is visible or displayed, whether given by the candidate or his or her relative within the second degree of affinity or consanguinity, or their known supporters or employees;
- k. Giving, distributing and receiving any assistance or "ayuda" other than those which are normally given to qualified individuals such as but not limited to basic needs and assistances, during the campaign period, whether given by the candidate or his or her relative within the second degree of affinity or consanguinity, or their known supporters or employees;
- l. Giving, distributing and receiving any assistance or "ayuda" other than medical or burial assistance during the ten (10)-day absolute ban provided for in Section 33 of this Resolution, whether given by the candidate or his or her relative within the second degree of affinity or consanguinity, or their known supporters or employees;

- m. Hiring or appointing more than two (2) watchers per precinct per candidate, who shall serve alternately;
- n. Possessing on election day, indelible ink or any chemical that may remove indelible ink such as but not limited to acetone/ nail polish remover or paint thinner, except when necessary to the occupation of the possessor and those authorized by the Commission;
- o. Possessing of blank original ballots during election day, except those authorized by the Commission; and
- p. Such other analogous circumstances.

SECTION 27. *Disputable Presumption of Conspiracy of Vote-Buying and Vote-Selling.* - Proof that at least one voter in different precincts representing at least twenty percent (20%) of the total precincts in any municipality, city or province has been offered, promised or given money, valuable consideration or other expenditure by a candidate's relatives, leaders and/ or sympathizers for the purpose of promoting the election of such candidate, shall constitute a disputable presumption of a conspiracy under Section 261 (b) of the OEC.

Where such proof affect at least twenty percent (20%) of the precincts of the municipality, city or province to which the public office aspired by the favored candidate relates, the same shall constitute a disputable presumption of the involvement of such candidate and of his principal campaign managers in each of the municipalities concerned, in the conspiracy.

SECTION 28. *Money Ban.* - During the period of two (2) days before an election and on election day, it shall be prohibited to possess, transport and/ or carry cash exceeding Five Hundred Thousand Pesos (P500,000.00) or its equivalent in any foreign currency, along with campaign paraphernalia and/ or corroborating evidence.

For this purpose, all COMELEC checkpoints all over the Philippines are directed to conduct a 24-hour money ban checkpoint, in addition to the gun ban checkpoint, for the duration of the period herein stated.

The provision on money ban shall not apply to persons, who by the nature of their duty, profession, business or occupation as cashiers or

disbursing officers, transport or carry cash exceeding P500,000.00 or its equivalent in any foreign currency. Provided that, when transporting or carrying such amount, they must be in the actual performance of their duties involving the transport of money or disbursement of payrolls, and in possession of the following:

- a. Certificate of employment stating that he / she is currently employed as cashier or disbursing officer; and
- b. Company or office-issued identification card showing his / her photograph, designation and signature.

SECTION 29. *Acts Constituting Suspicious Transactions of Vote-Buying and Vote-Selling.* - Any unusual transaction flow between accounts, digital banking and digital wallets, including unusual large cash withdrawals involving the amount exceeding Five Hundred Thousand Pesos (P500,000.00), encashment of checks, during election period, which have no underlying legal/trade obligation, purpose or economic justification, or the amount involved is not commensurate with the business or financial profile of the client, shall be considered suspicious transactions of vote-buying and vote-selling.

For this purpose, the Commission shall have the authority to inquire into the financial records of candidates and any organization or group of persons, *motu proprio*, after due notice and hearing. The Commission may avail itself of the assistance of the COA, BSP, NBI, the Bureau of Internal Revenue, AFP and PNP, barangay officials, and other agencies of the government.

In addition, all banking institutions and non-bank financial institutions shall submit suspicious transactions reports to the BSP and AMLC.

