



Republic of the Philippines
COMMISSION ON ELECTIONS
M a n i l a

**RULES AND REGULATIONS
IMPLEMENTING REPUBLIC ACT NO.
9006, OTHERWISE KNOWN AS THE
"FAIR ELECTION ACT", IN RELATION TO
THE MAY 14, 2007 SYNCHRONIZED
NATIONAL AND LOCAL ELECTIONS.**

PRESENT:

ABALOS, Benjamin S.	Chairman
BORRA, Resurreccion Z.	Commissioner
TUASON, Florentino Jr. A.	Commissioner
BRAWNER, Romeo A.	Commissioner
SARMIENTO, Rene V.	Commissioner
FERRER, Nicodemo T.	Commissioner

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Promulgated 30 November 2006

RESOLUTION NO. 7767

WHEREAS, Republic Act No. 9006 provides for the holding of free, orderly, honest, peaceful and credible elections through fair election practices, and that for purposes of the May 14, 2007 elections, political advertisements or propaganda for or against any candidate or political party shall be published or broadcast through mass media;

WHEREAS, SEC. 6.4 of said Act directs the Commission on Elections to supervise the use and employment of press, radio and television facilities insofar as the placement of political advertisements is concerned so as to give candidates equal opportunities under equal circumstances to make known their qualifications and stand on public issues;

WHEREAS, SEC. 13 thereof requires the Commission to promulgate the necessary rules and regulations for the implementation thereof;

NOW, THEREFORE, the Commission on Elections, by virtue of the powers vested in it by the Constitution, the Omnibus Election Code, Republic Act Nos. 6646, 7166, 9006 and other related laws has **RESOLVED** to promulgate, as it hereby promulgates the following rules and regulations implementing the Fair Election Act.

SECTION 1. *Definitions.*- As used in this resolution:

1. The term "election campaign" or "partisan political activity" refers to any act designed to promote the election or defeat of a particular candidate or candidates to a public office which shall include any of the following:
 - a. 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;
 - b. 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;

- c. Making speeches, announcements or commentaries, or holding interviews for or against the election of any candidate for public office;
- d. Publishing or distributing campaign literature or materials designed to support or oppose the election of any candidate; or
- e. Directly or indirectly soliciting votes, pledges or support for or against any candidate.

2. The term “candidate” refers to any person aspiring for or seeking an elective public office who has filed his certificate of candidacy, or any registered national, regional, or sectoral party, organization or coalition thereof that has filed a manifestation to participate under the party-list system.

3. The term “political advertisement” refers to any matter broadcasted, published, printed, or exhibited which is intended to draw the attention of the public or a segment thereof to promote or oppose, directly or indirectly, the election of a particular candidate or candidates to a public office. In the broadcast media, political advertisements may take the form of spots, guestings in TV shows and radio programs, live or taped announcements, teasers, and other forms of advertising messages or announcements used by commercial advertisers.

4. The term “media practitioner” refers to a person who is not employed by a media entity but performs similar functions or has control over what is printed or broadcasted such as a talent or a block timer.

5. The term “election survey” refers to the measurement of opinions and perceptions of the voters as regards a candidate’s popularity, qualifications, platforms or matters of public discussion in relation to the election, including voters’ preference for candidates or publicly discussed issues during the campaign period.

6. The term “exit polls” refers to a species of election survey conducted by a qualified individual or a group of individuals for the purpose of determining the probable result of an election by confidentially asking randomly selected voters for the names of candidates they have voted for, immediately after they have officially cast their ballots.

SEC. 2. *Nomination and Selection of Official Candidates* – No political convention or meeting for the nomination or selection of the official candidates of any political party or organization or political groups or coalitions thereof shall be held, nor shall any election campaign or partisan political activity for the purpose of enhancing the chances of aspirants for nomination for candidacy to a public office by a political party, party-list group, organization and/or coalition thereof, be conducted earlier than November 30, 2006.

SEC. 3. *Campaign Periods*. – The campaign periods for the May 14, 2007 elections shall be:

1. February 13 to May 12, 2007 for the election of Senators and Party-List Representatives; and
2. March 30 to May 12, 2007 for the election of members of the House of Representatives and elective provincial, city and municipal officials.

SEC. 4. *Prohibited Campaign*. – It is unlawful for any person, or for any political party, or association of persons to engage in an election campaign or partisan political activity outside of the campaign periods.

Any election campaign or partisan political activity is prohibited on April 5, 2007 (Maundy Thursday), April 6, 2007 (Good Friday), May 13 (day before election day) and May 14, 2007 (election day).

SEC. 5. Acts Not Considered Election Campaign or Partisan Political Activity. – The following acts shall not be considered as part of prohibited campaign even if done outside of the campaign period:

1. Any of the acts enumerated in SEC. 1 (1) hereof if performed for the purpose of enhancing the chances of aspirants for nomination as official candidates of any political party, organization or coalition; and
2. Public expression of opinions or discussions of issues in the forthcoming election or on attributes of or criticisms against probable candidates proposed to be nominated as official candidates in a forthcoming convention of a political party, organization, and/or coalition thereof.

