



REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
**BUREAU OF CUSTOMS**

*Copy*  
**MASTER COPY**

May 07, 2018

**CUSTOMS MEMORANDUM CIRCULAR**  
**NO. 85-2018**



To: All Deputy Commissioners  
All Directors and Division Chiefs  
All District/Port Collectors  
And Others Concerned

**Subject: COMELEC RESOLUTION re: RA 9006/FAIR ELECTIONS ACT**

Attached is a copy of the Commission on Elections Resolution No. 10294 entitled: **"RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 9006, OTHERWISE KNOWN AS THE "FAIR ELECTIONS ACT", IN CONNECTION WITH THE MAY 14, 2018 SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN (SK) ELECTIONS"**.

For your information and guidance.

For record purposes, please confirm the dissemination of this circular throughout your offices within fifteen (15) days from receipt hereof.

*Lapeña*  
  
  
Bureau of Customs  
**ISIDRO S. LAPEÑA**  
Commissioner  
18-07504  
**ISIDRO S LAPEÑA, PhD, CSEE**  
Commissioner  
MAY 07 2018 9 *PK*



Republic of the Philippines  
**DEPARTMENT OF FINANCE**  
Roxas Boulevard Corner Pablo Ocampo, Sr. Street  
Manila 1004

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**MASTER COPY**

65-141  
Internal Admin Group  
Received by: *ron*  
Date: 05/2/18  
Time: 11:15

BUREAU OF CUSTOMS  
OFFICE OF THE COMMISSIONER  
E18-00567

**MEMORANDUM**

FOR : HEADS OF OFFICES  
This Department

HEADS OF BUREAUS/ATTACHED AGENCIES  
Department of Finance

FROM : *Alvin P. Diaz*  
ALVIN P. DIAZ  
Director IV  
Central Administration Office

BUREAU OF CUSTOMS  
OFFICE OF THE COMMISSIONER  
**RECEIVED**  
APR 30 2018  
BY: *Hee* TIME: 4:53  
Bureau of Customs  
Office of the Commissioner  
Incoming Document No.  
18-08304

SUBJECT : COMELEC Resolution No. 10294 entitled "RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 9006, OTHERWISE KNOWN AS THE "FAIR ELECTIONS ACT", IN CONNECTION WITH THE MAY 14, 2018 SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN (SK) ELECTIONS."

DATE : April 27, 2018

Attached for information and guidance is a letter dated 16 April 2018 from Mr. Leo L. Lim, Information Officer V, Commission on Elections on the above-captioned subject.

*[Handwritten mark]*



REPUBLIC OF THE PHILIPPINES  
COMMISSION ON ELECTIONS  
Intramuros, Manila

*Copy*  
**MASTER COPY**

Education and Information Department  
3<sup>rd</sup> & 4<sup>th</sup> Floor Shipping Center Building, A. Soriano Avenue, Intramuros, Manila  
(63 2) 5270821 Telefax; 5259302 Telephone

16 April 2018

**SECRETARY CARLOS G. DOMINGUEZ III**  
Department of Finance (DOF)  
6/F Executive Tower, BSP Complex,  
1004 Roxas Boulevard, Manila

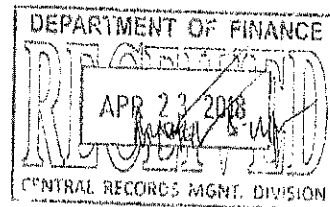
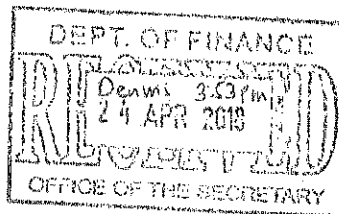


Dear Secretary Dominguez:

Please find attached hereto a photocopy of COMELEC Resolution No. 10294 entitled: "RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 9006, OTHERWISE KNOWN AS THE "FAIR ELECTIONS ACT", IN CONNECTION WITH THE MAY 14, 2018 SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN (SK) ELECTIONS", promulgated on 11 April 2018.

For your information and guidance.