ARTICLE III

ACTS CONSTITUTING ABUSE OF STATE RESOURCES IN ELECTIONS

SECTION 30. *Acts Constituting Acts Abuse of State Resources.* - ASR pertains to the misuse of government resources, whether material, human, coercive, regulatory, budgetary, media-related, or legislative, for electoral advantage, committed as follows:

- a. *Intervention of public officers and employees.* - Any officer or employee in the civil service, except those holding political offices; any officer, employee, or member of the AFP, or any police force, special forces, home defense forces, barangay self-defense units and all other para-military units that now exist or which may hereafter be organized who, directly or indirectly, intervenes in any election campaign or engages in any partisan political activity, except to vote or to preserve public order, if he is a peace officer.
- b. *Undue influence.* - Any person who promises 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.

This includes acts of 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;

- c. *Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign.* - Any person who uses under any guise whatsoever, directly or indirectly, (1) public funds or money deposited with, or held in trust by, public financing institutions or by government offices, banks, or agencies; (2) any printing press, radio, or television station or audio-visual equipment operated by the Government or by its divisions, sub-divisions, agencies or instrumentalities, including government-owned or controlled corporations, or by the AFP; or (3) any equipment, vehicle, facility, apparatus, or paraphernalia owned by the government or by its political subdivisions, agencies including government-owned or controlled corporations, or by the AFP for any election campaign or for any partisan political activity.
- d. *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 (30) days before a special election, releases, disburses or expends any public funds for:

d.1. Any and all kinds of public works, except the following:

- i. 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 (45) 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 (45) days;
- ii. Work undertaken by contract through public bidding held, or by negotiated contract awarded, before the forty-five (45) 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;
- iii. 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
- iv. 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 (5) days before the date of election to laborers who have rendered services in projects or works except those falling under subparagraphs (i), (ii), (iii), and (iv), 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.

d.2. The DSWD and any other office in other departments of the government performing functions similar to the DSWD, 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 DSWD and offices or departments shall be turned over to, and administered and disbursed by, the Philippine Red Cross, subject to the supervision of the COA 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

d.3. The Department of Human Settlements and Urban Development (DHSUD) and any other office or department of the government performing functions similar to DHSUD, except for salaries of personnel and for such other necessary administrative or other expenses as the Commission may authorize after due notice and hearing.

e. *Construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices.* - During the period of forty-five (45) days preceding a regular election, any person who (a) undertakes the construction of any public works, except for projects or works exempted in the preceding paragraph, or (b) issues, uses or avails of treasury warrants or any device undertaking future delivery of money, good or other things of value chargeable against public funds.

SECTION 31. *Release, Disbursement or Expenditure of Public Funds, Exception.* - Release, disbursement or expenditure of public funds for the following purposes are not covered by the prohibition:

a. Release, disbursement or expenditure of public funds during calamities or disasters

- b. Maintenance and Other Operating Expenses (MOOE) which are considered normal and routine expenses incurred through day-to-day operations
- c. Salaries of government personnel, including benefits mandated by law.

SECTION 32. Requests for Exception and Exemption for the Release, Disbursement, Expenditure of Public Funds for Public Works Projects and Social Welfare and Services Projects and Housing-related Projects. - Requests for exception for the release, disbursement, expenditures of public funds for public works projects, and requests for exemption for the release, disbursement, expenditure of public funds for social welfare and services projects and housing-related projects during the prohibited period of forty-five (45) days before the conduct of regular elections are subject to the guidelines issued by the Commission.

SECTION 33. Total Ban on Distribution of "Ayuda", TUPAD, AKAP, AICS and 4Ps. - Notwithstanding any provisions to the contrary, the giving and distribution of "Ayuda", TUPAD, AKAP, AICS and 4Ps, shall be totally prohibited within a period of ten (10) days before elections and on election day, except medical and burial assistances which are normally given to qualified individuals.

"Ayuda", TUPAD, AKAP, AICS and 4Ps that are distributed by candidates who are incumbent elected officials or their spouses or members of their families within the second civil degree of affinity or consanguinity, or their known supporters or employees, during the period of total prohibition shall be presumed vote-buying and vote-selling, or ASR, as the case may be.

