

# DEPARTMENT OF EDUCATION

Region X-Northern Mindanao

## DIVISION OF MALAYBALAY CITY

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March 12, 2013 <sup>2013-03-134</sup>  
DepEd-MALAYBALAY CITY DIVISION

**RELEASED**

### DIVISION MEMORANDUM

No. 071 s. 2013


Date: 3/12/13 Time: 4:45 PM  
By: [Signature]

Dissemination of COMELEC RESOLUTION NO. 9615 (Rules and Regulations Implementing Republic Act No. 9006, Otherwise Known as the "Fair Election Act", in Connection to the May 13, 2013 National and Local Elections, and Subsequent Elections)

TO : Education Program Supervisors-Designate and Division Coordinators-Designate  
Public Schools District Supervisors  
Elementary and Secondary School Principals  
Section Heads and Staff

1. You are hereby provided copy of the herein DepEd Memorandum No. 47 dated March 4, 2013 *re Dissemination of COMELEC Resolution No. 9615 (Rules and Regulations Implementing Republic Act No. 9006, Otherwise Known as the "Fair Election Act", in Connection to the May 13, 2013 National and Local Elections, and Subsequent Elections)* which are self-explanatory.
2. For information, guidance, and widest dissemination.

FOR THE OIC-SCHOOLS DIVISION SUPERINTENDENT:

  
PARISOL L. ORONG  
Secondary School Principal IV/  
Officer-In-Charge

Encl.:

As stated

Copy furnished:

Records Section

To be posted in the Division Website



Republic of the Philippines  
**Department of Education**

04 MAR 2013

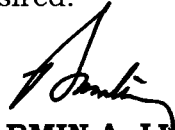
DepEd MEMORANDUM  
No. **47**, s. 2013

**DISSEMINATION OF COMELEC RESOLUTION NO. 9615**

(Rules and Regulations Implementing Republic Act No. 9006, Otherwise Known as the "Fair Election Act", in Connection to the May 13, 2013 National and Local Elections, and Subsequent Elections)

To: Undersecretaries  
Assistant Secretaries  
Bureau Directors  
Directors of Services, Centers and Heads of Units  
Regional Directors  
Schools Division/City Superintendents  
Heads, Public Elementary and Secondary Schools  
All Others Concerned

1. For the information and guidance of all concerned, enclosed is a copy of the Commission on Elections (COMELEC) Resolution No. 9615 dated January 15, 2013 entitled **Rules and Regulations Implementing Republic Act No. 9006 Otherwise Known as the "Fair Election Act", in Connection to the May 13, 2013 National and Local Elections, and Subsequent Elections** which is self-explanatory.
2. Immediate dissemination of this Memorandum is desired.

  
**BR. ARMIN A. LUISTRO FSC**  
Secretary

Encl.: As stated

Reference: None

To be indicated in the Perpetual Index  
under the following subjects:

ELECTION

LEGISLATIONS

OFFICIALS

Madel: Dissemination COMELEC Resolution No. 9615  
0260-February 28, 2013

Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
Intramuros, Manila

**RULES AND REGULATIONS  
IMPLEMENTING REPUBLIC  
ACT NO. 9006, OTHERWISE  
KNOWN AS THE "FAIR  
ELECTION ACT", IN  
CONNECTION TO THE 13  
MAY 2013 NATIONAL AND  
LOCAL ELECTIONS, AND  
SUBSEQUENT ELECTIONS.**

x ----- x

BRILLANTES, Sixto S. Jr., Chairman  
SARMIENTO, Rene V., Commissioner  
TAGLE, Lucenito N., Commissioner  
VELASCO, Armando C., Commissioner  
YUSOPH, Elias R., Commissioner  
LIM, Christian Robert S., Commissioner  
PADACA, Ma. Gracia Cielo M., Commissioner

Promulgated:

January 15, 2013

**RESOLUTION NO. 9615**

WHEREAS, Republic Act No. 9006 provides for the holding of free, orderly, honest, peaceful and credible elections through fair election practices;