SEC. 6. Intervention of Foreigners. – It is unlawful for any foreigner, whether juridical or natural person, to aid any candidate, or political party, organization or coalition, directly or indirectly, or to take part in, or influence in any manner, any election, or to contribute or make any expenditure in connection with any election campaign or partisan political activity.

SEC. 7. Authorized Expenses of Candidates and Political Parties. – The aggregate amount that a candidate or registered political party may spend for election campaign shall be as follows:

1. For candidates for President and Vice-President – Ten pesos (P10.00) for every voter;
2. For Candidates officially nominated by Political Parties, and officially recognized as such by the Commission – Three Pesos (P3.00) for every voter currently registered in the constituency where they filed their certificate of candidacy;
3. For Independent Candidates and Parties/Organizations/Coalitions participating under the Party-List System – Five Pesos (P5.00) for every such voter. For the purpose of determining authorized expenses of candidates, an independent candidate shall be that recognized as such by the Commission *en banc* in an appropriate resolution; and
4. For Political Parties/Organizations/Coalitions – Five pesos (P5.00) for every voter currently registered in the constituency or constituencies where they have official candidates.

SEC. 8. Persons Authorized to Incur Election Expenditures. – No person, except the candidate, the treasurer of a political party, party-list group, organization, and/or coalition thereof, or any person authorized by said candidate or treasurer, shall make any expenditure in support of or in opposition to any candidate, political party, or party-list group, organization, and/or coalition thereof.

The authority of any person to incur election expenditures for or on behalf of any candidate, political party, or party-list group, organization, and/or coalition thereof shall be in writing, signed by the candidate or treasurer of the political party, or party-list group, organization, and/or coalition thereof and shall state the expenditures so authorized and the full name and exact address of the person so designated.

SEC. 9. Report of Contractors or Business Firms. – Every printer, manufacturer, seller or other person or firm to whom an election expenditure is made, shall, within thirty (30) days

after the date of the election, file with the office of the EO of the city/municipality where the printer, manufacturer, seller or other person or firm has his business, a report setting forth the following:

1. The full name and exact address of every candidate, treasurer of a political party, party-list group, organization, and/or coalition thereof, or other person incurring such expenditure;
2. The nature or purpose of each expenditure;
3. The date and costs thereof; and
4. Such other particulars as the Commission may require.

The report shall be signed and sworn to by the contractor or dealer, or, in the case of a business firm or association, by its president or general manager. Said report shall likewise be submitted in digital form, Excel format. (See Annex "A" for sample form)

It shall be the duty of such person or firm to whom an election expenditure is made to require every person making an expenditure for and in behalf of a political party, party-list group, organization, and/or coalition thereof, and *bona fide* candidate to present and submit a written authority to incur such electoral expenditure, 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, contract, vouchers, invoices and other records or documents relative to said expenditure for a period of three (3) years after the date of the election to which they pertain.

It is unlawful for any supplier, contractor or business firm to enter into any contract involving election expenditures with representatives of candidates, political parties, or party-list groups, organizations, and/or coalition thereof without such written authority.

The Commission is hereby vested with visitatorial powers through its duly authorized representatives to look into the books and records of such person or entities to determine compliance with this SEC..

SEC. 10. Lawful Election Propaganda. – Election propaganda, whether on television or cable television, radio, newspaper or any other medium, is hereby allowed for all registered political parties, national, regional and sectoral parties or organizations participating under the party-list system, and for all *bona fide* candidates seeking national and local elective positions subject to the limitation on authorized expenses of candidates, political parties, and party-list groups, organizations, and/or coalition thereof, observation of truth in advertising, and to the supervision and regulation by the COMELEC.

Lawful election propaganda shall include:

- a. Pamphlets, leaflets, cards, decals, stickers or other written or printed materials the size of which does not exceed eight and one-half inches (8 ½") in width and fourteen inches (14") in length;
- b. Handwritten or printed letters urging voters to vote for or against any particular political party or candidate for public office;
- c. Cloth, paper or cardboard posters, whether framed or posted, with an area not exceeding two feet (2') by three feet (3');
- d. Streamers not exceeding three feet (3') by eight feet (8') in size displayed at the site and on the occasion of a public meeting or rally. Said streamers may be displayed five (5) days before the date of the meeting or rally and shall be removed within twenty-four (24) hours after said meeting or rally;

- e. Mobile units, vehicles motorcades of all types, whether engine or manpower driven or animal drawn, with or without sound systems or loud speakers and with or without lights;
- f. Paid advertisements in print or broadcast media subject to the requirements set forth in SEC. 13 hereof and Republic Act 9006;
- g. In headquarters or residences of candidates, lawful election paraphernalia may be displayed, but banners or streamers referred to in paragraph (d) above shall not be allowed;
- h. All other forms of election propaganda not prohibited by the Omnibus Election Code or these rules.