SECTION 34. Presumed ASR – The following conduct shall be presumed acts constituting ASR in elections, committed by the incumbent elected public official and/or government employee who exercises control or administration, directly or indirectly, over government resources, whether material, human, coercive, regulatory, budgetary, or media-related, or relevant government facility, asset, activity, or program, for his or her election benefit/gain or for the interest of his or her political party or relative/s who are candidates for elective office:

- a. The storage or transport of campaign materials, or any paraphernalia, including the name, visage, appearance, logo, signature or other analogous image of any candidate on government vehicles, including motor vehicles used as patrol cars or any mobile asset bearing government license plates, unless made pursuant to Operation "*Baklas*" of the Commission;
- b. The storage of foods and beverages intended for the supporters of certain candidates, as well as tarpaulins, vests, posters, sample ballots, or any paraphernalia that tends to promote the election of a candidate, in barangay halls, covered courts or any government facility or property of the government;
- c. The display of campaign materials in covered courts, barangay halls unless designated as common poster area, or any government facility or property, including motor vehicles such as patrol cars, ambulances and other vehicles bearing government license plates;
- d. The distribution or delivery of assistance and legitimate social welfare benefits and programs of the government such as TUPAD, AKAP, AICS and 4Ps, with displayed campaign materials, paraphernalia, or those made in the presence and participation of the candidate or his or her spouse or member of his family within the second civil degree of affinity or consanguinity;
- e. The use of government funded media platforms, or the official page/s of government instrumentalities that consistently feature the face, image, appearance, logo, signature or other analogous image of any public official;
- f. The use of government funded media platforms, or the official page/s of government instrumentalities to live stream campaign activities of the incumbent, his/her political party, or candidates;
- g. The use of programs, activities, projects, which are government funded as a platform to display the corresponding signage, name, visage, appearance, logo, signature or other analogous image or promote the candidacy of any public official, whether elected or appointed;

- h. The sudden and unjustified revocation during the campaign period, of existing scholarships and other government grants to qualified beneficiaries, or the undue refusal to include qualified individuals in legitimate programs of the government such as but not limited to scholarships, 4Ps;
- i. The sudden influx of hiring of Job Order and Contract of Services workers and their conduct of partisan political activities by campaigning for or against a candidate, during official working hours; and
- j. Such other analogous circumstances.

These presumptions shall apply to the spouse and relative/s within the second civil degree of consanguinity or affinity of any incumbent candidate.

ARTICLE IV **DETERRENCE AND ENFORCEMENT** **PRE-ELECTION, ELECTION DAY, POST-ELECTION**

SECTION 35. *Information Campaign Against Vote-Buying and Vote-Selling and ASR in Elections.* - The EID, in coordination with all member-agencies, shall formulate comprehensive policies and programs of information campaign to promote voter's awareness and vigilance against all forms of vote-buying and vote-selling and acts constituting ASR.

For this purpose, the EID with the assistance of PIA, shall ensure that all forms of materials for voter's education are cohesive illustration against vote-buying and vote-selling and ASR in elections and are properly disseminated to the public through the member-agencies of the CKB.

SECTION 36. *Surveillance and Validation by the AFP, PNP, NBI and other Law Enforcement Agencies.* - The AFP, PNP, NBI and other law enforcement agencies shall conduct surveillance of a person or a place, and validation of any received information, report or complaints for vote-buying and vote-selling, or acts constituting ASR.

If during the surveillance, there is a reasonable ground to believe that the acts of vote-buying and vote-selling, or ASR in elections have been committed, are actually being committed or attempted to be committed, the PNP may validly arrest the persons involved and conduct a search incidental thereto, pursuant to the guidelines herein set forth. Otherwise, after conducting the surveillance and determining the existence of probable cause for an arrest, the PNP shall secure a search warrant prior to effecting a valid arrest.

Surveillance activities, including validation, arrest and search incidental thereto, must be conducted in accordance with the Constitution and applicable laws, rules and regulations, and the policies and standard operating procedures of the PNP and other law enforcement agencies of the government.