*[Signature]*  
**LEO L. LIM**  
Information Officer V



*12*

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

**RECEIVED**  
BY: *[Signature]*  
DATE: 4/11/18 TIME: 7:15 pm

**RULES AND REGULATIONS IMPLEMENTING  
REPUBLIC ACT NO. 9006, OTHERWISE  
KNOWN AS THE "FAIR ELECTIONS ACT", IN  
CONNECTION WITH THE MAY 14, 2018  
SYNCHRONIZED BARANGAY AND  
SANGGUNIANG KABATAAN (SK) ELECTIONS.**

Parreño, Al A., Acting Chairman  
Gula, Lule Tito F., Commissioner  
Guanzon, Ma.Rowena Amella V., Commissioner  
Abas, Sheriff M., Commissioner

Promulgated:  
April 11, 2018

x-----x

RESOLUTION NO. 10294  
*[Signature]*

WHEREAS, Republic Act No. 9006, otherwise known as the "Fair Elections Act" 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 of political advertisements or propaganda for or against any candidate;

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

WHEREAS, Section 6.4 of the said Act directs the COMELEC, in all instances, to supervise the use and employment of press, radio and television broadcasting facilities insofar as the placement of political advertisements is concerned so as to give candidates equal opportunity under equal circumstances to make known their qualifications and stand on public issues within the limits set forth in the Omnibus Election Code;

WHEREAS, Section 13 of the same Act requires the COMELEC to promulgate the necessary rules and regulations for the implementation thereof;

NOW, THEREFORE, the COMELEC, by virtue of the powers vested in it by the Constitution, the Omnibus Election Code, Republic Act Nos. 6646<sup>1</sup>, 6679<sup>2</sup>, 9006<sup>3</sup>, 9340<sup>4</sup>, 10656<sup>5</sup>, 10923<sup>6</sup>, 10952<sup>7</sup> and other related laws has RESOLVED, as it hereby RESOLVES, to promulgate the following Rules and Regulations.

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

1. "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-

<sup>1</sup> An Act Introducing Additional Reforms in the Electoral System and for other Purposes  
<sup>2</sup> An Act to Amend Republic Act No. 6653 to Postpone the Barangay Elections to March 28, 1989, Prescribing Additional Rules Governing the Conduct of Barangay Elections and for other Purposes  
<sup>3</sup> An Act to Enhance the Holding of Free, Orderly, Honest, Peaceful and Credible Elections through Fair Election Practices  
<sup>4</sup> An Act Amending Republic Act No. 9164, Resetting the Barangay and Sangguniang Kabataan Elections, and for other Purposes  
<sup>5</sup> An Act Postponing the Sangguniang Kabataan Elections to the last Monday of October 2016, Amending for the purpose Republic Act No. 9164, as amended, entitled "An Act Providing for Synchronized Barangay and Sangguniang Kabataan Elections, amending Republic Act No. 7160, as amended, Otherwise known as the "Local Government Code of 1991", and for other Purposes  
<sup>6</sup> An Act Postponing the October 2016 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as amended by Republic Act No. 9340 and Republic Act No. 10656, Prescribing Additional Rules Governing the Conduct of Barangay and Sangguniang Kabataan Elections and for Other Purposes  
<sup>7</sup> An Act Postponing the October 2017 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as amended by Republic Act No. 9340, Republic Act No. 10632, Republic Act No. 10656, and Republic Act No. 10923 and for Other Purposes

*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.

2. *“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 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.
3. *“Contractors” and “business firms”* refer to any person, natural or juridical, or firm to whom any electoral expenditure is made in accordance with Section 112 of the Omnibus Election Code and Rules and Regulations Governing Campaign Finance and Disclosure in connection with the 2018 Barangay and Sangguniang Kabataan Elections.
4. *“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, displaying 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 and micro-blogs shall not be considered as 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, members of the Civil Service, personnel and officers of the Armed Forces of the Philippines and other para-military units.

5. *“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. *“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.
7. *“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.

8. *“Mass media entities”* shall include entities in broadcast media, print media, outdoor media, and digital media (both Internet and mobile mass media).
9. *“Political advertisement” or “election propaganda”* refers to any matter broadcasted, published, printed, displayed or exhibited, in any medium, which contains the name, image,

logo, brand, insignia, color motif, initials, and other symbol or graphic representation that is capable of being associated with a candidate, and is exclusively intended to draw the attention of the public or a segment 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 television 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.

**SECTION 2. Campaign Period.** - For purposes of the May 14, 2018 Barangay and SK Elections, the campaign period shall be from **May 4, 2018 (Friday) to May 12, 2018 (Saturday)**.