WHEREAS, the said Act allows the publication or broadcast, through mass media, of political advertisements or propaganda for or against any candidate or political party;

WHEREAS, Section 3 of the said Act provides that election propaganda, whether on television, cable television, radio newspapers or any other medium shall be subject to the supervision and regulation of the Commission on Elections;

WHEREAS, Section 6.4 of the said Act directs the Commission 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, Section 13 of the same Act requires the Commission to promulgate the necessary rules and regulations for the implementation thereof;

NOW, THEREFORE, the Commission, 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**, as it

hereby RESOLVES, to promulgate 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 an act designed to promote the election or defeat of a particular candidate or candidates to a public office, and 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.

Personal opinions, views, and preferences for candidates, contained in blogs shall not be considered acts of election campaigning or partisan political activity unless expressed by government officials in the Executive Department, the Legislative Department, the Judiciary, the Constitutional Commissions, and members of the Civil Service.

(2) The term “candidate” refers to any person seeking an elective public office, who has filed his certificate of candidacy, and who has not died, withdrawn his certificate of candidacy, had his certificate of candidacy denied due course or cancelled, or has been otherwise disqualified before the start of the campaign period for

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## Rules and Regulations Implementing the Fair Election Act

which he filed his certificate of candidacy. Provided, that, unlawful acts or omissions applicable to a candidate shall take effect only upon the start of the aforesaid campaign period.

It also refers to any registered national, regional, or sectoral party, organization or coalition thereof that has filed a 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.

(3) The term "party" refers to either a political party, sectoral party or a coalition of parties, and party-list organizations duly registered/accredited with the Commission.

(4) The term "political advertisement" or "election propaganda" refers to any matter broadcasted, published, printed, displayed or exhibited, in any medium, which contain the name, image, logo, brand, insignia, color motif, initials, and other symbol or graphic representation that is capable of being associated with a candidate or party, and is intended to draw the attention of the public or a segment thereof to promote or oppose, directly or indirectly, the election of the said candidate or candidates to a public office. In broadcast media, political advertisements may take the form of spots, appearances on TV shows and radio programs, live or taped announcements, teasers, and other forms of advertising messages or announcements used by commercial advertisers.

Political advertising includes matters, not falling within the scope of personal opinion, that appear on any Internet website, including, but not limited to, social networks, blogging sites, and micro-blogging sites, in return for consideration, or otherwise capable of pecuniary estimation.

(5) The terms "blog" and "collective blog" refer to websites on which an individual or group of users, respectively, record news, opinions, and information, in varying degrees of regularity. A "micro-blog" refers to a blogging format which allows users to exchange small elements of content – referred to variously as posts or status updates – such as short sentences, individual images, or links to video material uploaded to the Internet.

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(6) 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 broadcast such as a talent or a block timer.

Persons who create online content for personal or collective blogs and micro-blogs shall be considered media practitioners for purposes of these Rules.

(7) 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.

(8) 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.

**SECTION 2. *Campaign Periods.*** – For purposes of the 13 May 2013 National and Local Elections, the campaign periods shall be:

<b>Elective Office</b>	<b>Start</b>	<b>End</b>
Candidates for Senator & Party-List groups participating in the party-list system of representation	12 February 2013 (Tuesday)	11 May 2013 (Saturday)
Candidates for Members of the House of Representatives, regional, provincial, city and municipal officials	29 March 2013 (Friday)	11 May 2013 (Saturday)

For subsequent elections, the campaign period shall be that prescribed by the Commission.

**SECTION 3. *Prohibited Campaigning.*** – It is unlawful for any person, whether or not a voter or a candidate, or for any political

party, or association of persons to engage in an election campaign or partisan political activity on Maundy Thursday, Good Friday, eve of Election Day, and on Election Day.

For purposes of the 13 May 2013 National and Local Elections, campaigning is prohibited on 28 March 2013 (Maundy Thursday), 29 March 2013 (Good Friday), 12 May 2013 (eve of election day), and 13 May 2013 (election day).