SECTION 37. *Warrantless Arrest for Vote-Buying and Vote-Selling and ASR in Elections.* – Any law enforcement officer may, without a warrant, arrest a person when, in his or her presence, the person to be arrested has committed, is actually committing, or is attempting to commit the election offense of vote-buying and vote-selling, or acts constituting ASR.

All other arrests without warrant as provided in Rule 113 of the Revised Rules of Criminal Procedure shall be applicable and valid in relation to these rules.

The person arrested without a warrant shall be forthwith delivered to the nearest police station or jail and shall be proceeded against in accordance with Section 7 Rule 112 of the Revised Rules of Criminal Procedure.

The money or any other goods of value, sample ballots and any other campaign materials used for vote-buying and vote-selling, and ASR, shall be immediately seized and taken into custody by the apprehending law enforcement officer. The law enforcement officer who has the initial custody of the seized items shall conduct the actual physical inventory, take photograph and properly mark the items seized or confiscated in the place where the arrest was conducted or in the nearest police station or jail, in the presence of the arrested person and other witnesses within the vicinity if there be any, who shall be required to sign on the inventory. The movement and custody of the seized items, from the time of confiscation, to safekeeping and to submission to the investigating officer and

presentation in court as evidence, shall be properly recorded, in accordance with existing laws, rules and regulations, as well as the policies and standard operating procedures of the PNP and other law enforcement agencies of the government.

Provided that, all these activities must be conducted in accordance with the Constitution and applicable laws, rules and regulations, and the policies and standard operating procedures of the PNP and other law enforcement agencies of the government.

SECTION 38. *Liability in Case of Abuse.* - Any arresting officer of the AFP, PNP, NBI or other law enforcement agencies or personnel of the Commission, who shall take advantage of the provisions of these Rules or gives unwarranted benefits to a certain candidate or political party, shall be administratively and criminally liable in accordance with existing laws, rules and regulations.

For this purpose, the Commission through the CKB shall initiate the proceedings in accordance with existing laws, rules and regulations.

SECTION 39. *Witness Protection.* - Any person who has personal knowledge of the commission of the acts of vote-buying and vote-selling and ASR in elections, may be admitted to the Witness Protection Program of the government, in accordance with existing laws, rules and regulations on the matter.

ARTICLE V **KONTRA BIGAY COMPLAINT CENTER**

SECTION 40. *Kontra Bigay Complaint Center, Functions* - The Kontra Bigay Complaint Center (KBCC) shall receive all complaints and reports on vote-buying and vote-selling, and acts constituting ASR in elections, from any citizen who has personally witnessed or who has knowledge of the commission of said offenses.

It shall serve as the central hub of all complaints and reports on vote-buying and vote-selling, and ASR in elections which are properly lodged through the CKB Office, e-mail at committee.kontrabigay@comelec.gov.ph, and official Facebook page.

The KBCC shall be managed by the CKB Secretariat, and accredited citizens' arms of the Commission such as the LENTE, NAMFREL, PPCRV.

For this purpose, a local KBCC shall be established in all regions, to receive all incidents and reports on vote-buying and vote-selling, and acts constituting ASR in elections.

All information, data and documents received by the KBCC regarding vote-buying and vote-selling, and acts constituting ASR in elections shall be kept confidential and used solely for the case and resolution thereof.

Anonymous reports and complaints for vote-buying and vote-selling, and acts constituting ASR shall be properly evaluated and referred for case build-up to ensure that there is sufficient evidence as basis for the filing of a complaint.

The KBCC shall submit a weekly report to the CKB Secretariat of all reports and complaints for vote-buying and vote-selling, or acts constituting ASR and the actions taken thereon.

It shall likewise monitor all the reported incidents of vote-buying and vote-selling, acts constituting ASR, and provide updates or follow-through actions thereon.