SEC. 11. Prohibited Forms of Election Propaganda. – During the campaign period, it is unlawful:

1. To 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 published or printed political matter and to air or broadcast any election propaganda 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, or audible words "political advertisement paid for," followed by the true and correct name and address of the candidate, political party, or party-list group, organization, and/or coalition thereof for whose benefit the election propaganda was printed or aired;
2. To print, publish, broadcast or exhibit any such election propaganda donated or given free of charge by any person or publishing firm or broadcast entity to a candidate, political party, or party-list group, organization, and/or coalition thereof without the written acceptance by the said candidate, political party, or party-list group, organization and/or coalition thereof, and unless they bear and be identified by the words "printed free of charge," or "airtime for this 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;
3. To show, display or exhibit publicly in a theatre, television station, or any public forum any movie, cinematography or documentary portraying the life or biography of a candidate, or portrayed by an actor or media personality who is himself a candidate;
4. For any newspaper or publication, radio, television or cable television station, or other mass media, or any person making use of the mass media to sell or to give free of charge print space or air time for campaign or election propaganda purposes to any candidate, political party, or party-list group, organization, or coalition thereof in excess of the size, duration or frequency authorized by law or these rules;
5. For any radio, television, cable television station, announcer or broadcaster to allow the scheduling of any program, or permit any sponsor to manifestly favor or oppose any candidate, political party, party-list group, organization, and/or coalition thereof by unduly or repeatedly referring to, or unnecessarily mentioning his name, or including therein said candidate, political party, party-list group, organization, and/or coalition thereof; and
6. To post, display or exhibit any election campaign or propaganda material outside of authorized common poster areas in public places, or in private without the consent of the owner thereof.

The printing press, printer, or publisher who prints, reproduces or publishes said campaign materials, and the broadcaster, station manager, or owner of the radio or

television station who airs or shows the political advertisements, without the required data or in violation of these rules shall be criminally liable with the candidate and further suffer the penalties of suspension or revocation of franchise or permit in accordance with law.

SEC. 12. Petition for Authority to Use other Election Propaganda. – Any person seeking authority to use other forms of election propaganda not covered by those enumerated in SEC. 10 hereof and not prohibited by law may file with the Commission, through the Clerk of the Commission, a verified petition in eight (8) legible copies, describing the election propaganda sought to be authorized with samples thereof.

Upon receipt of the petition, the Clerk of the Commission shall set it for hearing and shall send notice thereof to the petitioner. On the day following the receipt of the notice of hearing, the petitioner shall cause the publication of the petition, together with the notice of hearing, in two (2) newspapers of general circulation, notifying the Commission of such action.

If the Commission authorizes the use of the requested election propaganda, the authorization shall be published in two (2) newspapers of general circulation within one (1) week after the authorization has been granted.

SEC. 13. Requirements and/or Limitations on the Use of Election Propaganda through Mass Media. – All registered political parties, party-list groups, organizations, and/or coalitions thereof, and *bona fide* candidates shall have equal access to media time and space for their election propaganda during the campaign period subject to the following requirements and/or limitations:

1. Broadcast Election Propaganda

The aggregate duration of air time that a candidate, or registered political party, party-list group, organization, and/or coalition thereof may use for their broadcast advertisements or election propaganda shall be, as follows:

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| a) | For candidates/Registered Political parties for a National Elective Position | One hundred twenty (120) minutes in television or cable television, and one hundred eighty (180) minutes in radio, for all television or cable television networks, or all radio stations whether by purchase or donation, wherever located. |
| b) | For candidates/Registered Political parties for a Local Elective Position | Sixty (60) minutes in television or cable television, and ninety (90) minutes in radio for all television or cable networks, or all radio stations whether by purchase or donation, wherever located. |

Provided that election expenses for broadcast election propaganda shall comply with the election expenses limitation provided by law.

Provided, further, that a copy of the broadcast advertisement contract be furnished the Commission, thru the Education and Information Department, before airing said advertisements.

Broadcast stations or entities shall allocate air time equally and impartially, through raffle, to political parties, party-list groups, organizations, and/or coalitions thereof, and *bona fide* candidates subject to the requirements and/or limitations on the use of media time for election propaganda purposes herein provided.

Where feasible, said broadcast stations or entities may provide common but separate time slots for the official candidates or registered political parties and party-list groups, organizations, and/or coalitions thereof, on one hand, and for independent candidates, on the other.

2. *Printed or Published Election Propaganda*

The maximum size of print advertisements for each candidate, whether for a national or local elective position, or registered political party, party-list group, organization, and/or coalition thereof, shall be, as follows:

- a) One fourth (1/4) page - in broadsheets; and
- b) One half (1/2) page - in tabloids

Said print advertisement, whether procured by purchase, or given free of charge, shall not be published more than three times a week per newspaper, magazine, or other publication during the campaign period.