**SECTION 3. Prohibited Campaigning.** - It is unlawful for any person, whether or not a voter or a candidate, to engage in an election campaign or partisan political activity on the eve of election day (May 13, 2018) and on Election Day (May 14, 2018).

**SECTION 4. Prohibition against Foreign Intervention.** - It is unlawful for any foreigner, whether a juridical or natural person, to aid any candidate, 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 may spend for an election campaign for purposes of the 2018 Barangay and SK Elections shall be **FIVE PESOS (PHP 5.00)** for every voter currently registered in the constituency where the candidate filed his certificate of candidacy.

**SECTION 6. Lawful Election Propaganda.** - Election propaganda, whether on television or cable television, radio, newspaper, the internet or any other medium, is hereby allowed for all *bona fide* candidates seeking Barangay and SK elective positions subject to the limitation on authorized expenses of candidates, 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. 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 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.

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.

Candidates are required to indicate in their campaign materials the phrase: "*This material should be recycled*". In local government units where local legislation governing the use of plastic and other similar materials exist, candidates shall comply with the same.

**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 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, display, or exhibit any such election propaganda donated or given free of charge by any person or publishing firm or broadcast media entity to a candidate without the written acceptance by the said candidate 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, including concert or any type of performance portraying the life or biography of a candidate, or in which a character is portrayed by an actor or media personality who is himself a candidate;
- d. For any newspaper or publication, radio, television or cable television station, or other mass media entity, or any person making use of the mass media to sell or give free of charge print or advertising space or airtime for campaign or election propaganda purposes to any candidate in excess of the size, duration or frequency authorized by law or these Rules;
- 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 by unduly or repeatedly referring to, or unnecessarily mentioning his name, or including therein said candidate; 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.

Public places include any of the following:

1. Publicly-owned electronic announcement boards, such as light-emitting diode (LED) display boards located along highways and streets, liquid crystal display (LCD) monitors 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 for 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 government license plates;
3. Public transport vehicles owned and controlled by the government such as the Metro Rail Transit (MRT), Light Rail Transit (LRT), and Philippine National Railway trains and the like.
4. 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;
5. Schools, public shrines, barangay halls, government offices, health centers, public structures and buildings or any edifice thereof; and
6. Within the premises of public transport terminals, owned and controlled by the government, such as bus terminals, airports, seaports, docks, piers, train stations and the like.

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.

Nothing in these rules shall be construed as limiting the authority of the appropriate agencies and instrumentalities of the government to promulgate their own rules and regulations, regarding the posting of political print advertising on any regulated land, sea and air vehicle, including but not limited to public utility vehicles and tricycles.

**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 COMELEC, through the Clerk of the Commission, a verified petition in two (2) 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, and shall notify the COMELEC of such action.

If the COMELEC 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 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:

- a. Broadcast Election Propaganda

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

For Candidates for Barangay and SK Elective Positions	Not more than a total of sixty (60) minutes of television advertising, on a per station basis, whether appearing on national, regional, or local, free or cable television, and ninety (90) minutes of radio
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	advertising, on a per station basis, whether airing on national, regional, or local radio, whether by purchase or donation.
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In cases where two or more candidates 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.

In like manner, the cost of the length of time during which individual candidates, groups of candidates, appear or are being mentioned or promoted, shall be computed as a fraction of the total cost of the advertisement, and such fraction shall be considered their respective expenditures, to be deducted from the total cost of the advertisement.

The balance shall be counted against the expenditure limits 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 COMELEC, political conventions, and similar activities, shall not be deemed to be broadcast election propaganda within the meaning of this provision. For purposes of monitoring by the COMELEC and ensuring that candidates were afforded equal opportunities to promote their candidacy, the broadcast media entities shall give prior notice to the COMELEC, through the appropriate Regional Election Director (RED), or in the case of the National Capital Region (NCR), the Education and Information Department (EID). If such prior notice is not feasible or practicable, the notice shall be sent within twenty-four (24) hours from the first broadcast or publication. 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 Section 11 of these Rules.

**b. Printed or Published Election Propaganda**

The maximum size of print advertisements for each candidate, for barangay and SK elective positions shall be, as follows:

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

Two or more candidates, may cause the publication of coordinated print advertisements, featuring more than one candidate provided that the size and frequency limitations provided for in this paragraph shall apply to each candidate appearing, mentioned or promoted in such a coordinated advertisement.