SECTION 41. *Monitoring Portal for Case Build-Up.*-A Central Monitoring Portal of the CKB shall be developed by the Commission to provide a centralized platform for the effective and efficient tracking of reported complaints for vote-buying and vote-selling, and acts constituting ASR in elections, and preservation of evidence for a successful case build-up.

The refusal of a witness to authenticate any electronic evidence shall not prevent the build-up of cases for vote-buying and vote-selling, as well as ASR in elections, if it appears from the submission that:

- a. The acts of vote-buying and vote-selling, and acts constituting ASR in elections, are apparent from the circumstances or the pieces of evidence submitted;
- b. The identity of the person committing the acts of vote-buying and vote-selling, and acts constituting ASR in elections, is established or may be established in the course of further investigation;
- c. The location and date meta data are accurate; and
- d. The meta data indicates that the evidence has not been tampered.

SECTION 42. *Procedure for the Handling of Reports and Complaints.* -

- a. Reports and complaints for vote-buying and vote-selling, and acts constituting ASR in elections, shall be in writing and submitted either (i) in-person to the KBCC at the CKB Office located at the Palacio del Gobernador, Intramuros, Manila, or to the local KBCC; or (ii) through the official email at committee.kontrabigay@comelec.gov.ph, or (iii) official Facebook account.
- b. Reports and complaints should contain the detailed information and the specific instances of alleged vote-buying and vote-selling or acts constituting ASR in elections, the parties involved and supporting evidence, if available.

Sample form of report and/or complaint for vote-buying and vote-selling, and acts constituting ASR in elections is attached as Annexes "A", "B", "C", "D", "E", "F" and "G", respectively.

- c. In instances when a report is filed, the procedure is as follows:
 1. In case a report is filed before the KBCC, the latter shall evaluate the same for completeness and submit its recommendation to the CKB. If the recommendation is to file a complaint and the CKB finds sufficient evidence of the alleged vote-buying and vote-selling, or acts constituting ASR in elections, the CKB through the KBCC shall assist the complainant in the preparation of the formal complaint for election offense and/or petition for disqualification, attaching thereto relevant evidence and facilitate the filing thereof to the Law Department and/or Clerk of the Commission, respectively.
 2. If the report is incomplete upon initial assessment by the KBCC, it shall be referred and endorsed to the appropriate RCKB for the issuance of show cause order and further investigation, as well as to gather and obtain sufficient evidence relative to the specific instances of alleged acts of vote-buying and vote-selling, or acts constituting ASR in elections.

The RCKB may delegate to the PCKB or C/MCKB the implementation of the show cause order and conduct of investigation.

3. After the investigation, the RCKB shall either: (1) prepare the formal complaint and recommend to the CKB the filing of the complaint with the Law Department; or (2) determine that the report lacks sufficient evidence to proceed and close the case subject to proper reporting to the CKB through its Secretariat.

The RCKB may delegate to the appropriate PCKB or M/CCKB within its area of jurisdiction the rendition of recommendation, provided that it shall review the same.

4. The KBCC shall forward the recommendation of the RCKB to the CKB for its review on whether to adopt or reverse the recommendation.
- d. In case a complaint is filed, the procedure is as follows:
 1. In case a complaint is filed before the KBCC, the latter shall evaluate its completeness, and submit its recommendation with the CKB. If the recommendation is to file the complaint and the CKB finds sufficient evidence of the alleged vote-buying and vote-selling, or acts constituting ASR in elections, the said complaint for election offense shall be filed with the Law Department.
 2. If the complaint is incomplete upon initial assessment by the KBCC, it shall refer and endorse the complaint to the appropriate RCKB for further investigation and the gathering of sufficient evidence relative to the specific instances of alleged acts of vote-buying and vote-selling, or acts constituting ASR in elections. For this purpose, the RCKB can issue a show cause order which the RCKB may delegate to the PCKB or C/MCKB for implementation.
 3. After the investigation, the RCKB shall submit its recommendation to the CKB whether or not a complaint should be filed. If the recommendation is to file a complaint, the RCKB shall attach said complaint to its recommendation.

