



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

AMENDMENT TO THE RULES
OF PROCEDURE ON THE
FILING OF: (1) PETITION TO
DENY DUE COURSE TO OR
CANCEL CERTIFICATE OF
CANDIDACY; (2) PETITION TO
DECLARE A NUISANCE
CANDIDATE; AND (3)
PETITION FOR
DISQUALIFICATION IN
CONNECTION WITH THE 2023
BARANGAY AND
SANGGUNIANG KABATAAN
ELECTIONS (BSKE) AND ALL
SUCCEEDING BSKES
THEREAFTER

GARCIA, George Erwin M.	Chairperson
INTING, Socorro B.	Commissioner
CASQUEJO, Marlon S.	Commissioner
FEROLINO, Aimee P.	Commissioner
BULAY, Rey E.	Commissioner
MACEDA, Ernesto P., Jr.	Commissioner
CELIS, Nelson J.	Commissioner

-----x Promulgated: September 12, 2023

RESOLUTION NO. 10950

WHEREAS, the Commission has promulgated COMELEC Resolution No. 10924,¹ (“*General Guidelines*”) among others, setting the periods for the filing of Petitions to Deny Due Course to, or Cancel Certificates of Candidacy, Petitions to Declare Nuisance Candidates, and Petitions for Disqualification. In enacting the same, the Commission considered it vital to fix the periods for filing of Petitions to Deny Due Course to or Cancel Certificates of Candidacy, Petitions to Declare Nuisance Candidates, and Petitions for Disqualification to ensure their timely resolution and to avoid instances of voter disenfranchisement;

WHEREAS, on 30 August 2023, the Commission promulgated COMELEC Resolution No. 10946² creating the Committee on *KontraBigay*, that among others, will provide an efficient mechanism and structure for the implementation of the policies and guidelines of the Commission against vote-buying and vote-selling, and ensure the active participation of all

¹ “*General Guidelines and Other Related Rules and Regulations for the October 30, 2023 Barangay and Sangguniang Kabataan Elections (BSKE) and All Succeeding BSKes Thereafter*,” promulgated on June 7, 2023.

² “*Creation of the Committee on KontraBigay Complaint Center and Rules and Regulations in Connection with the Disqualification of Candidates for Vote-Buying Under Section 68 of the Omnibus Election Code and Prosecution of Vote-Selling as an Election Code and Prosecution of Vote-Buying and Vote-Selling as an Election Offense Under Section 261 (A) of the Same Code*,” promulgated on August 30, 2023.

sectors of society in the pursuit of the Commission's effort to systematically stop the perpetration of vote-buying and vote-selling, thereby protecting the sanctity of votes.

WHEREAS, on September 7, 2023, the Commission created the Task Force Against Premature Campaigning, to, among others, conduct synchronized, nationwide operations to remove illegal campaign materials and to assist in the prosecution of instances of violation of the prohibition of election campaign or partisan political activity outside the campaign period or premature campaigning as provided under Section 80 of the Omnibus Election Code (OEC).

WHEREAS, Section 29 of the Electoral Reforms Law of 1987,³ as amended by Section 28⁴ of RA 8436⁵ provides that if it should no longer be reasonably possible to observe the periods and dates prescribed by law for certain pre-election acts, the Commission shall fix other periods and dates in order to ensure the accomplishment of the activities so voters shall not be deprived of their right of suffrage;

WHEREAS, it is vital to fix the periods for filing of Petitions for Disqualification to accomplish the campaign of the Commission against premature campaigning, vote-buying and vote-selling, to protect the integrity of the elections and enable the true determination of the people's choice;

NOW THEREFORE, the Commission, by virtue of the powers vested in it by Section 3, Article IX-C of the 1987 Constitution, the Omnibus Election Code, Republic Act No. 6646, Republic Act No. 8436, and other election laws, **RESOLVED**, as it hereby **RESOLVES** to promulgate the following amendments to COMELEC Resolution No. 10924:

SECTION 1. Amendment to Section 592. Section 592 of the General Guidelines is hereby amended as follows:

"Section 592. When to File Petition. For the BSKE, the following periods for filing shall be observed:

- a.** Petitions to Cancel or to Deny Due Course to a Certificate of Candidacy; Petitions to Declare a Candidate as a Nuisance Candidate, must be filed **within (5) days from the time of the filing of the COC.**

³ Republic Act No. 6646, promulgated on January 5, 1988.