**SECTION 4. *Prohibition against Foreign Intervention.*** - 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.

**SECTION 5. *Authorized Expenses of Candidates and Parties.*** - The aggregate amount that a candidate or party may spend for election campaign shall be as follows:

- a. For candidates - Three pesos (P3.00) for every voter currently registered in the constituency where the candidate filed his certificate of candidacy;
- b. For other candidates without any political party and without support from any political party - Five pesos (P5.00) for every voter currently registered in the constituency where the candidate filed his certificate of candidacy.
- c. For Political Parties and party-list groups - Five pesos (P5.00) for every voter currently registered in the constituency or constituencies where it has official candidates.

**SECTION 6. *Lawful Election Propaganda.*** - Election propaganda, whether on television or cable television, radio, newspaper or any other medium, is hereby allowed for all parties and for all bona fide candidates seeking national and local elective positions subject to the limitation on authorized expenses of candidates and parties, observation of truth in advertising, and to the supervision and regulation by the Commission.

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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) Posters made of cloth, paper, cardboard or any other material, 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 Section 9 hereof and Republic Act No. 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.

Parties and candidates are hereby encouraged to use recyclable and environment-friendly materials and avoid those that contain hazardous chemicals and substances in the production of their campaign and election propaganda. In local government units where local legislation governing the use of plastic and other similar materials exist, parties and candidates shall comply with the same.

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**SECTION 7. *Prohibited Forms of Election Propaganda.*** -  
During the campaign period, it is unlawful:

- (a) 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 or political advertisement by television or radio or on the internet 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 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 advertisements paid by," followed by the true and correct name and address of the payor.
- (b) 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 or party without the written acceptance by the said candidate or party 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;
- (c) To show, display or exhibit publicly in a theater, television station, or any public forum any movie, cinematography or documentary portraying the life or biography of a candidate, or in which a character is portrayed by an actor or media personality who is himself a candidate;
- (d) 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 or party in excess of the size, duration or frequency authorized by law or these rules;

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## Rules and Regulations Implementing the Fair Election Act

- (e) 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 or party by unduly or repeatedly referring to, or unnecessarily mentioning his name, or including therein said candidate or party; and
- (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.
- (g) Public places referred to in the previous subsection (f) include any of the following:
  - 1. Electronic announcement boards, such as LED display boards located along highways and streets, LCD TV displays posted on walls of public buildings, and other similar devices which are owned by local government units, government-owned and controlled corporations, or any agency or instrumentality of the Government;
  - 2. Motor vehicles used as patrol cars, ambulances, and other similar purposes that are owned by local government units, government-owned and controlled corporations, and other agencies and instrumentalities of the Government, particularly those bearing red license plates;
  - 3. Waiting sheds, sidewalks, street and lamp posts, electric posts and wires, traffic signages and other signboards erected on public property, pedestrian overpasses and underpasses, flyovers and underpasses, bridges, main thoroughfares, center islands of roads and highways;
  - 4. Schools, shrines, barangay halls, health centers, public structures and buildings or any edifice thereof;
  - 5. Public utility vehicles such as buses, jeepneys, trains, taxi cabs, ferries, pedicabs and tricycles, whether motorized or not;
  - 6. Within the premises of public transport terminals, such as bus terminals, airports, seaports, docks, piers, train stations, and the like.



The violation of items 4 and 5 under subsection (g) shall be a cause for the revocation of the public utility franchise and will make the owner and/or operator of the transportation service and/or terminal liable for an election offense under Section 9 of Republic Act No. 9006 as implemented by Section 18 (n) of these Rules.

The printing press, printer, or publisher who prints, reproduces or publishes said campaign materials, and the broadcaster, station manager, owner of the radio or television station, or owner or administrator of any website 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, if applicable, further suffer the penalties of suspension or revocation of franchise or permit in accordance with law.

**SECTION 8. *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. 6 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.

