



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
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**PROHIBITIONS ON THE USE OF PUBLIC FUNDS FOR THE CONDUCT OF PARTISAN
POLITICAL ACTIVITIES AND UNLAWFUL ACTS IN CONNECTION WITH THE 2019
MIDTERM NATIONAL AND LOCAL ELECTIONS**

MEMORANDUM CIRCULAR NO. 2019-49

Date March 28, 2019

1.0. Background

Republic Act No. 9006, otherwise known as "Fair and Election Act" provides for the holding of free, orderly, honest, peaceful and credible elections through fair election practices. The said Act allow the publication or broadcast of political advertisements or propaganda for or against any candidate or political party, subject however, to the supervision and regulations of the Commission on Election (COMELEC).

The Omnibus Election Code governs all election of public officers and, to the extent appropriate, all referenda and plebiscites. In the said Code, certain prohibitions or unlawful acts of a person or candidate for elective position including election offenses are provided in Article X, Campaign and Election Propaganda; Article XI, Election Contribution and Expenditures of Public Officers; and Article XXII, Election Offenses.

Section 4 of Executive Order 262 mandated the Department of the Interior and Local Government to assist the President in the exercise of general supervision over local governments. Furthermore, Section 5 of said EO provides that DILG shall establish and prescribe rules, regulations and other issuances implementing laws in the general supervision of the local government units.

2.0. Purpose

This Circular is being issued as guidelines in support to the implementation of the Omnibus Election Code and COMELEC Resolutions promulgated in connection with the 2019 Midterm National and Local Elections that provide prohibitions and unlawful acts.

3.0. Legal Bases

- 3.1. Batas Pambansa 881, otherwise known as the Omnibus Election Code of the Philippines approved on December 03, 1985.
- 3.2. COMELEC Resolution No. 10429, promulgated on October 1, 2018, titled, "In the Matter of Prescribing the Calendar of Activities and Periods of Certain Prohibited Acts in Connection with the May 13, 2019 National and Local Elections."
- 3.3. COMELEC Resolutions No. 10488 titled, "Rules and Regulations Implementing RA No. 9006, Otherwise Known as the Fair Elections Act, in Connection with the May 13, 2019 National and Local Elections."

4.0. Scope and Coverage

This Circular shall cover all Local Chief Executives (Province, City and Municipality), Provincial Board Members, Provincial Vice Governors, City and Municipal Vice Mayors, Sanggunian Panlungsod and Pambayan, Local Government Leagues, DILG Regional Directors and all others concerned.

5.0. Policy Content and Guidelines

5.1. CAMPAIGN AND ELECTION PROPAGANDA (Article X, OEC)

Definition of terms

The following are defined in the Omnibus Election Code and COMELEC Resolutions promulgated in connection with the 2019 national and local mid-term elections:

- a) Candidate refers to any person aspiring for or seeking an elective public office, who has filed a certificate of candidacy, and who has not died, withdrawn his/her certificate of candidacy, had his/her certificate of candidacy denied due course or cancelled, or has been otherwise disqualified before the start of campaign period for which he/she filed certificate of candidacy.

It also refers to any registered national, regional, or sectoral party, organization or coalition that has fled manifestation of intent to participate under the party list system, which has not withdrawn the said manifestation, or which has not been disqualified before the start of the campaign period.

- b) "Election campaign" or "partisan political activity" refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office which shall include:
1. Forming organizations, associations, clubs, committees or other groups of persons for the purpose of soliciting votes and/or undertaking any campaign for or against a candidate;
 2. Holding political caucuses, conferences, meetings, rallies, parades, or other similar assemblies, for the purpose of soliciting votes and/or undertaking any campaign or propaganda for or against a candidate;
 3. Making speeches, announcements or commentaries, or holding interviews for or against the election of any candidate for public office;
 4. Publishing or distributing campaign literature or materials designed to support or oppose the election of any candidate; and
 5. Directly or indirectly soliciting votes, pledges or support for or against a candidate.
- c) Contribution includes a gift, donation, subscription, loan, advance or deposit of money or anything of value, or a contract, promise or agreement to contribute, whether or not legally enforceable, made for the purpose of influencing the results of the elections but shall not include services rendered without compensation by individuals volunteering a portion or all of their time in behalf of a candidate or

political party. It shall also include the use of facilities voluntarily donated by other persons, the money value of which can be assessed based on the rates prevailing in the area.