3. *Common requirements/limitations*

- a) Any printed or published, and broadcast election propaganda for or against a candidate or group of candidates to any public office shall bear and be identified by the reasonably legible or audible words "political advertisement paid for," followed by the true and correct name and address of the candidate or party whose benefit the election propaganda was printed or aired;
- b) If the printed or published election propaganda is donated by the publishing firm, or the broadcast election propaganda is given free of charge by the radio, or television or cable television station, it shall bear and be identified by the reasonable legible or audible words "printed free of charge," or "airtime for this 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) For the above purpose, each broadcast entity shall submit a certified true copy of its broadcast logs and certificates of performance for the review and verification of the frequency, date, time and duration of advertisements aired for any candidate, political party, or party-list group, organization and/or coalition thereof to the Commission, through:

- *For Broadcast Entities in the NCR*

The Education and Information Department (EID) which, in turn shall furnish copies thereof to the Office of the Executive Director and the Law Department of the Commission.

- *For Broadcast Entities outside of the NCR*

The City/Municipal Election Officer (EO) concerned who, in turn, shall furnish copies thereof to the Education and Information Department of the Commission within five (5) days after the campaign periods.

All broadcast entities shall preserve their broadcast logs for a period of three (3) years from the date of broadcast for production before the Commission whenever required.

Certified true copies of said broadcast logs and certificates of performance shall be submitted, as follows:

1. *For Candidates for National Positions:*

- 1st report - within the second week of their campaign period;
- 2nd report - within the sixth week of their campaign period;
- 3rd report - within the last week of their campaign period; and
- Last report - within two (2) days before election day.

2. *For Candidates for Local Positions:*

- 1st report - within the second week of their campaign period;
- 2nd report - within the third week of their campaign period;
- 3rd report - within the last week of their campaign period; and
- Last report - within two (2) days before election day.

SEC. 14. Written Acceptance of Advertising Contract. - Print, broadcast or outdoor advertisements or election propaganda donated to a candidate, political party, or party-list group, organization, and/or coalition thereof shall not be printed, published, broadcasted, or exhibited, unless it is accompanied by the written acceptance by said candidate, political party, or party-list group, organization, and/or coalition thereof.

Such written acceptance shall be attached to the advertising contract and shall be submitted to the Commission, through the City/Municipal Election Officer (EO) concerned, or in the case of the National Capital Region (NCR), the Education and Information Department.

SEC. 15. Submission of Copies of Advertising Contracts. - Each media entity (print or broadcast) shall submit a copy of its contracts for advertising, promoting or opposing a political party, party-list group, organization, and/or coalition thereof, or the candidacy of any person for public office within five (5) days after its signing to the Commission, through:

a. *For Media Entities in the NCR*

- The Education and Information Department (EID) which, in turn, shall furnish copies thereof to the Law Department of the Commission.

b. *For Media Entities outside of the NCR*

- The City/Municipal Election Officer (EO) concerned who, in turn, shall furnish copies thereof to the Education and Information Department of the Commission within five (5) days after the campaign periods. The EID shall furnish copies thereof to the Law Department of the Commission.

In every case, such advertising contracts shall be signed by the donor, the candidate concerned, or by the duly authorized representative of the political party, party-list group, organization, and/or coalition thereof.

It shall be the duty of the EID to formally inform media entities that the latter's failure to comply with the mandatory provisions of this SEC. shall be considered an election offense punishable under SEC. 44 of this Resolution.

SEC. 16. Fair and Accurate Reporting. - All members of the media, television, radio, or print shall scrupulously report and interpret the news, taking care not to suppress essential facts or distort the truth by omission or improper emphasis. They shall recognize the duty to air the other side and the duty to correct substantive errors promptly without prejudice to the right of said broadcast entities to air accounts of significant news or newsworthy events and views on matters of public interest.

SEC. 17. No Suspension of Franchise. - No franchise or permit to operate a radio or television station shall be granted or issued, suspended or cancelled during the election period.

SEC. 18. COMELEC Space and Time for Announcement of Candidates. - The Commission shall procure print space and air time as follows:

a. *Print Space*

The Commission shall, through the Education and Information Department, upon payment of just compensation, procure print space in at least three (3) national newspapers of general circulation wherein candidates for national office can announce their candidacies. Such space shall be allocated free of charge equally and impartially to all candidates for national office on three different calendar days, as follows:

- 1st day - within the first week of the campaign period;
- 2nd day - within the fifth week of the campaign period;
- 3rd day - within the tenth week of the campaign period.

b. *Air Time*

The Commission shall, through the Education and Information Department, also procure free air time from at least three (3) national television networks and three (3) national radio networks wherein candidates for national office can announce their candidacies.

Said television and radio networks shall provide to COMELEC all airtime including prime time, that is adequate to enable all candidates for national positions to announce their candidacies and programs of government for such number of minutes and at specific time slots as may be determined by the Director IV of the Education and Information Department.

Air time shall be allocated free of charge equally and impartially to all candidates for national office on three (3) different calendar days, as follows:

- 1st day - within the first week of the campaign period;
- 2nd day - within the fifth week of the campaign period;
- 3rd day - within the tenth week of the campaign period.

Each advertisement shall be in the form of a maximum of thirty (30) seconds spot, or in the form of interviews or campaign speeches at time limits to be set by the Commission in consultation with said candidates or the parties;

Costs of production of political advertisement shall be at the expense of the candidate or political party, but the speeches or interviews shall be free of charge and the moderator shall be a COMELEC Official or one designated by the COMELEC for the purpose.