The cost of coordinated print advertisements shall be pro-rated among each candidate appearing in each advertisement, and shall be reported by them accordingly.

Print advertisements, whether procured by purchase or given free of charge, shall not be published more than three (3) 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 shall be as follows:

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

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	720	300	2.4
<b>Banners and Buttons</b>			
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
<b>Skyscrapers</b>			
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.

Broadcast programs which are the main content of online streaming or video website pages shall not be considered as election propaganda.

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 whose benefit the election propaganda was printed or aired. It shall 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.

The notices required in the immediately preceding paragraph shall be considered reasonably legible on printed materials, if it complies with the following:

(i) The notice must be of sufficient type size to be clearly readable by the reader of the information.

A notice in twelve (12)-point type size satisfies the size requirement of this paragraph when it is used for signs, posters, flyers, newspapers, magazines, or other printed material that measure no more than two (2) feet by three (3) feet.

(ii) The notice must be contained in a printed box, set apart from the other contents of the sign, poster, flyer, or newspaper advertisement.

(iii) The notice must be printed with a reasonable degree of color contrast between the background and the printed statement. A notice satisfies the color contrast requirement of this paragraph if it is printed in black text on a white background or if the degree of color contrast between the background and the text of the notice is no less than the color contrast between the background and the largest text used in the communication.

The notices required in the immediately preceding paragraph shall be considered reasonably legible on television, if it complies with the following:

- (i) The notice must appear in letters equal to or greater than four (4) percent of the vertical picture height;
- (ii) The notice must be visible for the duration of the broadcast advertisement; and
- (iii) The notice must appear with a reasonable degree of color contrast from the background. A notice satisfies the color contrast requirement of this paragraph if it is displayed in black text on a white background or if the degree of color contrast between the background and the text of the notice is no less than the color contrast between the background and the largest type size used in the communication.
2. If the space for printed or published election propaganda is donated by the publishing firm, or the airtime for broadcast election propaganda is given free of charge by the radio, or television station or cable television, they 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 immediately preceding purpose, each broadcast entity and website owner or administrator shall submit to the COMELEC, certified true copies of broadcast logs, certificates of performance, affidavits of publication or other analogous records that can only be generated after broadcast or publication, for review and verification of the frequency, date, time and duration of advertisements aired for any candidate through:

For Broadcast Entities in the NCR - The EID, which in turn, shall furnish copies thereof to the Campaign Finance Office of the COMELEC within five (5) days from receipt thereof.

For Broadcast Entities outside of the NCR - The City/Municipal Election Officer concerned, who in turn, shall furnish copies thereof to the EID of the Commission which in turn shall furnish copies thereof to the Campaign Finance Office of the COMELEC within five (5) days from the receipt thereof.

For website owners or administrators - The City/Municipal Election Officer concerned, who in turn, shall furnish copies thereof to the EID of the COMELEC, which in turn, shall furnish copies thereof to the Campaign Finance Office of the COMELEC within five (5) days from the receipt thereof.

All broadcast and digital mass media entities shall preserve their broadcast logs or analogous records for a period of five (5) years from the date of broadcast for submission to the COMELEC whenever required.

Certified true copies of broadcast logs, certificates of performance, and certificates of acceptance, or other analogous record for purposes of the 2018 Barangay and SK Elections shall be submitted one week after election day.

For subsequent Barangay and SK Elections, the schedule for the submission of reports shall be prescribed by the COMELEC.

**SECTION 10. Written Acceptance of Election Propaganda and/or Political Advertisements.** - Election propaganda materials donated or contributed by any person to a candidate shall not be printed, published or broadcasted, or exhibited, unless they are accompanied by the written acceptance by said candidate.

Such written acceptance of the donated election propaganda materials must be personal to the candidate and cannot be delegated to their duly authorized representatives designated to receive donations or contributions.

**SECTION 11. Reporting Requirements to be Submitted by Mass Media Entities, Contractors and Business Firms.** - Pursuant to COMELEC Rules and Regulations Governing Campaign Finance and Disclosure In

connection with the 2018 Barangay and SK Elections, the following should be submitted to the COMELEC:

a. *For Mass Media Entities:* All copies of advertising contracts must be accompanied by a Summary Report of Advertising Contracts, which will serve as a cover report for all the advertising contracts submitted by the mass media entity on that day.

