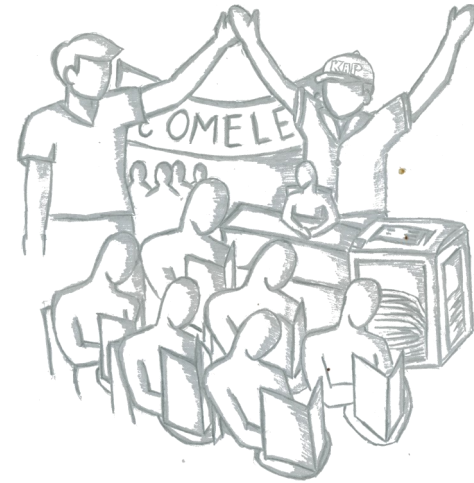


# Frequently Asked Questions



**2013**  
**Barangay Election**  
October 28, 2013



*National Barangay Operations Office*  
Department of the Interior and Local Government



*members of the Board of Election Tellers, Board of Canvassers and printing of election forms and procurement of other election paraphernalia and the installation of polling booths. ( Sec. 50, OEC)*

#### **VI- DATES OF PREVIOUS ELECTIONS**

**Q :** Since the enactment of RA 7160 or the Local Government Code (LGC) of 1991 , how many barangay elections have already been conducted and when?

**A :** *Since the enactment of the 1991 LGC, five (5) barangay elections were already conducted and were held on:*

- 1. May 9, 1994*
- 2. May 12, 1997*
- 3. July 15, 2002*
- 4. October 29, 2007*
- 5. October 25, 2010*

**Q :** In counting the three (3) consecutive terms, is the suspension of a barangay official from office considered interruption of term?

**A :** *No. Suspension does not involve an effective interruption of a term and should therefore not be a reason to avoid the three-term limitation. (Aldovino vs. Comelec (GR No. 184836), December 23, 2009)*

**Q :** May a convicted felon who has already served his sentence run for an elective position in the barangay?

**A :** *Not within two (2) years after the sentence has been served (Sec. 40, par. (a), LGC of 1991).*

**Q :** When shall the term of office of the barangay and Sangguniang Kabataan officials elected in the October 28, 2013 commence?

**A :** *Their term of office shall commence at noon of November 30, 2013 (Section 2, RA 9340)*

## **V- BARANGAY AND SK ELECTION FUND**

**Q :** Where shall the fund for the elections come from?

**A :** *(a) The amount shall come from the appropriations of COMELEC under the General Appropriations Act of 2013 and/or supplementary appropriations thereafter.*

*(b) Local governments shall appropriate such funds to defray such necessary and reasonable expenses of the members of the board of election tellers, board of canvassers and the printing of election forms and procurement of other election paraphernalia, and the installation of polling booths. (Sec. 50 of the Omnibus Election Code)*

## **I - ELECTION PERIOD**

**Q :** When will the 2013 Barangay Election be held?

**A :** *The Barangay Election shall be held on October 28, 2013 (Monday). (Section 1, RA 9340)*

**Q :** When does the election period start and end?

**A :** *The election period starts on September 28, 2013 (Saturday) and ends on November 12, 2013 (Tuesday) (30 days before the date of the election and 15 days thereafter)*

**Q :** When shall the Certificate of Candidacy be filed?

**A :** *The certificate of candidacy shall be filed during regular working hours, from 8:00 o'clock in the morning to 5:00 o'clock in the afternoon, from October 11, 12, 14, 15, 16 and 17, 2013. (COMELEC Resolution No. 9761)*

**Q :** When is the last day of filing of disqualification cases against a candidate?

**A :** *The last day of filing of disqualification cases against a candidate is on October 21, 2013 (Monday) (COMELEC Resolution No. 9523 dtd Sept. 25, 2012)*

**Q :** When does the campaign period start and end?

**A :** *The campaign period starts on October 18, 2013 (Friday) and ends on October 26, 2013 (Saturday). (COMELEC Resolution No. 9715)*

## II - OFFICIALS TO BE ELECTED

Q : What are the positions to be filled-up in the election?

A : *The positions are:*

*For the Barangay*

*One (1) Punong Barangay; and  
Seven (7) Sangguniang Barangay Kagawad*

Q : How shall a candidate file a Certificate of Candidacy?

A : *Candidates for Punong Barangay and Sangguniang Barangay Kagawad shall file a sworn certificate of candidacy in triplicate copies. The format of the certificate of candidacy may be obtained from the Election Officer, free of charge or may be downloaded from the Comelec website at [www.comelec.gov.ph](http://www.comelec.gov.ph). (Section 3, COMELEC Resolution No. 9740)*

Q : Where shall the Certificate of Candidacy be filed?

A : *The certificate of candidacy shall be filed with the Office of the Election Officer of the city/municipality concerned. (Section 5, COMELEC Resolution No. 9740)*

Q : Can another person file the COC on behalf of the candidate?

A : *Certificates of candidacy shall be filed personally or through a duly authorized representative who must present a written authorization under oath. No certificate of candidacy shall be filed or accepted by mail, telegram or facsimile. (Section 5, COMELEC Resolution No. 9740)*

## IV - TERM OF OFFICE

Q : What is the term of office of elective barangay and SK officials?

A : *The term of office of all barangay and Sangguniang Kabataan officials shall be three (3) years. (RA 9340)*

Q : Are elective barangay officials covered by the three consecutive term limit rule?