SEC. 19. COMELEC Space and Time for COMELEC Information Dissemination. - The Commission shall furthermore procure print space and air time as follows:

a. *Print Space*

The Commission shall, through the Regional Election Director (RED), or in the case of the National Capital Region (NCR), the Education and Information Department, upon payment of just compensation, procure print space in at least one (1) newspaper of general circulation in the province or city which shall be known as COMELEC Space to be utilized exclusively for public information dissemination on election-related concerns. In the absence of said newspaper of general circulation, publication shall be done in any other magazine or periodical in the province or city.

b. *Airtime*

The Commission shall, through the Regional Election Director (RED), or in the case of National Capital Region (NCR), the Education and Information Department, also procure air time free of charge from

at least one (1) major broadcasting station or entity in every province or city which shall be known as COMELEC Time to be utilized exclusively for public information dissemination on election-related concerns. In the absence of a major station or entity, broadcasting shall be done in any radio or television station in the province or city.

Each radio, television or broadcasting station chosen by the Regional Election Director or the Director of the Education and Information Department as the case may be shall provide airtime including primetime at least 60 minutes daily.

Interviews with candidates on their platforms or programs of government may be considered as election-related concern which the Commission shall allow as it deems fit to raise the level of campaign to public issues and vision of government, provided that the moderator or interviewer shall be a COMELEC official or one designated by the Commission specially for the purpose and provided further that all candidates shall be given equal access and opportunity.

SEC. 20. Right to Reply. – All registered political parties, party-list groups, organizations, and/or coalitions thereof, and *bona fide* candidates shall have the right to reply to charges published or aired against them. The reply shall be given publicity by the newspaper, television, and/or radio station which first printed or aired the charges with the same prominence or in the same page or SEC. or in the same time slot as the first statement.

SEC. 21. Rates for Political Propaganda. – During the election period, media outlets shall charge registered political parties, party-list groups, organizations, and/or coalitions thereof, and *bona fide* candidates a discounted rate for their election propaganda over the average rates charged during the first three (3) quarters of the calendar year preceding the elections, as follows:

1. For television - Thirty percent (30%);
2. For radio - Twenty percent (20%);
3. For print - Ten percent (10%)

SEC. 22. Regulation of Election Propaganda through Mass Media. – In all instances, the Commission shall supervise the use and employment of press, radio and television facilities insofar as the placement of political advertisements is concerned to ensure that candidates are given equal opportunities under equal circumstances to make known their qualifications and their stand on public issues within the limits set forth in the Omnibus Election Code, Republic Act No. 9006, and these rules.

SEC. 23. Posting the Campaign Materials. – Political parties, party-list groups, organizations, and/or coalitions thereof, and candidates may post any lawful campaign material in:

- a. Authorized common poster areas in public places subject to the requirements and/or limitations set forth in the next following SEC.; and
- b. Private places, provided it has the consent of the owner thereof.

The posting of campaign materials in public places outside of the designated common poster areas such as streets, bridges, public structures or buildings, trees, electric posts or wires, schools, shrines, main thoroughfares and the like is prohibited. Persons posting the same shall be liable together with the candidates and other persons who caused the posting. It will be presumed that the candidates caused the posting of campaign materials outside the common poster areas if he does not remove the same within three (3) days from notice which shall be issued by the Election Officer of the city or municipality where the unlawful election propaganda are posted or displayed.

Members of the PNP and other law enforcement agencies called upon by the Election Officer or other officials of the COMELEC shall apprehend the violators caught *in flagrante delicto*, and file the appropriate charges against them.

SEC. 24. Common Poster Areas. – Political parties, party-list groups, organizations and/or coalitions thereof, and independent candidates may, upon authority of the Commission, through the City or Municipal Election Officer (EO) concerned, erect, at their expenses, common poster areas wherein they can post, display, or exhibit their election propaganda to announce or further their candidacy subject to the following requirements and/or limitations:

1. A common poster area does not refer to a post, a tree, the wall of a building or an existing public structure that is in active use, but a structure, the location and number of which are herein below determined, that is temporarily set up by the candidates or political parties for the exclusive purpose of displaying their campaign posters;
2. Each political party, party-list group, organization, and/or coalition thereof, independent candidate may put up common poster areas in every barangay, subject to the following conditions:
 - i. 5,000 registered voters or less – 1 common poster area;
 - ii. For every increment of 5,000 registered voters thereafter – 1 additional common poster area
3. Such common poster areas shall be allowed by the Election Officer (EO) only in public places such as plazas, markets, *barangay* centers and the like where posters may be readily seen or read, with the heaviest pedestrian and/or vehicular traffic in the city or municipality;
4. The Election Officer shall make, and post in his office, a list of the common poster areas in each city or legislative district in said city or municipality, indicating therein their exact locations, and furnish each political party or candidate copies of said list at the latter's expense, and also the Provincial Election Supervisor and the Director IV of the Education and Information Department;
5. The Election Officer shall comply with his obligations in the immediately preceding paragraph not later than five (5) days before the start of the campaign period for national elections and failure to do so shall make him liable for gross neglect of duty;
6. The size of each common poster area shall not exceed the following dimensions:
 - a. For political parties and party-list groups – twelve (12) by sixteen (16) feet, or its equivalent but not exceeding a total area of 192 square feet; and
 - b. For independent candidates – four (4) by six (6) feet or its equivalent but not exceeding a total area of twenty four (24) square feet.
7. The individual posters that may be posted in each common poster areas shall not exceed two (2) by three (3) feet. However, in case of space limitations, posters of candidates of political parties may be reduced to a uniform size to accommodate all candidates. This regulation is also violated by making single letters of names having the maximum size or lesser and then putting them together to form a size exceeding two (2) by three (3) feet;