**SECTION 9. *Requirements and/or Limitations on the Use of Election Propaganda through Mass Media.*** – All parties 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:

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a. Broadcast Election Propaganda

The duration of air time that a candidate, or party may use for their broadcast advertisements or election propaganda shall be, as follows:

For Candidates/ Registered Political parties for a National Elective Position	Not more than an aggregate total of one hundred (120) minutes of television advertising, whether appearing on national, regional, or local, free or cable television, and one hundred eighty (180) minutes of radio advertising, whether airing on national, regional, or local radio, whether by purchase or donation.
For Candidates/ Registered Political parties for a Local Elective Position	Not more than an aggregate total of sixty (60) minutes of television advertising, whether appearing on national, regional, or local, free or cable television, and ninety (90) minutes of radio advertising, whether airing on national, regional, or local radio, whether by purchase or donation.

In cases where two or more candidates or parties whose names, initials, images, brands, logos, insignias, color motifs, symbols, or forms of graphical representations are displayed, exhibited, used, or mentioned together in the broadcast election propaganda or advertisements, the length of time during which they appear or are being mentioned or promoted will be counted against the airtime limits allotted for the said candidates or parties and the cost of the said advertisement will likewise be considered as their expenditures, regardless of whoever paid for the advertisements or to whom the said advertisements were donated.

Appearance or guesting by a candidate on any bona fide newscast, bona fide news interview, bona fide news documentary, if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary, or on-the-spot coverage of bona fide news events, including but not limited to events sanctioned by the Commission on Elections, political conventions, and similar

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activities, shall not be deemed to be broadcast election propaganda within the meaning of this provision. To determine whether the appearance or guesting in a program is bona fide, the broadcast stations or entities must show that: (1) prior approval of the Commission was secured; and (2) candidates and parties were afforded equal opportunities to promote their candidacy. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under Sections 10 and 14 of these Rules.

Provided, further, that a copy of the broadcast advertisement contract be furnished to the Commission, thru the Education and Information Department, within five (5) days from contract signing.

b. Printed or Published Election Propaganda

The maximum size of print advertisements for each candidate, whether for a national or local elective positions, or party shall be, as follows:

In broadsheets	One fourth (1/4) page
In tabloids	One half (1/2) page

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.

c. Online Election Propaganda

The maximum size of online propaganda for each candidate, whether for a national or local elective position, or party shall be as follows:

Name	Width /pixels	Height /pixels	Aspect Ratio
Rectangles and Pop-ups			
Medium	300	250	1.2

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## Rules and Regulations Implementing the Fair Election Act

Square Pop-Up	250	250	1
Vertical Rectangle	240	400	1.67
Large Rectangle	336	280	1.2
Rectangle	180	150	1.2
3:1 Rectangle	300	100	3
Pop-Under	7.20	300	2.4
Banners and Buttons			
Full Banner	468	60	7.8
Half-Banner	234	60	3.9
Micro-Bar	88	31	2.84
Button 1	120	90	1.33
Button 2	120	60	2
Vertical Banner	120	240	2
Square Button	125	125	1
Leaderboard	728	90	8.09
Skyscrapers			
Wide skyscraper	160	600	3.75
Skyscraper	120	600	5
Half-Page ad	300	600	2

Said online advertisement, whether procured by purchase, or given free of charge, shall not be published more than three times a week per website during the campaign period. For this purpose, the exhibition or display of the online advertisement for any length of time, regardless of frequency, within a 24 hour period, shall be construed as one instance of publication.

d. Common requirements/limitations:

- (1) 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. It must also bear, and be identified by, the reasonably legible, or audible words "political advertisement paid by," followed by the true and correct name and address of the payor. This rule shall apply to online advertisements.

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- (2) 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 station or cable television, it shall bear and be identified by the reasonably 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. This rule shall apply to online advertisements.
- (3) For the above purpose, each broadcast entity and website owner or administrator shall submit to the Commission a certified true copy of its broadcast logs, certificates of performance, or other analogous record, **including certificates of acceptance as required in Section 7(b) of these Guidelines**, for the review and verification of the frequency, date, time and duration of advertisements aired for any candidate or party through:

For Broadcast Entities in the NCR -

The Education and Information Department (EID) which in turn shall furnish copies thereof to the Campaign Finance Unit (CFU) of the Commission within five days from receipt thereof.