4. The KBCC shall forward the recommendation of the RCKB to the CKB for its review on whether to adopt or reverse the recommendation. Should the CKB find the recommendation of the RCKB to not proceed with the filing of the complaint, the appropriate party shall be notified of the same.

ARTICLE VI

DISQUALIFICATION ON THE GROUND OF VOTE-BUYING, AND RELEASE, DISBURSEMENT OF PUBLIC FUNDS DURING THE PROHIBITED PERIOD

SECTION 43. *Disqualification of Candidates.* - A candidate shall be disqualified from continuing as a candidate if found by the Commission:

- a. to have given, offered or promised money or anything of value to influence, induce or corrupt anyone or the public to vote for or against any candidate or withhold his or her vote in the election; or
- b. to have released, disbursed, expended public funds during forty-five (45) days before a regular election and thirty (30) days before a special election under Section 261 (v) of the OEC.;

SECTION 44. *Motu Proprio Petition for Disqualification.* - The Commission, may *motu proprio* file a Petition for Disqualification of a candidate if there is substantial evidence that he or she has committed the acts enumerated in the preceding Section.

The *motu proprio* petition shall be prepared by the CKB Secretariat to be signed and filed by the DEDO of this Commission, in accordance with existing rules of procedure of the Commission.

ARTICLE VII

PROSECUTION OF ELECTION OFFENSES

SECTION 45. *Persons Liable for Election Offense of Vote-Buying and Vote-Selling and Exemption from Prosecution.* - The giver, offerer, and promisor as well as the solicitor, acceptor, recipient and conspirator for acts of vote-buying and vote-selling shall be liable as principals.

Any persons, otherwise guilty of vote-buying and vote-selling who voluntarily gives information and willingly testifies on any violation thereof in any official investigation or proceeding shall be exempt from prosecution and punishment for the offenses with reference to which his or her information and testimony were given: Provided, further, that nothing herein shall exempt such person from criminal prosecution for perjury or false testimony.

SECTION 46. *Initiation of Complaint.* - Initiation of complaint for the election offense of vote-buying and vote-selling, or acts constituting ASR, may be done *motu proprio* by the Commission, or upon written complaint by any citizen of the Philippines, political party or any accredited citizens arms of the Commission.

SECTION 47. *Form of Complaint and Where to File.* -

- a. *Motu proprio* complaints for election offense of vote-buying and vote-selling, or acts constituting ASR in elections may be signed by the EO, PES or the RED, or the Director of the Commission, and need not be verified.
- b. When not initiated *motu proprio*, the complaint must be subscribed and supported by affidavits of complaining witnesses attesting to the alleged acts of vote-buying and vote-selling, or acts constituting ASR in elections, and/or any other evidence.

SECTION 48. *Procedure for the Filing of Complaint with the Commission.* -

- a. Complaint for election offense may be filed with the Commission or through the Prosecutor's Office.

The agency that initially takes cognizance of the complaint shall exercise jurisdiction to the exclusion of the others.

- b. Complaints filed with the Commission shall be made in the following manner:

- i. In-Person filing with the Law Department, ORED, OPES or OEO where the alleged election offense took place; or
- ii. E-mail in PDF to the official e-mail address of the Law Department or ORED, OPES or OEO where the alleged election offense took place. All other supporting documents including Affidavits of Witnesses, if any, shall also be scanned and e-mailed together with the complaint.

Immediately after filing through e-mail, the party shall send, through the fastest means available, including registered mail or any courier service, all pleadings, answers motions, comments, notices, and other court submissions, with complete annexes in four (4) hard copies.

The date of receipt of the complaint via e-mail shall be considered the date of filing.

If the complaint is filed with the ORED, OPES or OEO, copy shall be immediately furnished the Law Department.