8. The common poster areas allocated to political parties, party-list groups, organizations and/or coalitions thereof, and independent candidates shall not be used by other political parties, party-list groups, organizations and/or coalitions thereof, and independent candidates even with the consent of the former;
9. The common poster areas put up for party-list groups, organizations and/or coalitions thereof shall be allocated at the rate of one (1) common poster area for every thirty-two (32) party-list groups, organizations and/or coalitions thereof;
10. In case there are less than thirty-two (32) party-list groups, organizations and/or coalitions thereof, applying to put up the common poster areas, the Election Officer (EO) concerned shall reduce the size of the common poster area depending on the total number of applicants thereof, provided that each group is entitled to post one two (2) feet by three (3) feet poster;
11. In case there are more than thirty-two (32) party-list groups, organizations and/or coalitions applying to put up common poster areas, the Election Officer (EO) concerned shall determine the appropriate number and size of common poster areas to equitably accommodate the total number of applicants, subject to the provisions of the immediately two (2) preceding paragraphs;
12. Political parties, party-list groups, organizations and/or coalitions thereof, and independent candidates shall file their applications to erect common poster areas with the Office of the City/Municipal Election Officer (EO) concerned within five (5) days from the effectivity of this Resolution; otherwise they must accept the listing prepared by the Election Officer.
13. Within seven (7) days after the elections, the political parties, party-list groups, organizations and/or coalitions thereof, and candidates which applied for the putting up of common poster areas shall tear down the same at their own expense and restore the site into its original condition. Non-performance of this obligation shall be deemed a violation of the law and regulation on the observance of common poster areas for which the candidate and party concerned shall be liable.

No lawful election propaganda materials shall be allowed outside the common poster areas except in private properties with the consent of the owner or in such other places mentioned in these rules. Any violation hereof shall be punishable as an election offense.

In all cases, the parties shall agree among themselves how their individual posters in the common poster areas shall be placed. In case no agreement is reached, the Election Officer (EO) concerned shall determine said placement by drawing of lots.

The Election Officer (EO) shall act on all applications for common poster areas within three (3) days from receipt thereof. For this purpose, he shall determine whether the proposed common poster area sites are public places with heavy pedestrian or vehicular traffic, or business or commercial centers, or densely populated areas, and equitably and impartially allocate the sites to ensure maximum exposure of the lawful propaganda materials of all political parties, party-list groups, organizations, and/or coalitions thereof, and independent candidates.

Any political party, party-list group, organization, and/or coalition thereof, or independent candidate aggrieved by the action of the Election Officer (EO) may appeal the same within two (2) days from receipt of the order of said Election Officer (EO) to:

- a. The Provincial Election Supervisor (PES); or
- b. The Regional Election Director (RED), in the case of the National Capital Region (NCR).

The Provincial Election Supervisor (PES) or Regional Election Director (RED) concerned shall decide the appeal within two (2) days from receipt thereof, furnishing copies of the decision to the parties concerned and to the Law Department of the Commission. The decision shall be final and executory.

SEC. 25. Establishment of Headquarters. – Every registered political party or sectoral organization or coalition participating in the party list system or candidate may be allowed to establish a headquarters subject to the following:

- a. A registered party with national constituency and a national candidate may establish one headquarters in each province or highly urbanized city;
- b. A registered political party with regional constituency may establish one headquarters in each province or highly urbanized city in the region;
- c. A registered political party with provincial constituency and a provincial candidate may be allowed to establish one headquarters in each municipality;
- d. City candidates may be allowed to establish one headquarters per councilor district;
- e. Municipal candidates may be allowed to establish one headquarters in the entire municipality.

Lawful election propaganda may be displayed at headquarters subject to the limitations provided for in SEC. 10(g) hereof.

SEC. 26. Submission Of List Of Location Of Headquarters. – All parties and candidates shall submit within five (5) days from their establishment, the list showing the specific locations of all headquarters, to the following offices:

- | | | |
|--|---|----------------|
| a. National parties and candidates | - | LAW Department |
| b. Provincial parties and candidates | - | PES |
| c. City and Municipal parties and candidates | - | EO |
| d. Parties and Candidates in the NCR | - | RED |

The Official of the COMELEC to whom the list of headquarters is submitted shall furnish copies thereof to the Law Department and the Education and Information Department, within five (5) days from receipt of the list.