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 (EID) of the Commission which in turn shall furnish copies thereof to the Campaign Finance Unit (CFU) of the Commission within five (5) days from the receipt thereof.

For website owners or administrators -

The City/Municipal Election Officer (EO) concerned, who in turn, shall furnish copies thereof to the Education and Information Department (EID) of the Commission which in turn shall furnish copies thereof to the Campaign Finance Unit (CFU) of the Commission within five (5) days from the receipt thereof.

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All broadcast entities shall preserve their broadcast logs for a period of five (5) years from the date of broadcast for submission to the Commission whenever required.

Certified true copies of broadcast logs, certificates of performance, and certificates of acceptance, or other analogous record shall be submitted, as follows:

Candidates for National Positions	1 <sup>st</sup> Report	<i>3 weeks after start of campaign period</i>	March 4 - 11
	2 <sup>nd</sup> Report	<i>3 weeks after 1<sup>st</sup> filing week</i>	April 3 - 10
	3 <sup>rd</sup> Report	<i>1 week before election day</i>	May 2 - 9
	Last Report	<i>Election week</i>	May 14 - 17
Candidates for Local Positions	1 <sup>st</sup> Report	<i>1 week after start of campaign period</i>	April 15 - 22
	2 <sup>nd</sup> Report	<i>1 week after 1<sup>st</sup> filing week</i>	April 30 - May 8
	3 <sup>rd</sup> Report	<i>Election week</i>	May 9 - 15
	Last Report	<i>1 week after election day</i>	May 16 - 22

For subsequent elections, the schedule for the submission of reports shall be prescribed by the Commission.

**SECTION 10. *Fair and Accurate Reporting.*** - All members of the news media, television, radio, print, or online, 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.

**SECTION 11. *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.

**SECTION 12. *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,

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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:

- 1<sup>st</sup> day - within the first week of the campaign period;
- 2<sup>nd</sup> day - within the fifth week of the campaign period;
- 3<sup>rd</sup> 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.

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:

- 1<sup>st</sup> day - within the first week of the campaign period;
- 2<sup>nd</sup> day - within the fifth week of the campaign period;
- 3<sup>rd</sup> 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 the 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.

**SECTION 13. COMELEC Space and Time for COMELEC Information Dissemination.** - The Commission shall furthermore procure print space and air time as follows:

a. Print Space

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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 in 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 sixty (60) minutes daily.

**SECTION 14. *Right to Reply.*** - All parties 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 section, or in the same time slot as the first statement.

Candidates may invoke the right to reply by submitting a formal, verified, claim against the media outlet to the COMELEC, through the appropriate Regional Election Director, or in the case of the NCR, the EID. The claim shall include a detailed enumeration of the circumstances and occurrences which warrant the invocation of the right to reply.

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The COMELEC shall, within 24 hours of receipt of the claim, endorse the same to the media outlet involved, which shall, within 24 hours, submit a report to the COMELEC, through the appropriate Regional Election Director, or in the case of the NCR, the EID, on the action it has taken to address the claim.

**SECTION 15. *Rates for Political Propaganda.*** – During the election period, media outlets shall charge parties 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:

- a. For television – Thirty percent (30%);
- b. For radio – Twenty percent (20%);
- c. For print – Ten percent (10%)

**SECTION 16. *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.

**SECTION 17. *Posting the Campaign Materials.*** – Parties 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 section; 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 and those enumerated under Section 7 (g) of these Rules 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 and parties caused the posting of campaign materials

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outside the common poster areas if they do 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 the act, and file the appropriate charges against them.