- c. All complaints for the election offense of vote-buying and vote-selling, or acts constituting ASR in elections, shall be duly subscribed and sworn to before a public prosecutor or a notary public. In localities where there are no public prosecutors or notaries public available, the EO of the place where the alleged election offense of vote-buying took place shall have the authority to administer oath for purposes of the filing a complaint. Complaints which do not comply with this paragraph shall not be accepted and/ or docketed.
- d. The complaints together with the affidavits of the witnesses filed before the OEO, OPES or ORED shall be transmitted to the Law Department for docketing. After the complaint has been docketed, the Law Department shall refer the case to the concerned lawyer of the Commission for preliminary investigation.

The manner of filing of a complaint for the election offense of vote-buying and vote-selling, or acts constituting ASR in elections, before any other prosecuting arms of the government shall be governed by existing laws and DOJ rules and regulations.

The process flow for the prosecution of vote-buying and vote-selling by the Commission is attached as **Annex "H"**.

SECTION 49. *Authority of COMELEC Lawyers to Investigate and Prosecute Election Offense of Vote-Buying and Vote-Selling, or Acts Constituting ASR in Elections.* - All lawyers in the Commission who are EO, PES, Regional Election Attorneys (REA), Assistant Regional Election Directors (ARED), RED and lawyers of the Law Department are authorized to conduct preliminary investigation.

Provided that the Commission may authorize other lawyers of the Commission to investigate and prosecute election offense of vote-buying and vote-selling, or acts constituting ASR in elections, if it may deem necessary.

The authority may be revoked or withdrawn any time by the Commission whenever in its sound judgment such revocation or withdrawal is necessary to protect the integrity of the Commission, or when it believes that successful prosecution of the case for vote-buying and vote-selling, or acts constituting ASR in elections, can be done by other lawyers in the Commission.

SECTION 50. *Conduct of Preliminary Investigation.* -

- a. If on the basis of the complaint, affidavits and the supporting evidence, the investigating officer finds no ground to continue with the inquiry, he or she shall recommend the dismissal of the complaint and shall follow the procedure prescribed in Section 53 of these Rules.

Otherwise, the investigating officer shall issue a subpoena to the respondent, attaching thereto a copy of the complaint, affidavits and other supporting documents and giving said respondent three (3) days from receipt within which to submit counter-affidavits and other supporting documents.

The respondent shall have the right to examine all other evidence submitted by the complainant. The respondent shall not be allowed to file any other pleading or motion in lieu of the counter-affidavit. For this purpose, no other pleadings except the counter-affidavit, affidavit of witnesses and other

supporting documents shall be admitted by the investigating officer.

- b. The complainant shall be furnished with counter-affidavits and other supporting evidence by the respondent.
- c. If the respondent cannot be subpoenaed, or if subpoenaed, does not submit counter-affidavits within three (3) days from receipt of the complaint, the investigating officer shall base his or her resolution on the evidence presented by the complainant.
- d. If the investigating officer believes that there are matters to be clarified, he may set a hearing to propound clarificatory questions to the parties or their witnesses, during which the parties shall be afforded an opportunity to be present but without the right to examine or cross-examine. If the parties so desire, they may submit questions to the investigating officer which the latter may propound to the parties or witnesses concerned.
- e. Thereafter, the investigation shall be deemed concluded, and the investigating officer shall resolve immediately the complaint. Upon the evidence thus adduced, the investigating officer shall determine whether or not there is sufficient ground to hold the respondent for trial.

SECTION 51. *Duty of Investigating Officer.* - The preliminary investigation must be terminated within twenty (20) days after receipt of the counter-affidavits and other evidence of the respondents, and a recommendation thereon shall be prioritized and immediately prepared by the investigating officer.

- a. If the investigating officer finds no cause to hold respondent for trial, he or she shall recommend the dismissal of the complaint.
- b. If the investigating officer finds cause to hold respondent for trial, he or she shall recommend the filing of information.
- c. In either case, the investigating officer shall, within three (3) days from rendition of the recommendation, forward the records of the case to the Director of the Law Department of the Commission;

All recommendations shall be held in strict confidence and shall not be known to the parties, their counsel and/ or any unauthorized person, until the same have been thoroughly discussed and resolved by the Commission *En Banc*, through a Minute Resolution and duly served to the parties.