SEC. 27. Headquarters Signboard. – Before the start of the campaign period, only one signboard, not exceeding three (3) feet by eight (8) feet in size, identifying the place as the headquarters of the party or candidates is allowed to be displayed. Parties may put up the signboard announcing their headquarters not earlier than seven (7) days before the start of the campaign period. Individual candidates may put up the signboard announcing their headquarters not earlier than the start of the campaign period. Only lawful election propaganda material may be displayed or posted therein and only during the campaign period.

SEC. 28. Removal, Destruction or Defacement of Lawful Election Propaganda Prohibited. – During the campaign period, it is unlawful for any person to remove, destroy, obliterate or, in any manner, deface or tamper with, or prevent the distribution of any lawful election propaganda enumerated in SEC. 10 hereof.

SEC. 29. Removal, Confiscation, or Destruction of Prohibited Propaganda Materials. – Any prohibited form of election propaganda materials shall be summarily stopped, confiscated, removed, destroyed, or torn down by the representatives of the Commission, at the expense of the candidate, political party, party-list group, organization, and/or coalition thereof, or person responsible for the prohibited election propaganda materials.

Any person, political party, party-list group, organization, and/or coalition thereof, association, agency, office, bureau or department of the government may file with the Commission, through its field office, a petition to confiscate, remove, destroy and/or stop the distribution of any propaganda material on the ground that the same is offensive to public morals, libelous, illegal, prohibited, subversive or irrelevant to the election issues.

The Commission, after summary hearing, shall resolve the petition within six (6) hours from the time it is submitted for decision. Where the parties concerned cannot be contacted or are unknown or refuse to appear at the hearing, the Commission may decide the petition *ex parte*.

The Commission may, *motu proprio*, immediately order the removal, destruction and/or confiscation of any prohibited propaganda material, or those materials which contain statements or representations that are illegal, prohibited, patently libelous, offensive to public morals, subversive or which tend to incite sedition or rebellion.

SEC. 30. Creation of Task Force to Tear Down and Remove Unlawful Election Materials.

– There is hereby created a task force to tear down and remove all unlawful election materials composed of the Election Officer as Chairman, the Station Commander of the PNP (Chief of Police) as Vice Chairman, and a third member belonging to any of the deputized agencies of the Commission.

The Task Force shall have the following duties and functions:

1. To tear down and remove campaign propaganda materials posted in public places outside the common poster areas;
2. To tear down and remove illegal campaign materials wherever posted or displayed.
3. To monitor and watch out for persons posting or distributing said unlawful election paraphernalia and to arrest said persons caught *in flagrante delicto*.
4. To make a report of said activities done by them.

SEC. 31. Removal of Premature Campaign Materials. – All materials such as posters, streamers, stickers or paintings on walls and other materials showing the picture, image or name of a person, and all advertisements on print, in radio or on television showing the image or mentioning the name of a person, who subsequent to the placement or display thereof becomes a candidate for public office shall be immediately removed by said candidate and radio station, print media or television station within 3 days after the effectivity of these implementing rules; otherwise, he and said radio station, print media or television station shall be presumed to have conducted premature campaigning in violation of SEC. 80 of the Omnibus Election Code.

SEC. 32. Election Surveys. – During the election period, any person, whether natural or juridical, candidate or organization may conduct an election survey. The survey shall be published and shall include the following information:

1. The name of the person, candidate, party, or organization who commissioned or paid for the survey;
2. The name of the person, polling firm or survey organization who conducted the survey;
3. The period during which the survey was conducted, the methodology used, including the number of individual respondents and the areas from which they were selected, and the specific questions asked;

4. The margin of error of the survey;
5. For each question for which the margin of error is greater than that reported under paragraph (4), the margin of error for that question; and
6. A mailing address and telephone number, indicating it as an address or telephone number at which the sponsor can be contacted to obtain a written report regarding the survey in accordance with the next succeeding paragraph.

Surveys affecting national candidates shall not be published fifteen (15) days before the day of the election and surveys affecting local candidates shall not be published seven (7) days before the day of the election.

The survey together with raw data gathered to support its conclusions shall be available for inspection, copying and verification by the Commission. Any violation of this SEC. shall constitute an election offense.

Sec. 33. Exit Polls. – Exit polls may only be taken subject to the following requirements:

1. Pollsters shall not conduct their surveys within fifty (50) meters from the polling place, whether said survey is taken in a home, dwelling place and other places;
2. Pollsters shall wear distinctive clothing and prominently wear their identification cards issued by the organization they represent;
3. Pollsters shall inform the voters that they may refuse to answer; and
4. The results of the exit polls may be announced after the closing of the polls on election day, and must identify the total number of respondents, and the places where they were taken. Said announcement shall state that the same is unofficial and does not represent a trend.