- d) Expenditure includes the payment or delivery of money of anything of value, or a contract, promise or agreement to make an expenditure, for the purpose of influencing the results of the election. It shall also include the use of facilities personally owned by the candidate, the money value of the use of which can be assessed based on the rates prevailing in the area.
- e) Person includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.
- f) Mass Media refers to diversified technologies, operating on various platforms that have for primary purpose the transmission of information and communication to a large audience. These platforms include broadcast, internet and mobile, print and outdoor. Social media is a form of mass media. In broadcast media, political advertisement may take the form of spot, appearances on television shows and radio programs, live or taped announcements, teasers, and other forms of advertising messages or announcements used by commercial advertisements.
- g) Party refers to either a political party, whether national or sectoral party, or a coalition of parties, and party-list organizations duly registered/accredited with the COMELEC.
- h) Political advertisement of election propaganda refers to any matter broadcasted, published, printed, displayed or exhibited, in any medium, which contains the name, image, logo, brand, insignia, color, motif, initials, and other symbol or graphic representation that is capable of being associated with a candidate, and is exclusively intended to draw the attention of the public or a segment to promote or oppose, directly or indirectly, the election of the said candidate or candidates to a public office.
- i) Social media refers to the collective of online communication channels, including websites and applications that enable users to create and share content, collaborate, and interact with each other.

5.1.1. Election campaign or partisan political activity outside campaign period (Section 80).- It shall be unlawful for any person, whether or not a voter or candidate, or for any party, or association of persons, to engage in an election campaign or partisan political activity except during the campaign period.

5.1.2. Intervention of foreigners (Section 81) – It shall be unlawful for any foreigner, whether judicial or natural person, to aid any candidate or political party, directly or indirectly, or take part in or influence in any manner and election, or to contribute or make any expenditure in connection with any election campaign or partisan political activity.

- 5.1.3. Removal, destruction or defacement of lawful election propaganda. - It shall be unlawful for any person during the campaign period to remove, destroy, obliterate, or in any manner deface or tamper with, or prevent the distribution of lawful election propaganda.
- 5.1.4. Requirements for published or printed election propaganda.- Any newspaper, newsletter, newsweekly, gazette or magazine, advertising, posters, pamphlets, circulars, handbills, bumper stickers, streamers, sample list of candidates or any published or printed political matter for or against a candidate or group of candidates to any public office shall bear and be identified by the words "**paid for by**" followed by the true and correct name and address of the payor and by the words "**printed by**" followed by the true and correct name and address of the printer.
- 5.1.5. Prohibited forms of election propaganda (Section 85).- It shall be unlawful to:
- a) Print, publish, post or distribute any newspaper, newsletter, newsweekly, gazette or magazine advertising, pamphlet, leaflet, card, decal, bumper, sticker, poster, comic book, circular, handbill, streamer, sample list of candidates or any publish or printed political matter and to air or broadcast any election propaganda or political advertisement by television or radio for or against a candidate or group of candidates to any public office, unless they bear and be identified by the reasonably legible of audible words "**political advertisement paid for,**" followed by the true and correct name and address of the candidate or party for whose benefit the election propaganda was printed or aired. It shall likewise be unlawful to publish, print or distribute said campaign materials unless they bear, and are identified by, the reasonably legible, or audible words "**political advertisement paid by,**" followed by the true and correct name and address of the payor;
 - b) Print, publish, broadcast, display, or exhibit any such election propaganda donated or given free of charge by any person or publishing firm or broadcast media entity to a candidate or party without the written acceptance of the said candidate or party, and unless they bear and be identified by the words "**printed free of charge,**" or "**airtime for the broadcast was provided free of charge by**", respectively, followed by the true and correct name and address of the said publishing firm or broadcast entity;
 - c) Show or display publicly in a theater, through a television station, a video sharing site, social media network, or any public forum any movie, cinematography or documentary, including concert or any type of performance portraying the life or biography of a candidate, or in which a character is portrayed by an actor or media personality who is himself or herself a candidate;

- d) For any newspaper or publication, radio, television, or cable television station, or other mass media entity, or any person making use of the mass media to sell or give free of charge print or advertising space or airtime for campaign or election propaganda purposes to any candidate or party in excess of the size, duration or frequency authorized by law and other related rules;
- e) For any radio, television, cable television station, announcer or broadcaster to allow the scheduling of any program, or permit any sponsor to meaningfully favor or oppose any candidate or party in excess of the size, duration or frequency as authorize by law;
- f) To post, display or exhibit any election campaign or propaganda material outside of authorized common poster areas, in public places, or in private properties, without the consent of the owner thereof; and
- g) To print, publish, show, display, distribute any election campaign or propaganda materials that violates gender sensitivity, obscene or offensive, or constitute violation of Magna Carta for Women.