⁴ **Section 28.** *Designation of other dates for certain pre-election acts.* - If it shall no longer be reasonably possible to observe the periods and dates prescribed by law for certain pre-election acts, the Commission shall fix other periods and dates in order to ensure accomplishment of the activities so voters shall not be deprived of their suffrage.

⁵ Republic Act No. 8436, "An Act Authorizing the Commission on Elections to Use an Automated Election System in the May 11, 1998 National and Local Elections and in the Subsequent National and Local Electoral Exercises, Providing Funds Therefor and for Other Purposes," December 22, 1997, and as amended.

b. Petitions for Disqualification must be filed on the following periods:

- i. For disqualification based on grounds provided under Section 68⁶ of the OEC, except the last sentence thereof, the Petitions for Disqualification must be filed **within five (5) days from the time of commission or from the discovery of the commission of the offense, but not later than the date of proclamation.** Petitions for Disqualification must be initiated by this Commission *motu proprio* not later than the date of proclamation.

These shall include, among others, disqualification for the commission of vote-buying⁷ and violation of the prohibition on election campaign or partisan political activity outside the campaign or premature campaigning.⁸

However, it shall exclude the ground on the status as a permanent resident or immigrant to a foreign country, which shall be filed within the period set in Section 592.b.iii, herein.

- ii. For disqualification based on Section 40 (a); (b) and (c) of the Local Government Code of 1991,⁹ the Petitions for Disqualification must be filed **from the time of the filing of the COC, but not later than the date of proclamation.**
- iii. For Petitions for Disqualification based on all other grounds under the LGC and the OEC and the last sentence of Section 68 of the OEC, the Petitions must be filed **within (5) days from the time of the filing of the COC."**

Let the Office of the Clerk of the Commission implement this Resolution.

⁶ Sec. 68. **Disqualifications.** - Any candidate who, in an action or protest in which he is a party is declared by final decision of a competent court guilty of, or found by the Commission of having (a) given money or other material consideration to influence, induce or corrupt the voters or public officials performing electoral functions; (b) committed acts of terrorism to enhance his candidacy; (c) spent in his election campaign an amount in excess of that allowed by this Code; (d) solicited, received or made any contribution prohibited under Sections 89, 95, 96, 97 and 104; or (e) violated any of Sections 80, 83, 85, 86 and 261, paragraphs d, e, k, v, and cc, subparagraph 6, shall be disqualified from continuing as a candidate, or if he has been elected, from holding the office. Any person who is a permanent resident of or an immigrant to a foreign country shall not be qualified to run for any elective office under this Code, unless said person has waived his status as permanent resident or immigrant of a foreign country in accordance with the residence requirement provided for in the election laws.

⁷ Punished under under Section 261(a) in relation to Section 68.

⁸ Punished under under Section 80 in relation to Section 68 of the OEC.

⁹ Republic Act No. 7160, "An Act Providing for the Local Government Code of 1991," October 10, 1991.

SECTION 2. *Separability Clause.* If any part or provision of this resolution is declared invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SECTION 3. *Effectivity.* This resolution is immediately effective upon publication and shall cover all cases filed and pending for the 2023 BSKE.

SECTION 4. *Publication, Dissemination and Implementation.* The Education and Information Department (EID) shall cause the publication of these general guidelines in at least two (2) daily newspapers of general circulation in the Philippines. The Information Technology Department (ITD) shall cause the posting of this resolution in the COMELEC guidelines in the official website of the Commission.

Let the Clerk of the Commission implement this resolution.

SO ORDERED.

GEORGE ERWIN M. GARCIA
Chairman

SOCORRO B. INTING
Commissioner

MARLON S. CASQUEJO
Commissioner

AIMEE P. FEROLINO
Commissioner

REY E. BULAY
Commissioner

ERNESTO FERDINAND P. MACEDA, JR.
Commissioner

NELSON J. CELIS
Commissioner

CERTIFICATION

APPROVED for publication September 12, 2023.


DIR. CONSUELO B. DIOLA
Commission Secretary