Sec. 34. Rallies, Meetings and Other Political Activities. – Subject to the requirements of local ordinances on the issuance of permits, any political party supporting official candidates, party-list group, organization, and/or coalition thereof, or any candidate, individually or jointly with other aspirants, may hold peaceful political meetings, rallies or other similar activities during the campaign period.

Any political party or candidate shall notify the election officer 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 officer a statement of expenses incurred in connection therewith.

Sec. 35. Application for Permit to Hold Public Meetings, Rallies or Other Political Activities. – All applications for permits to hold public meetings, rallies and other similar political activities shall be filed with the authorized city or municipal official who shall acknowledge receipt thereof in writing. Immediately after its filing, the application shall be posted in a conspicuous place in the city hall or municipal building.

The official before whom the application is filed shall submit to the Election Officer (EO) concerned on the first working day of each week the list of applications, if any, filed during the previous week and the action taken thereon.

Sec. 36. Action on Application for Permit. – Within three (3) days after the filing of an application for permit to hold public meetings, rallies or other political activities, the local authority concerned shall act in writing on said application. Any application not acted upon within three (3) days from the date of its filing shall be deemed approved.

In acting on the application, the approving official shall give all candidates, political parties, party-list groups, organizations and/or coalitions thereof, equal and fair opportunity as to date, time and place, to hold public political meetings or rallies. In the last week of the campaign period, all independent candidates, political parties, party-list groups, organizations and/or coalitions thereof shall be entitled to hold at least one public meeting or rally, at the time to be chosen by the applicant, in the public plaza or place where public political meetings or rallies are usually held.

An application for permit shall be denied only on the ground that a prior written application by another candidate or political party, or party-list group, organization and/or coalition thereof, for the same purpose has been approved. Denial of any application may be appealed to the Provincial Election Supervisor and in the National Capital Region, to the Regional Election Director who shall decide the same within forty-eight (48) hours after the filing of the appeal, and shall give notice of the decision to the parties. The decision shall be final and executory.

SEC. 37. Prohibited Acts During Public Meetings. – It is unlawful for any candidate, political party, party-list group, organization, and/or coalition thereof, or any person to give or accept, free of charge, directly or indirectly, transportation, food and drinks, or anything of value during and within the five (5) hours before and after a public meeting, or to give or contribute, directly or indirectly, money or things of value for such purpose.

SEC. 38. Effect of Filing of Certification of Candidacy by Elective Officials. – Any elective official, whether national or local, who has filed a certificate of candidacy for the same or other office shall not be considered resigned from his office.

SEC. 39. Mass Media Columnist, Announcer or Personality Running for Public Office or is a Campaign Volunteer. – Any mass media columnist, commentator, announcer, reporter, on-air correspondent, or personality who is a candidate for any elective public office, or is a campaign volunteer for or employed or retained in any capacity by any candidate, political party, or party-list group, or organization, and/or coalition thereof, shall be deemed resigned, if so required by their employer, or shall take a leave of absence from his/her work as such during the campaign period: *Provided*, That any media practitioner who is an official of a political party or a member of the campaign staff of a candidate, political party, or party-list group, organization, and/or coalition thereof, shall not use his/her time or space to favor any candidate, political party, or party-list group, organization, and/or coalition thereof.

SEC. 40. Deputation.– (a) The Commission hereby deputizes the Kapisanan ng mga Brodkasters ng Pilipinas (KBP), Philippine Internet Service Operators (PISO), Philippine Association of Private Telephone Companies (PAPTELCO), and the Telecommunication Operators of the Philippines (TOP) to conduct, in coordination with the Education and Information Department, regular information campaign on the proper use of any medium of communication, including the broadcast and transmission of information during the campaign period.

(b) The Commission hereby deputizes local government units to prevent, remove, destroy, confiscate or tear down any prohibited propaganda materials without any partiality.

SEC. 41. Application for Overseas Absentee Voting. – This Resolution shall apply in a suppletory character whenever applicable to all resolutions on campaigning abroad under Republic Act 9189.

SEC. 42. Election Offense. – Any violation of RA 9006 and these rules shall constitute an election offense punishable under the first and second paragraphs of SEC. 264 of the Omnibus Election Code in addition to administrative liability whenever applicable. Any

aggrieved party may file a verified complaint for violation of these rules with the Law Department of the Commission.

Sec. 43. Effectivity. – This resolution shall take effect on the seventh day after its publication in two (2) daily newspapers of general circulation.

Sec. 44. Dissemination. – The Education and Information Department shall cause the publication of this resolution in at least two (2) newspapers of general circulation, and furnish copies thereof to all field offices of the Commission, and to the presidents or secretaries of all registered political parties, and the party-list groups, organizations, and/or coalitions thereof, candidates, mass media entities, and deputized offices.

SO ORDERED.

(Sgd.) BENJAMIN S. ABALOS
Chairman

(Sgd.) RESURRECCION Z. BORRA
Commissioner

(Sgd.) FLORENTINO A. TUASON JR.
Commissioner

(Sgd.) ROMEO A. BRAWNER
Commissioner

(Sgd.) RENE V. SARMIENTO
Commissioner

(Sgd.) NICODEMO T. FERRER
Commissioner