The copy of advertising contracts attached to the Summary Report of Advertising Contracts must be clear and legible and must contain the following information:

- i. the period when the political advertisement is scheduled to be published, broadcasted, or exhibited;
- ii. the date when the contract was entered into;
- iii. the name and signature of the person who placed the advertisement, regardless of whether said person is a contributor or donor, or the duly authorized representative of the candidate;
- iv. the name and signature of the candidate who will benefit from the advertisement as a sign of acceptance;
- v. the particulars of the political advertisement (e.g. the size of the advertisement as published on periodicals, duration of the advertisement as published on periodicals, duration of the advertisement in terms of airtime, frequency, number of spots, and program or timeslot, etc.);
- vi. the serial number of the official receipt issued to the candidate by the mass media entity; and
- vii. the amount or consideration paid for the advertisement contract.

It must likewise be supported by a copy of the official receipt issued to the contributor or donor, candidate, who paid for the advertising contract.

Mass media entities with offices within the National Capital Region (NCR) must make their submissions directly to the Campaign Finance Office (CFO) of the COMELEC. For mass media entities located outside of the NCR, they must furnish a copy of the advertising contracts in accordance with the formal requirements stated in the COMELEC Rules and Regulation Governing Campaign Finance and Disclosure in connection with the 2018 Barangay and SK Elections to the nearest COMELEC Field Office. Said COMELEC Field Officer concerned shall then be responsible for sending the soft copy of said submissions via electronic mail to the CFO within twenty four (24) hours upon receipt.

It shall be the duty of the concerned COMELEC Field Officer to formally notify mass media entities that the latter's failure to comply with the mandatory provisions of this Section shall be considered an election offense punishable pursuant to Section 13 of the Fair Elections Act.

b. *For Contractors and Business Firms:* Within thirty (30) days after the conduct of the election, every person or firm to whom any electoral expenditure has been made shall file a written Report of Contractors and Business Firms using the prescribed form which shall contain the following information and accompanied with the official receipt issued to the person with whom the contractor or business firm had transacted:

- i. The full name of the candidate who incurred such expenditures;
- ii. The nature or purpose of each expenditure;
- iii. The description of the goods or services provided by the contractor or business firm;
- iv. The date when the expenses were incurred;
- v. The amount or cost thereof;
- vi. The serial number of the official receipt, cash invoice, or other BIR-approved document issued.

For contractors and business firms with offices or places of business in Metro Manila, they should submit their report to the CFO. For those with offices or places of business outside the NCR, they must submit the same to the nearest COMELEC field office.

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The form and required contents for filing of the Report of Contractors and Business Firms shall be those provided in the COMELEC Rules and Regulations Governing Campaign Finance and Disclosure in connection with the 2018 Barangay and SK Elections.

**SECTION 12. Fair and Accurate Reporting.** - All members of the news media, television, radio, print, or online, shall scrupulously report 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 and 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 13. 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, except by the COMELEC.

**SECTION 14. Right to Reply** - All 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 within a non-extendible period of thirty-six (36) hours from first broadcast or publication, a formal verified claim against the mass media entity to the COMELEC, through the appropriate RED, 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 of reply and must be accompanied by supporting evidence, such as a copy of the publication or recording of the television or radio broadcast, as the case may be. The claimant must likewise furnish a copy of the verified claim and its attachments to the mass media entity concerned prior to the filing of the claim with the COMELEC.

The COMELEC, through the appropriate RED or the EID, shall review the formal verified claim within thirty-six (36) hours from receipt thereof, and if circumstances warrant, endorse the same to the mass media entity involved, which shall, within twenty-four (24) hours, submit its report to the RED or EID, as the case maybe, explaining the action it has taken to address the claim. The mass media entity must likewise furnish a copy of the said report to the claimant invoking the right to reply. Should the claimant insist that his/her right to reply was not addressed, he/she may file the appropriate petition and/or complaint before the Office of the Clerk of the Commission.

**SECTION 15. Rates for Political Propaganda.** - During the election period, media outlets shall charge 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%)

For this purpose, media entities shall submit a certification to the COMELEC, through the Campaign Finance Office, that the above discounted rates were applied in charging the candidates on their election propaganda.