5.1.6 Regulation of election propaganda through mass media (Section 86).

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

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

- 5.1.7 Rallies, meetings and other political activities (Section 87). - Subject to the requirements of local ordinances on the issuance of permits, any political party supporting official candidates or any candidate individually or jointly with other aspirants may hold peaceful political rallies, meetings, and other similar activities during the campaign period: Provided, That all applications for permits to hold meetings, rallies and other similar political activities, receipt of which must be acknowledged in writing and which application shall be immediately posted in a conspicuous place in the city or municipal building, shall be acted upon in writing by local authorities concerned within three days after the filing thereof and any application not acted upon within said period shall be deemed approved: and Provided, further, That denial of any application for said permit shall be appealable to the provincial election supervisor or to the Commission whose decision shall be made within forty-eight hours and which shall be final and executory: Provided, finally, That one only justifiable ground for denial is a prior written application by any candidate or political party for the same purpose has been approved.
- 5.1.8 Public Rally (Section 88) .- Any political party or candidate shall notify the election registrar concerned of any public rally said political party or candidate intends to organize and hold in the city or municipality, and within seven working days thereafter submit to the election registrar a statement of expenses incurred in connection therewith.
- 5.1.9 Transportation, food and drinks (Section 89). - It shall be unlawful for any candidate, political party, organization, or any person to give or accept, free of charge, directly or indirectly, transportation, food or drinks or things of value during the five hours before and after a public meeting, on the day preceding the election, and on the day of the election; or to give or contribute, directly or indirectly, money or things of value for such purpose.

5.2. ELECTORAL CONTRIBUTIONS AND EXPENDITURES (Article XI, OEC)

- 5.2.1. Prohibited contributions (Section 95). - No contribution for purposes of partisan political activity shall be made directly or indirectly by any of the following:
- a) Public or private financial institutions: Provided, however, That nothing herein shall prevent the making of any loan to a candidate or political party by any such public or private financial institutions legally in the business of lending money, and that the loan is made in accordance with laws and regulations and in the ordinary course of business;

- b) Natural and juridical persons operating a public utility or in possession of or exploiting any natural resources of the nation;
- c) Natural and juridical persons who hold contracts or sub-contracts to supply the government or any of its divisions, subdivisions or instrumentalities, with goods or services or to perform construction or other works;
- d) Natural and juridical persons who have been granted franchises, incentives, exemptions, allocations or similar privileges or concessions by the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations;
- e) Natural and juridical persons who, within one year prior to the date of the election, have been granted loans or other accommodations in excess of P100,000.00 by the government or any of its divisions, subdivisions or instrumentalities including government-owned or controlled corporations;
- f) Educational institutions which have received grants of public funds amounting to no less than P100, 000.00;
- g) Officials or employees in the Civil Service, or members of the Armed Forces of the Philippines; and
- h) Foreigners and foreign corporations.

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

5.2.3. Prohibited raising of funds (Section 97). - It shall be unlawful for any person to hold dances, lotteries, cockfights, games, boxing bouts, bingo, beauty contests, entertainments, or cinematographic, theatrical or other performances for the purpose of raising funds for an election campaign or for the support of any candidate from the commencement of the election period up to and including election day; or for any person or organization, whether civic or religious, directly or indirectly, to solicit and/or accept from any candidate for public office, or from his campaign manager, agent or representative, or any person acting in their behalf, any gift, food, transportation, contribution or donation in cash or in kind from the commencement of the election period up to and including election day; Provided, That normal and customary religious stipends,

tithes, or collections on Sundays and/or other designated collection days, are excluded from this prohibition.