**SECTION 18. Common Poster Areas.** - Parties and independent candidates may, upon authority of the Commission, through the City or Municipal Election Officer (EO) concerned, erect, at their expense, 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:

- a. 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;
- b. In no instance shall an Election Officer designate any trees, flowering plants, shrubs located along public roads, in plazas, parks, school premises or in any other public grounds as common poster areas. In cases where parties and candidates still persist in displaying, posting, or exhibiting of their campaign or election propaganda on trees and plants, they shall be prosecuted for violation of these Rules, without prejudice to the institution of a criminal complaint for the violation of Republic Act No. 3571.
- c. Each party and independent candidate, with prior consent from the Commission, may put up common poster areas in every barangay, subject to the following conditions:

5,000 registered voters or less	1 common poster area
For every increment of 5,000 registered voters, or a	1 additional common poster area

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fraction thereof, thereafter	
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- d. Such common poster areas shall be allowed by the Election Officer only in selected 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;
- e. 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;
- f. 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;
- g. The size of each common poster area shall not exceed the following dimensions:
  - 1. 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
  - 2. For independent candidates – four (4) by six (6) feet or its equivalent but not exceeding a total area of twenty four (24) square feet.
- h. 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;

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## Rules and Regulations Implementing the Fair Election Act

- i. The common poster areas allocated to parties and independent candidates shall not be used by other parties and independent candidates even with the consent of the former;
- j. 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;
- k. 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;
- l. 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;
- m. Parties and independent candidates shall file their applications to erect common poster areas with the Officer 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.
- n. Within five (5) days after the elections and without need of notice, the parties 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.
- o. 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



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mentioned in these Rules. Any violation hereof shall be punishable as an election offense.

- p. 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.
- q. The Election Officer shall act on all applications for common 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 parties and independent candidates.
- r. Any party or independent candidate aggrieved by the action of the Election Officer may appeal the same within two (2) days from receipt of the order of said Election Officer to:
  - 1. The Provincial Election Supervisor (PES); or
  - 2. The Regional Election Director (RED), in the case of the National Capital Region (NCR).
- s. 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.

**SECTION 19. *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 limited number of headquarters subject to the following conditions:

- a. A registered party with national constituency and a national candidate may establish one headquarters in each province or highly urbanized city;

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- 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. Congressional candidates may be allowed to establish one headquarters in the legislative district they seek to represent. Should their legislative district be composed of several municipalities, they may be allowed to establish one headquarters per municipality;
- e. City candidates may be allowed to establish one headquarters per councilor district;
- f. Municipal candidates may be allowed to establish one headquarters in the entire municipality.
- g. Lawful election propaganda may be displayed at headquarters subject to the limitations provided for in SEC. 6 (g) hereof.

**SECTION 20. *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 and addresses of all their 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.

**SECTION 21. *Headquarters Signboard.*** – Before the start of the campaign period, only one (1) signboard, not exceeding three (3) feet by eight (8) feet in size, identifying the place as the headquarters of

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the party or candidates is allowed to be displayed. Parties may put up the signboard announcing their headquarters not earlier than five (5) 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.

**SECTION 22. *Prohibition on the Removal, Destruction or Defacement of Lawful Election Propaganda.*** - 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 Section 6 hereof.

**SECTION 23. *Removal, Confiscation, or Destruction of Prohibited Propaganda Materials.*** - Any prohibited form of election propaganda shall be summarily stopped, confiscated, removed, destroyed, or torn down by the representatives of the Commission, at the expense of the candidate, parties or person for whose apparent benefit the prohibited election propaganda materials have been produced, displayed, and disseminated.

Any person, party, 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) days 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.

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**SECTION. 24. *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:

- a. To tear down and remove campaign propaganda materials posted in public places outside the common poster areas;
- b. To tear down and remove all prohibited forms of campaign materials wherever posted or displayed;
- c. To monitor and watch out for persons posting or distributing said unlawful election paraphernalia and to arrest said persons caught in the act; and
- d. To make a report of said activities done by them.