Media entities are likewise required to submit the average rates charged during the first three quarters of the calendar year preceding the elections at least five (5) days before the start of the election period.

**SECTION 16. Regulation of Election Propaganda through Mass Media.** - In all instances, the COMELEC shall supervise the use and employment of press, radio, online, 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, the Fair Election Act, and these Rules.

**SECTION 17. Posting of Campaign Materials.** - Candidates may post 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 property, provided that the posting has the consent of the owner thereof and that the applicable provisions of Section 6 herein are complied with.

The posting of campaign materials in public places outside of the designated common poster areas, on private property without the consent of the owner, or in violation of Section 6 hereof, and in those places enumerated under Section 7 (f) 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 caused the posting of campaign materials outside the common poster areas if they do not remove the same within three (3) days from notice issued by the Election Officer of the city or municipality where the election propaganda is posted or displayed. (Annex "D" of COMELEC Resolution 9616, series of 2013)

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

**SECTION 18. Common Poster Areas.** -Candidates may, upon authority of the COMELEC, through the City or Municipal Election Officer concerned, construct common poster areas, at their expense, 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 specified below, that is temporarily set up by the candidates for the exclusive purpose of displaying their campaign posters;
- b. In no instance shall an Election Officer designate as common poster areas, any trees, plants, shrubs located along public roads, in plazas, parks, school premises or in any other public grounds. In cases where candidates still persist in displaying, posting, or exhibiting 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. Candidates, with prior consent from the COMELEC, may put up common poster areas in every barangay, subject to the following limitations:

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

- 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, and 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 candidate copies of said list at the latter's expense, and also the Provincial Election Supervisor and the EID Director;
- 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 and failure to do so shall make him liable for gross neglect of duty;
- g. The size of each common poster area for candidates shall not exceed four (4) by six (6) feet or its equivalent but not exceeding a total area of twenty four (24) square feet.

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 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;

- h. The Individual posters posted in the poster areas shall contain the phrase: "*This material should be recycled*".
- i. The common poster areas allocated to candidates shall not be used by other candidates even with the consent of the former;
- j. Candidates shall file their applications to erect common poster areas with the Office of the City/Municipal Election Officer concerned within five (5) days from the effectivity of this Resolution; otherwise they must accept the listing prepared by the Election Officer.
- k. Within five (5) days after the elections and without need of notice, the candidates who 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 concerned shall be liable.
- l. No lawful election propaganda materials shall be allowed outside the common poster areas except 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.
- m. 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 concerned shall determine said placement by drawing of lots.
- n. The Election Officer 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 candidates.
- o. Any 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 Supervisors (PES); or
  2. The Regional Election Director (RED), in the case of the National Capital Region (NCR).
- p. 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 COMELEC. The decision shall be final and executory.

**SECTION 19. 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 the candidates is allowed to be displayed. 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 20. Prohibition on the Removal, Destruction or Defacement of Lawful Election Propaganda.** - During the campaign period, it is unlawful for any person to remove, destroy, take down or, in any manner, deface or tamper with, or prevent the distribution of any lawful election propaganda enumerated in Section 6 hereof.

**SECTION 21. 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 COMELEC representatives, at the expense of the candidate for whose apparent benefit the prohibited election propaganda materials have been produced, displayed, and disseminated.

Any person, party, association, government agency may file with the COMELEC, 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, or subversive.

The COMELEC Field Officer shall notify all concerned parties of such petition and shall set the petition for hearing. If the Election Officer is not a lawyer, the Petition shall be referred to the Provincial Election Supervisor or to the Regional Attorney as the case may be.

The concerned COMELEC Field Officer, after summary hearing, shall resolve the petition within three (3) 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 COMELEC may decide the petition *ex parte*.

The COMELEC 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, libelous, offensive to public morals, subversive or which tend to incite sedition or rebellion.

**SECTION 22. 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 Philippine National Police as Vice Chairman, and a representative from the Department of Public Works and Highways as Member.

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.

Subject to the approval of the COMELEC, the members of the Task Force may establish rules and regulations for the implementation of their tasks and for ensuring compliance thereof, including requiring the candidates to provide the contact numbers of the person in charge of the propaganda material and establishment of proper method to identify the propaganda materials to be removed.

**SECTION 23. 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 at least seventy-two (72) hours before the start of the campaign period; otherwise, the said candidate shall be presumed to have committed the pertinent election offense during said campaign period.