- 5.2.4. True name of contributor required (Section 98). - No person shall make any contribution in any name except his own nor shall any candidate or treasurer of a political party receive a contribution or enter or record the same in any name other than that of the person by whom it was actually made.
- 5.2.5. Report of contributions (Section 99). - Every person giving contributions to any candidate, treasurer of the party, or authorized representative of such candidate or treasurer shall, not later than thirty days after the day of the election, file with the Commission a report under oath stating the amount of each contribution, the name of the candidate, agent of the candidate or political party receiving the contribution, and the date of the contribution.
- 5.2.6. Limitations upon expenses of candidates (Section 100). - No candidate shall spend for his election campaign an aggregate amount exceeding one peso and fifty centavos for every voter currently registered in the constituency where he filed his candidacy: Provided, That the expenses herein referred to shall include those incurred or caused to be incurred by the candidate, whether in cash or in kind, including the use, rental or hire of land, water or aircraft, equipment, facilities, apparatus and paraphernalia used in the campaign: Provided, further, That where the land, water or aircraft, equipment, facilities, apparatus and paraphernalia used is owned by the candidate, his contributor or supporter, the Commission is hereby empowered to assess the amount commensurate with the expenses for the use thereof, based on the prevailing rates in the locality and shall be included in the total expenses incurred by the candidate.
- 5.2.7. Limitations upon expenses of political parties (Section 101). - A duly accredited political party may spend for the election of its candidates in the constituency or constituencies where it has official candidates an aggregate amount not exceeding the equivalent of one peso and fifty centavos for every voter currently registered therein. Expenses incurred by branches, chapters, or committees of such political party shall be included in the computation of the total expenditures of the political party.

Expenses incurred by other political parties shall be considered as expenses of their respective individual candidates and subject to limitation under Section 100 of this Code.

- 5.2.8. Prohibited donations by candidates, treasurers of parties or their agents (Section 104). - No candidate, his or her spouse or any relative within the second civil degree of consanguinity or affinity, or his campaign manager, agent or representative shall during the campaign period, on

the day before and on the day of the election, directly or indirectly, make any donation, contribution or gift in cash or in kind, or undertake or contribute to the construction or repair of roads, bridges, school buses, puericulture centers, medical clinics and hospitals, churches or chapels cement pavements, or any structure for public use or for the use of any religious or civic organization: Provided, That normal and customary religious dues or contributions, such as religious stipends, tithes or collections on Sundays or other designated collection days, as well as periodic payments for legitimate scholarships established and school contributions habitually made before the prohibited period, are excluded from the prohibition.

The same prohibition applies to treasurers, agents or representatives of any political party.

5.2.9. Accounting by agents of candidate or treasurer (Section 105). - Every person receiving contributions or incurring expenditures by authority of the candidate or treasurer of the party shall, on demand by the candidate or treasurer of the party and in any event within five days after receiving such contribution or incurring such expenditure, render to the candidate or the treasurer of the party concerned, a detailed account thereof with proper vouchers or official receipts.

5.2.10. Records of contributions and expenditures (Section 106)

- a) It shall be the duty of every candidate, treasurer of the political party and person acting under the authority of such candidate or treasurer to issue a receipt for every contribution received and to obtain and keep a receipt stating the particulars of every expenditure made.
- b) Every candidate and treasurer of the party shall keep detailed, full, and accurate records of all contributions received and expenditures incurred by him and by those acting under his authority, setting forth therein all information required to be reported.
- c) Every candidate and treasurer of the party shall be responsible for the preservation of the records of contributions and expenditures, together with all pertinent documents, for at least three years after the holding of the election to which they pertain and for their production for inspection by the Commission or its duly authorized representative, or upon presentation of a subpoena duces tecum duly issued by the Commission. Failure of the candidate or treasurer to preserve such records or documents shall be deemed prima facie evidence of violation of the provisions of this Article.

5.2.11. Statement of contributions and expenditures (Section 107). - Every candidate and treasurer of the political party shall, not later than seven days, or earlier than ten days before the day of the election, file in

duplicate with the office indicated in the following section, full, true and itemized, statement of all contributions and expenditures in connection with the election.

Within thirty days after the day of the election, said candidate and treasurer shall also file in duplicate a supplemental statement of all contribution and expenditures not included in the statement filed prior to the day of the election.

- 5.2.12. Form and contents of statement (Section 109). - The statement shall be in writing, subscribed and sworn to by the candidate or by the treasurer of the party, shall be complete as of the date next preceding the date of filing and shall set forth in detail (a) the amount of contribution, the date of receipt, and the full name and exact address of the person from whom the contribution was received; (b) the amount of every expenditure, the date thereof, the full name and exact address of the person to whom payment was made, and the purpose of the expenditure; (c) any unpaid obligation, its nature and amount, and to whom said obligation is owing; and (d) such other particulars which the Commission may require.

