



**EXCERPT FROM THE MINUTES OF THEREFERENDUM/  
CONSULTATION OF THE COMMISSION ON ELECTIONS  
HELD ON JULY 6, 2023**

Chairman George Erwin M. Garcia  
Commissioner 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

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**23-0442 IN THE MATTER OF THE ERRATUM ON THE DEFINITION OF  
CANDIDATE AND SUPPLEMENTAL PROVISION ON SECTION 174 OF  
RESOLUTION NO. 10924 OR THE GENERAL GUIDELINES AND OTHER  
RELATED RULES AND REGULATIONS FOR THE OCTOBER 30, 2023  
BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS (BSKE) AND  
ALL SUCCEEDING BSKEs THEREAFTER.**

This pertains to the Memorandum dated 23 June 2023 of Director Maria Norina S. Tangaro-Casingal, Law Department, relative to the Erratum on the definition of Candidate and Supplemental Provision on Section 174 of Resolution No. 10924 or the General Guidelines and Other Related Rules and Regulations for the October 30, 2023 Barangay and Sangguniang Kabataan Elections (BSKE) and all Succeeding BSKEs thereafter.

The Memorandum of Director Tangaro-Casingal, reads:

*"This has reference to Resolution No. 10924, known as the General Guidelines and Other Related Rules and Regulations for the October 30, 2023 Barangay and Sangguniang Kabataan Elections (BSKE) and all Succeeding BSKEs Thereafter.*

*Under the Glossary of Terms, candidate is defined as follows:*

*'1) **Candidate** shall refer to any person seeking an elective public office, who has filed his or her certificate of candidacy, and who has not died, withdrawn his or her certificate of candidacy, had his or her certificate of candidacy denied due course or cancelled, or has been otherwise disqualified before the start of the campaign period for which he or she 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.**'<sup>1</sup>*

*It must be noted that the last statement in the definition is taken from Section 15 RA No. 8436, as amended, to wit:*

*'For the purpose, the Commission shall set the deadline for the filing of certificate of candidacy/petition of registration/manifestation to*

<sup>1</sup>Emphasis Supplied.

participate in the election. **Any person who files his certificate of candidacy within this period shall only be considered as a candidate at 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 effect only upon that start of the aforesaid campaign period.*<sup>2</sup>

With the advent of the automated election system and as thoroughly discussed in *Penera vs. Comelec, et al.*, any person who files his certificate of candidacy within the period so provided shall only be considered as a candidate at the start of the campaign period for which he or she filed his or her certificate of candidacy and that unlawful acts or omissions applicable to a candidate shall take effect only upon the start of the aforesaid campaign period.

**This interpretation however, only applies to the conduct of automated elections and not in manual elections or during the conduct of the BSKE.**

It is for this reason that there is a need to amend the definition of the term candidate in Resolution No. 10924.

In view of the foregoing, we respectfully recommend to:

**1. Amend the item (1) of the Glossary of Terms, as follows:**

*'1) **Candidate** shall refer to any person seeking an elective public office, who has filed his or her certificate of candidacy, and who has not died, withdrawn his or her certificate of candidacy, had his or her certificate of candidacy denied due course or cancelled, or has been otherwise disqualified before the start of the campaign period for which he or she filed his certificate of candidacy. Provided, that, unlawful acts or omissions applicable to a candidate shall take effect **upon the filing of Certificate of Candidacy.**'*<sup>3</sup>

**2. To add Section 174 (c), to wit:**

**c. Any unlawful acts or omissions applicable to a candidate shall take effect upon the filing of Certificate of Candidacy**

Thus, Section 174 shall read as follows:

**SECTION 174. Effects of Filing Certificate of Candidacy. –**

- a. Any person holding a public appointive office or position, including active members of the Armed Forces of the Philippines (AFP), and other officers and employees in government-owned or controlled corporations, shall be considered ipso facto resigned from office and must vacate the office at the start of the regular office hours of the day when the aspirant filed the COC.

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<sup>2</sup> Emphasis Supplied.

<sup>3</sup> Emphasis Supplied.

b. Any person holding an elective office or position shall not be considered resigned upon the filing of a COC whether for the same or any other elective office or position.

c. Any unlawful acts or omissions applicable to a candidate shall take effect upon the filing of Certificate of Candidacy.

For your consideration, please.

Thank you very much!"

The Commission, after due deliberation, **RESOLVED**, as it hereby **RESOLVES**, to **APPROVE** the following recommendations of the Law Department, to wit:

1. **To amend the item (1) of the Glossary of Terms, as follows:**

"1) **Candidate** shall refer to any person seeking an elective public office, who has filed his or her certificate of candidacy, and who has not died, withdrawn his or her certificate of candidacy, had his or her certificate of candidacy denied due course or cancelled, or has been otherwise disqualified before the start of the campaign period for which he or she filed his certificate of candidacy. Provided, that, unlawful acts or omissions applicable to a candidate shall take effect **upon the filing of Certificate of Candidacy.**

2. **To add Section 174 (c), to wit:**

c. **Any unlawful acts or omissions applicable to a candidate shall take effect upon the filing of Certificate of Candidacy.**

Thus, Section 174 shall now read as follows:

**SECTION 174. Effects of Filing Certificate of Candidacy. –**

- a. Any person holding a public appointive office or position, including active members of the Armed Forces of the Philippines (AFP), and other officers and employees in government-owned or controlled corporations, shall be considered *ipso facto* resigned from office and must vacate the office at the start of the regular office hours of the day when the aspirant filed the COC.
- b. Any person holding an elective office or position shall not be considered resigned upon the filing of a COC whether for the same or any other elective office or position.
- c. Any unlawful acts or omissions applicable to a candidate shall take effect upon the filing of Certificate of Candidacy.

The Education and Information Department is hereby directed to publish the above Erratum and Supplemental Provision. Likewise, the Information and Technology Department is directed to post the same at the COMELEC website.

Let the Education and Information Department and the Information and Technology Department 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

This Resolution can be verified at this number (02) 85272987; email address [comsec@comelec.gov.ph](mailto:comsec@comelec.gov.ph).

cc: Chairman  
All Commissioners  
Executive Director  
Deputy Executive Director for Operations  
Deputy Executive Director for Administration  
Education and Information Department  
Information and Technology Department