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 (f) of these Rules.

**SECTION 24. Election Surveys.** - During the election period, any person, whether natural or juridical, candidate or organization may conduct an election surveys. Should they decide to publish the said survey for public consumption, they must likewise publish the following information:

- a. The name of the person, candidate, or organization that commissioned, paid for, or subscribed to 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 d, the margin of error for that question; and
- f. A mailing address and telephone number at which the sponsor can be contacted to obtain a written report regarding the survey in accordance with the next succeeding paragraph.

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

**SECTION 25. 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;
- 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
- 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 26. Rallies, Meetings and Other Political Activities.** - Subject to the requirements of local ordinances on the issuance of permits, any candidate, individually or jointly with other aspirants, may hold peaceful political meetings, rallies or other similar activities during the campaign period.

Any candidate shall notify the election officer concerned of any public rally to be held in the barangay where said candidate seeks to be elected. The notice must be submitted three (3) working days prior to the date thereof, and must include the venue and exact address, 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 Rules and Regulation Governing Campaign Finance and Disclosure in connection with the 2017 Barangay and SK Elections.

**SECTION 27. 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, municipal building or barangay hall.

The official before whom the application is filed shall submit to the Election Officer 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 28. 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 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 candidates shall be entitled to hold at least one public meeting or rally, 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 for the same purpose has been approved. Denial or any application may be appealed to the Provincial Election Supervisor or to the Regional Election Director, for cases in the National Capital Region, 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 29. Prohibited Acts During Public Meetings.** - It is unlawful for any candidate 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 30. Mass Media Columnist, Announcer or Personality Running for Public Office or is a Campaign Volunteer.** - Any mass media columnist, commentator, announcer, or reporter 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 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/she has filed his certificate of candidacy but before the campaign period, it shall be his/her 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 a member of the campaign staff of a candidate shall not use his/her time or space to favor any candidate.

**SECTION 31. Deputation** - The COMELEC hereby deputizes the Philippine Information Agency (PIA) and enlist the assistance of Kapisanan ng mga Brodkasters ng Pilipinas (KBP), Philippine Association of Private Telephone Companies (PAPTELCO), Outdoor Advertising Association of the Philippines (OAAP), and the Telecommunication Operators of the Philippine (TOP) to conduct, in coordination with the EID, regular information campaign on the proper use of any medium of communication.

The COMELEC hereby deputizes Local Government Units to prevent, remove, destroy, confiscate or tear down any prohibited propaganda materials without any partiality.

**SECTION 32. Election Offense.** - Any violation of Fair Elections Act 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 COMELEC Law Department.

**SECTION 33. Effectivity.** - This Resolution shall take effect on the (7th) seventh day after its publication in two (2) daily newspapers of general circulation. This Resolution supersedes all previous resolutions inconsistent herewith.

**SECTION 34. 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 COMELEC, candidates, mass media entities, and deputized offices.

SO ORDERED.

  
**ALA PARRENO**  
 Acting Chairman

  
**LUIS TITO F. GUIA**  
 Commissioner

  
**MA. ROWENA AMELIA V. GUANZON**  
 Commissioner

  
**SHERIFF M. ABAS**  
 Commissioner

nb

**MEMO : COMELEC Resolution No. 10294 entitled  
"RULES AND REGULATIONS IMPLEMENTING  
REPUBLIC ACT NO. 9006, OTHERWISE KNOWN AS  
THE "FAIR ELECTIONS ACT", IN CONNECTION  
WITH THE MAY 14, 2018 SYNCHRONIZED  
BARANGAY AND SANGGUNIANG KABATAAN (SK)  
ELECTIONS."**

Inbox x

Central Records

2:48 PM (7  
minutes ago)


to DOF, DOF, Osec, Aldrin, Ana, Arsenia, Arsenio, Aurora, Benjamin, Carmi, Charmaine, Clyde, Daniel, Dolores, Donalyn, Eden, Elena, Elisa, Elizabeth, Emee, Emelita, Emmanuel, Florefe, Geneflor, Heherson

Sir/Madam :

Attached for information and guidance is a letter dated 16 April 2018 from Mr. **Leo L. Lim**, Information Officer V, Commission on Elections on the above-captioned subject.

Thank you.

Very truly yours,

 Sent with Mailtrack

*Disclaimer:*

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