If the candidate or treasurer of the party has received no contribution, made no expenditure, or has no pending obligation, the statement shall reflect such fact.

- 5.2.13. Effect of failure to file statement (Section 111). - In addition to other sanctions provided in this Code, no person elected to any public office shall enter upon the duties of his office until he has filed the statement of contributions and expenditures herein required.

The same prohibition shall apply if the political party which nominated the winning candidate fails to file the statements required herein within the period prescribed by this Code.

- 5.2.14. Report of contractor and business firms (Section 112). - Every person or firm to whom any electoral expenditure is made shall, within thirty days after the day of the election, file with the Commission a report setting forth the full names and exact addresses of the candidates, treasurers of political parties, and other persons incurring such expenditures, the nature or purpose of each expenditure, the date and costs thereof, and such other particulars as the Commission may require. The report shall be signed and sworn to by the supplier or contractor, or in case of a business firm or association, by its president or general manager.

It shall be the duty of such person or firm to whom an electoral expenditure is made to require every agent of a candidate or of the treasurer of a political party to present written authority to incur electoral expenditures in behalf of such candidate or treasurer, and to keep and

preserve at its place of business, subject to inspection by the Commission or its authorized representatives, copies of such written authority, contracts, vouchers, invoices and other records and documents relative to said expenditures for a period of three years after the date of the election to which they pertain.

It shall be unlawful for any supplier, contractor or business firm to enter into contract involving election expenditures with representatives of candidates or political parties without such written authority.

5.3. ELECTION OFFENSES (Article XXII)

Prohibited Acts (Section 261, Omnibus Election Code)

5.3.1. 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 be forfeited to the government.
- c) Appointment of new employees, creation of new position, promotion, or giving salary increases. - During the period of forty-five days before a regular election and thirty days before a special election, any head, official or appointing officer of a government office, agency or instrumentality, whether national or local, including government-owned or controlled corporations, who appoints or hires any new employee, whether provisional, temporary or casual, or creates and fills any new position, except upon prior authority of the Commission. The Commission shall not grant the authority sought unless, it is satisfied that the position to be filled is essential to the proper functioning of the office or agency concerned, and that the position shall not be filled in a manner that may influence the election.

As an exception to the foregoing provisions, a new employee may be appointed in case of urgent need: Provided, however, That notice of the appointment shall be given to the Commission within three days from the date of the appointment. Any appointment or hiring in violation of this provision shall be null and void.

Any government official who promotes, or gives any increase of salary or remuneration or privilege to any government official or employee, including those in government-owned or controlled corporations.

- 5.3.2. Transfer of officers and employees in the civil service. - Any public official who makes or causes any transfer or detail whatever of any officer or employee in the civil service including public school teachers, within the election period except upon prior approval of the Commission.
- 5.3.3. 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 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.
- 5.3.4. Undue influence. - It is unlawful for any person to promise any office or employment, public or private, or to make or offer to make an expenditure, directly or indirectly, or to cause an expenditure to be made to any person, association, corporation or entity, which may induce anyone or the public in general either to vote or withhold his vote, or to vote for or against any candidate in any election or any aspirant for the nomination or selection of an official candidate in a convention of a political party. It is likewise unlawful for any person, association, corporation or community, to solicit or receive, directly or indirectly, any expenditure or promise or any office, or employment, public or private, for any of the foregoing considerations.
- 5.3.5. Unlawful electioneering. - It is unlawful to solicit votes or undertake any propaganda on the day of registration before the board of election inspectors and on the day of election, for or against any candidate or any political party within the polling place and with a radius of thirty meters thereof.
- 5.3.6. Prohibition against dismissal of employees, laborers, or tenants. - No employee or laborer shall be dismissed, nor a tenant be ejected from his landholdings for refusing or failing to vote for any candidate of his employer or landowner. Any employee, laborer or tenant so dismissed or ejected shall be reinstated and the salary or wage of the employee or laborer, or the share of the harvest of the tenant, shall be restored to the aggrieved party upon application to the proper court.
- 5.3.7. Appointment or use of special policemen, special agents, confidential agents or the like. - During the campaign period, on the day before and

on election day, any appointing authority who appoints or any person who utilizes the services of special policemen, special agents, confidential agents or persons performing similar functions; persons previously appointed as special policemen, special agents, confidential agents or persons performing similar functions who continue acting as such, and those who fail to turn over their firearms, uniforms, insignias and other badges of authority to the proper officer who issued the same.