Any violation of the foregoing shall subject the arresting officer and/ or investigating officer to administrative and criminal liability in accordance with existing laws, rules and regulations.

Cases investigated and prosecuted by the Prosecutor's Office shall be subject to DOJ Rules on preliminary investigation.

SECTION 52. *Duty of the Law Department upon Receipt of Records.* –

- a. In cases investigated by the lawyers or the field personnel of the Commission, the Director of the Law Department shall review and evaluate the recommendation of said legal officer, prepare a report and make a recommendation to the Commission *En Banc* affirming, modifying or reversing the same.

All cases for vote-buying and vote-selling, or acts constituting ASR in elections shall be prioritized by the Law Department and the corresponding recommendation shall be immediately submitted to the Commission *En Banc* to be included in the agenda of the succeeding *en banc* meeting.

- b. If the Commission *En Banc* approves the filing of an information in court against the respondent/ s, the Director of the Law Department shall prepare and sign the information for immediate filing with the appropriate court.
- c. If the Commission *En Banc* resolves to dismiss the case for lack of probable cause, the resolution and the entire records of the case shall be transmitted to the Law Department. The evidence in the dismissed complaint for vote-buying and vote-selling as money or any other goods of value shall be released in accordance with existing laws, rules and regulations.

The Law Department shall serve a copy of the resolution of the Commission *En Banc* to the parties or their counsels, either by personal service or registered mail.

SECTION 53. *Custody of Evidence by the Investigating Officer.* - The Investigating Officer shall:

- a. Conduct physical inventory of:
 - i. the items seized by the law enforcement authorities in cases of valid warrantless arrest as provided in these Rules. The investigating officer shall ensure that the chain of custody undertaken by the arresting officer is properly attached to the records of the case; or
 - ii. the object evidence attached to the complaint for vote-buying and vote-selling, or acts constituting ASR in elections. In case of money, the serial number should be properly recorded.
- b. Take photographs of the object evidence.
- c. Keep a record of all object evidence received, duly signed by him or her, with the date of receipt thereof.
- d. The object evidence should be properly deposited with the custodian designated by the Commission.

SECTION 54. *Procedure for Handling of a Child in Conflict with the Law.* - A person under eighteen (18) years of age who is alleged as, accused of, or adjudged as, having committed the election offense of vote-buying and vote- selling, or acts constituting ASR in elections, shall be dealt with in accordance with Republic Act No. 9344, as amended by Republic Act No. 10630, and other related rules and regulations.

SECTION 55. *Suppletory Application of the Comelec Rules of Procedure, As Amended.* - In all matters not provided in these Rules, the Comelec Rules of Procedure, as amended shall apply suppletory insofar as it is not consistent with any of the provisions herein.

SECTION 56. *Effectivity.*- This Resolution shall take effect immediately upon its publication in two daily newspapers of general circulation in the Philippines.

SECTION 57. *Publication and Dissemination.*- The EID shall cause the publication of this Resolution in two daily newspapers of general circulation in the Philippines and furnish copies of this Resolution to all field officials of the Commission.

SO ORDERED.

GEORGE ERWIN M. GARCIA
Chairman

SOCORRO B. INTING
Commissioner

MARLON S. CASQUEJO
Commissioner

AIMEE P. FEROLINO
Commissioner

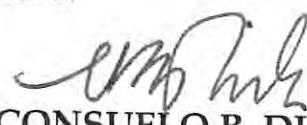
REY E. BULAY
Commissioner

ERNESTO FERDINAND P. MACEDA, JR.
Commissioner

NELSON J. CELIS
Commissioner

CERTIFICATION

APPROVED for publication January 28, 2025.



CONSUELO B. DIOLA

Director IV

Office of the Commission Secretary

This Resolution can be verified at this number (02) 85272987; email address comsec@comelec.gov.ph