A : *Yes. Elective barangay officials are covered by the three consecutive term limit rule. (RA 9340)*

Q : What shall be the reckoning barangay election year in determining whether an incumbent elective barangay official is already on his/her 3rd term?

A : *The 2002 Synchronized Barangay and SK Elections shall be the reckoning barangay election year determining whether an incumbent elective barangay official is already on his/her 3rd term.*

Q : Can a barangay official who has completed his three consecutive term of office in the same position still run for another position in the barangay?

A : *Yes. For instance, a punong barangay who has completed his three consecutive term of office can still run as barangay kagawad as the term limit applies only to those serving the same position. In the same manner, a barangay kagawad who completed his three consecutive term of office can run as punong barangay. (DILG Department Advisory dtd 7 August 2007)*

**Q :** Are appointive officials/employees deemed resigned upon filing of Certificates of Candidacy?

**A :** *Yes. Appointive barangay, city/municipal, provincial, regional, or national officials or employees, or those in the civil or military service, including those in government-owned or controlled corporations, shall be considered ipso facto resigned from office and must vacate the same at the start of the day of filing of his certificate of candidacy. (Section 7, COMELEC Resolution No. 9740)*

**Q :** Are elective municipal, city, provincial and national officials deemed resigned upon filing of Certificates of Candidacy?

**A :** *No. Incumbent municipal, city, provincial and national elective officials running for any barangay elective position shall not be considered resigned upon the filing of their certificate of candidacy. (Section 7, COMELEC Resolution No. 9740)*

**Q :** Are elective barangay officials running for the same office considered resigned upon filing of Certificates of Candidacy?

**A :** *No. Incumbent barangay officials running for the same office shall not be considered resigned and shall continue to hold office until their successors shall have been elected and qualified. (Sec. 8, RA 6679)*

**Q :** May a person run for more than one office?

**A :** *No person is eligible to run for more than one office, that is, Punong Barangay and Barangay Kagawad. However, before the expiration of the period for the filing of certificate of candidacy, the person who has filed a certificate of candidacy for more than one office may declare under oath the office, which he desires to be elected and cancel the certificate of candidacy for the other office. (Section 3, COMELEC Resolution no.9740)*

**Q :** May a person withdraw the certificate of candidacy he or she filed? How?

**A :** *Yes. Any person who has filed a certificate of candidacy may withdraw it any time before Election Day. A sworn declaration of withdrawal shall be filed personally, in triplicate with the Office of Election Officer where the certificate of candidacy was filed. The certificate of candidacy shall be deemed withdrawn upon filing of the sworn declaration of withdrawal. (Section 14, COMELEC Resolution No. 9740)*

*The declaration of withdrawal shall be distributed in the same manner as the certificates of candidacy, furnishing a copy thereof to the Board(s) of Election Tellers concerned. (Section 14, COMELEC Resolution No. 9740)*

*The copy for the Election Records and Statistics Department, Commission on Elections, Manila shall be transmitted within twenty-four (24) hours from the filing of the declaration. The ERSD shall immediately acknowledge receipt thereof. (Section 14, COMELEC Resolution No. 9740)*

### III - QUALIFICATIONS AND DISQUALIFICATIONS

**Q :** What are the qualifications of the candidates?

**A :** *For Punong Barangay and Sangguniang Barangay Kagawad, candidates must be:*

- 1. Filipino citizens;*
- 2. At least 18 years old on election day;*
- 3. Able to read and write Filipino or any local language or dialect; and*
- 4. Registered voters of the barangay where they intend to run for office and residents thereof for at least one (1) year immediately preceding the day of the election.*  
*(Section 2, COMELEC Resolution No. 9740)*

**Q :** Who are disqualified from running for any elective barangay and Sangguniang Kabataan positions?

**A :** *The following are disqualified from running:*

- a. Those sentenced by final judgment for an offense involving moral turpitude or for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;*
- b. Those removed from office as a result of an administrative case;*
- c. Those convicted by final judgment for violating the oath of allegiance to the Republic;*
- d. Those with dual citizenship unless at the time of filing of the certificate of candidacy, he makes a personal and sworn renunciation of any and all foreign citizenship before any public officer authorized to administer an oath;*
- e. Fugitives from justice. A fugitive from justice includes not only those who flee after conviction to avoid punishment but likewise who, after being charged, flee to avoid prosecution;*

- b. Permanent residents in a foreign country or those who have acquired the right to reside abroad and continue to avail themselves of the same right after the effectivity of the Local Government Code;*
- c. The insane or feeble-minded; and*
- h. Any candidate who, in an action or protest in which he is a party, is declared by final decision of a competent court to be guilty of having, or is found by the Commission to have, committed the following acts shall be disqualified from continuing as a candidate or, if already elected, from holding office:*

- 1. Given money or other material consideration to influence or induce voters to vote for or against a candidate, or to abstain from voting, or to corrupt government officials and employees performing election functions;*
- 2. Committed acts of terrorism to enhance his candidacy;*
- 3. Spent in his election campaign an amount in excess of that allowed by law;*
- 4. Solicited, received, or made any contribution prohibited under Secs. 89, 95, 96, 97 and 104 of the Omnibus Election Code; or*
- 5. Violated any of Secs. 80, 83, 85, 86 and 261 (pars. d, e, k, v and cc, sub par. 6) of the same Code.*
- 6. Those who have been elected and served for three (3) consecutive terms in the same position. Voluntary renunciation of office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official was elected. (Section 3, COMELEC Resolution No. 9029)*