- 5.3.8. 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.
- 5.3.9. Deadly weapons. - Any person who carries any deadly weapon in the polling place and within a radius of one hundred meters thereof during the days and hours fixed by law for the registration of voters in the polling place, voting, counting of votes, or preparation of the election returns. However, in cases of affray, turmoil, or disorder, any peace officer or public officer authorized by the Commission to supervise the election is entitled to carry firearms or any other weapon for the purpose of preserving order and enforcing the law.
- 5.3.10. Carrying firearms outside residence or place of business. - Any person who, although possessing a permit to carry firearms, carries any firearms outside his residence or place of business during the election period, unless authorized in writing by the Commission: Provided, That a motor vehicle, water or air craft shall not be considered a residence or place of business or extension hereof.

This prohibition shall not apply to cashiers and disbursing officers while in the performance of their duties or to persons who by nature of their official duties, profession, business or occupation habitually carry large sums of money or valuables.\

- 5.3.11. Use of armored land, water or air craft. - Any person who uses during the campaign period, on the day before and on election day, any armored land, water or air craft, provided with any temporary or permanent equipment or any other device or contraption for the

mounting or installation of cannons, machine guns and other similar high caliber firearms, including military type tanks, half trucks, scout trucks, armored trucks, of any make or model, whether new, reconditioned, rebuilt or remodelled: Provided, That banking or financial institutions and all business firms may use not more than two armored vehicles strictly for, and limited to, the purpose of transporting cash, gold bullion or other valuables in connection with their business from and to their place of business, upon previous authority of the Commission.

5.3.12. Wearing of uniforms and bearing arms. - During the campaign period, on the day before and on election day, any member of security or police organization of government agencies, commissions, councils, bureaus, offices, or government-owned or controlled corporations, or privately-owned or operated security, investigative, protective or intelligence agencies, who wears his uniform or uses his insignia, decorations or regalia, or bears arms outside the immediate vicinity of his place of work: Provided, That this prohibition shall not apply when said member is in pursuit of a person who has committed or is committing a crime in the premises he is guarding; or when escorting or providing security for the transport of payrolls, deposits, or other valuables; or when guarding the residence of private persons or when guarding private residences, buildings or offices: Provided, further, That in the last case prior written approval of the Commission shall be obtained. The Commission shall decide all applications for authority under this paragraph within fifteen days from the date of the filing of such application.

5.3.13. 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:

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 "pakyaw" 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.

5.3.14. 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.

5.3.15. On candidacy and campaign (cc, OEC):

- a) Any political party which holds political conventions or meetings to nominate its official candidates earlier than the period fixed in this Code.
- b) Any person who abstracts, destroys or cancels any certificate of candidacy duly filed and which has not been cancelled upon order of the Commission.

- c) Any person who misleads the board of election inspectors by submitting any false or spurious certificate of candidacy or document to the prejudice of a candidate.
- d) Any person who, being authorized to receive certificates of candidacy, receives any certificate of candidacy outside the period for filing the same and makes it appear that said certificate of candidacy was filed on time; or any person who, by means of fraud, threat, intimidation, terrorism or coercion, causes or compels the commission of said act.
- e) Any person who, by any device or means, jams, obstructs or interferes with a radio or television broadcast of any lawful political program.
- f) Any person who solicits votes or undertakes any propaganda, on the day of election, for or against any candidate or any political party within the polling place or within a radius of thirty meters thereof.

Other prohibitions (dd, OEC):

- a) Any person who sells, furnishes, offers, buys, serves or takes intoxicating liquor on the days fixed by law for the registration of voters in the polling place, or on the day before the election or on election day: Provided, That hotels and other establishments duly certified by the Ministry of Tourism as tourist oriented and habitually in the business of catering to foreign tourists may be exempted for justifiable reasons upon prior authority of the Commission: Provided, further, That foreign tourists taking intoxicating liquor in said authorized hotels or establishments are exempted from the provisions of this subparagraph.
- b) Any person who opens in any polling place or within a radius of thirty meters thereof on election day and during the counting of votes, booths or stalls of any kind for the sale, dispensing or display of wares, merchandise or refreshments, whether solid or liquid, or for any other purposes.
- c) Any person who holds on election day, fairs, cockfights, boxing, horse races, jai-alai or any other similar sports.
- d) Refusal to carry election mail matter. - Any operator or employee of a public utility or transportation company operating under a certificate of public convenience, including government-owned or controlled postal service or its employees or deputized agents who refuse to carry official election mail matters free of charge during the election period. In addition to the penalty prescribed herein, such refusal shall constitute a ground for cancellation or revocation of certificate of public convenience or franchise.
- e) Prohibition against discrimination in the sale of air time. - Any person who operates a radio or television station who without justifiable cause discriminates against any political party, coalition or aggroupment of parties or any candidate in the sale of air time.