**SECTION 25. *Removal of Prohibited Propaganda Materials Before the Start of the Campaign Period.*** – All prohibited forms of election propaganda as described in Section 7 of these Rules shall be immediately removed, or caused to be removed, by said candidate or party before the start of the campaign period; otherwise, the said candidate or party shall be presumed to have committed the pertinent election offense during said campaign period for national candidates or for local candidates as the case may be.

The prohibited forms of propaganda contemplated in this Section include any names, images, logos, brands, insignias, color motifs, initials, and other forms of identifiable graphical representations placed by incumbent officials on any public structures or places as enumerated in Section 7 (g) of these Rules.

**SECTION 26. *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:

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- (a) The name of the person, candidate, party, or organization that commissioned or paid for the survey;
- (b) The name of the person, polling firm or survey organization who conducted the survey;
- (c) 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;
- (d) The margin of error of the survey;
- (e) 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
- (f) 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.
- (g) 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 SECTION shall constitute an election offense.

**SECTION 27. *Exit Polls.*** – Exit polls may only be taken subject to the following requirements:

- a. Pollster 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;
- b. Pollsters shall wear distinctive clothing and prominently wear their identification cards issued by the organization they represent;
- c. Pollsters shall inform the voters that they may refuse to answer;  
and

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- d. 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.

**SECTION 28. *Rallies, Meetings and Other Political Activities.***

– Subject to the requirements of local ordinances on the issuance of permits, any political party supporting official candidates and parties or any candidate, individually or jointly with other aspirants, may hold peaceful political meetings, rallies or other similar activities during the campaign period.

Any party or candidate shall notify the election officer concerned of any public rally said party or candidate intends to organize and hold in the city or municipality. The notice must be submitted three (3) working days prior to the date thereof, and must include the venue and its address, as well as a commitment to submit a Statement of Expenses, and within seven (7) working days thereafter submit to the election officer a Statement of Expenses incurred in connection therewith. The prescribed forms for Notice of Public Rally and Statement of Expenses are provided in Comelec Resolution No. 9476.

**SECTION 29. *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.

**SECTION 30. *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

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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 and parties 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 and parties 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 party 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.

**SECTION 31. *Prohibited Acts During Public Meetings.*** – It is unlawful for any candidate, party 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.

**SECTION 32. *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, a party-list nominee, or is a campaign volunteer for or employed or retained in any capacity by any candidate or party 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 after he has filed his certificate of candidacy but before the campaign period, it shall be his obligation not to use his media work for premature election campaign or partisan political activity: Provided, finally, that any media practitioner who, while not himself a candidate, is an official of a political party or a member of the campaign staff of a candidate or party shall not use his/her time or space to favor any candidate or party;

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**SECTION 33. *Deputation.*** – The Commission hereby deputizes the Philippine Information Agency (PIA), Kapisanan ng mga Brodkasters ng Pilipinas (KBP), Philippine Association of Private Telephone Companies (PAPTELCO), and the Telecommunication Operators of the Philippine (TOP) to conduct, in coordination with the Education and Information Department, regular information campaign on the proper use of any medium of communication.

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

**SECTION 34. *Applicability to Overseas Absentee Voting.*** – This Resolution shall apply in a suppletory character wherever applicable to all resolutions on campaigning abroad under Republic Act No. 9189.

**SECTION 35. *Election Offense.*** – Any violation of RA 9006 and these Rules shall constitute an election offense punishable under the first and second paragraph of Section 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.

**SECTION 36. *Effectivity.*** – This Resolution shall take effect on the (7<sup>th</sup>) seventh day after its publication in two (2) daily newspapers of general circulation. This Resolution supersedes all previous resolutions inconsistent herewith.

**SECTION 37. *Publication and 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 secretary-generals of all parties, candidates, mass media entities, and deputized offices.

SO ORDERED.

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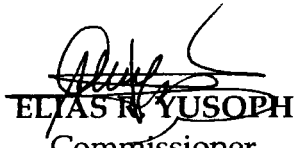
Rules and Regulations Implementing the Fair Election Act

  
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