In addition to the penalty prescribed herein, such refusal shall constitute a ground for cancellation or revocation of the franchise. Violation of the provisions, or pertinent portions and sections of the Omnibus Election Code shall constitute election offenses.

6.0. References

- 6.1. Batas Pambansa 881 or Omnibus Election Code (OEC) of the Philippines
- 6.2. COMELEC Resolution 10488, promulgated January 30, 2019, "Rules and Regulations Implementing RA 9006 Otherwise known as the " Fair Elections Act", in Connection with the May 13, 2019 National and Local Elections.
- 6.3. COMELEC Resolution 10429, promulgated October 01, 2018, "In the Matter of Prescribing the Calendar of Activities and Periods of Certain Prohibited Acts in Connection with the May 12, 2019 National and Local Elections.


7.0. Annex

Calendar or Activities and Period of Prohibited Acts in connection with the May 13, 2019 National and Local Election (COMELEC Res. 10429).

8.0. Effectivity

This Circular shall take effect immediately.

9.0. Approving Authority


EDUARDO M. AÑO
Secretary *MA*



**Calendar of Activities and Period of Prohibited Acts in connection with the May 13, 2019
National and Local Elections (Per COMELEC Resolution 10429
promulgated October 1, 2018)**

Date/Period	Activities	Prohibited Acts
January 13, 2019 to June 12, 2019		<p>Bearing, Carrying or transporting firearms or other deadly weapons unless authorized in writing (Sec. 32, RA 7166).</p> <p>Use of security personnel or body guards by candidates, unless authorized in writing by the COMELEC (Sec. 33, RA 7166)</p> <p>Organization of maintenance of reaction forces, strike forces or other similar forces (sec. 261 (u), OEC).</p>
February 12, to May 13		<p>Giving Donations or gift in cash or in kind, etc. (Sec. 104, OEC).</p> <p>Appointment or use of special policemen, confidential agent and the like (Sec. 261 (m) OEC).</p>
March 14, 2019 to June 12, 2019		<p>Illegal release of prisoners (Sec. 261 (n), OEC).</p>
March 12, 2019 to May 11, 2019	<p>Campaign period for candidates for Members of the House of Representatives, and electives regional, provincial, city, municipal officials (Sec. 5(b), RA 7160)</p>	<p>Campaigning on March 28, (Holy Thursday) and March 29, (Good Friday).</p>
March 29, 2019 to May 12, 2019		<p>Appointment or hiring of new employees, creation or filing up of new positions; promotion or giving of salary increases, remuneration of privilege (Section 26 (g), OEC).</p> <p>Construction of public works, delivery of materials for public works and issuance of treasury warrant or similar devises for a future undertaking chargeable against public funds (Sec. 26 (w), OEC).</p> <p>Release, disbursement or expenditures of public funds (Sec. 26, (v), OEC).</p>
April 13, to May 13	<p>Casting of votes by overseas voters (Sec. 16.1, RA 9189 as amended by RA 10590)</p>	<p>Campaigning abroad (Sec. 22, RA 10590).</p>

<p>May 12, 2019</p>		<p>Campaigning (Sec. 5, RA 7166) Selling, furnishing, offering, buying serving or taking intoxicating liquor (Sec. 261 (dd), OEC).</p> <p>Giving, accepting, free transportation, foods or drinks or things of value (Sec. 89. OEC).</p> <p>Voting more than once or in substitution of another (Sec. 261 (2) and (3), OEC) Soliciting votes or undertaking any propaganda for or against any candidate or any political party within the polling place or within 30 meters thereof, (Sec. 261 (cc), OEC).</p> <p>Opening of booths or stalls for the sale, etc. of merchandise or refreshment, within a radius of thirty (30) meters from the polling places, (Sec. 261, (dd) (2), OEC).</p>
<p>May 13, 2019</p>		<p>Holding of fairs, cockfight, boxing, horse races or any other similar sports (Sec. 261 (dd) (3), OEC).</p>