



PRIMER ON VOTE-BUYING, VOTE-SELLING, AND ABUSE OF STATE RESOURCES

COMELEC RESOLUTION NO. 11104

In the Matter of Expanding the Powers and Functions of the Committee on Kontra Bigay and to Integrate Guidelines against Abuse of State Resources in the Conduct of Elections in connection with the May 12, 2025 National And Local Elections (NLE) and BARMM Parliamentary Elections (BPE) and subsequent NLEs.

WHAT IS VOTE-BUYING AND VOTE-SELLING?

Vote-buying is the act of giving, offering, or promising anyone of:

- money or anything of value
- any office or employment
- franchise or grant, public or private
- to make an expenditure, directly or indirectly
- cause an expenditure to be made to any person, association, corporation, entity, or community in order to induce anyone or the public in general

PURPOSE

To vote for or against any candidate or withhold his vote in the election, or to vote for or against any aspirant for the nomination or choice of a candidate in a convention or similar selection process of a political party

Vote-selling is the act of asking or receiving, directly or indirectly, of money or anything of value, any office or employment, franchise or grant, public or private, or makes or offers to make an expenditure, directly or indirectly, for any of the abovementioned reason.

PENALTIES

- Imprisonment of not less than one (1) year but not more than six (6) years, not subject to probation;
- Disqualification to hold public office and deprivation of the right of suffrage; and
- For political parties, a fine of not less than ten thousand pesos.

PRESUMED ACTS OF VOTE-BUYING AND VOTE-SELLING



- Possessing or delivery of any coins, notes, monies, cards, pay envelopes, bags, groceries, tokens or anything of value, together with sample ballots or other campaign materials in favor of or against a candidate;



- Offering or promising something of value in consideration for someone's vote;



- Long lines or queues of registered voters / persons for the distribution of money, discount, insurance or health cards, grocery items and such other goods, intended to be used to induce the persons to vote for or against any candidate or withhold their votes in the election, or to vote for or against any aspirant for the nomination or choice of a candidate in a convention or similar selection process of a political party;



- House to house election campaign which involves the giving of money, discount cards, grocery items and such other goods, to induce the household or the occupants to vote for or against any candidate or withhold their votes in the election, or to vote for or against any aspirant for the nomination or choice of a candidate in a convention or similar selection process of a political party;



- Holding of bingo games, talent shows or other similar activities that involves the distribution of prizes by the candidates or their supporters or by any person in which the names of the candidates are mentioned, or those conducted in a place where the names or the pictures of the candidates are displayed or visible;



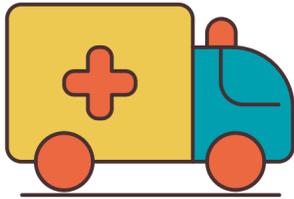
- Employing the “hakot” system or the gathering of two (2) or more registered voters to a specific place before election day and on election day, for the purpose of distributing money or anything of value and/ or sample filled-out ballots;

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- Possessing, transporting and/ or carrying cash exceeding Five Hundred Thousand Pesos (P500,000.00) or its equivalent in any foreign currency, along with campaign paraphernalia and / or corroborated evidence during the period of two (2) days before an election and on election day, except those authorized persons as stated in Section 28 of this Resolution;



- Causing the splitting of the amount of at least P20,000.00 to smaller denominations of P200.00, P100.00, P50.00 or P20.00, during the period of five (5) days before election day and on election day, except when necessary to or in connection with the occupation or business of the possessor;



- Conducting medical missions, legal aid services, feeding programs or any caravan offering any or all of these services in a certain barangay or locality, in which the names of the candidates are mentioned, or those conducted in a place where the name or picture of a candidate is visible or displayed;



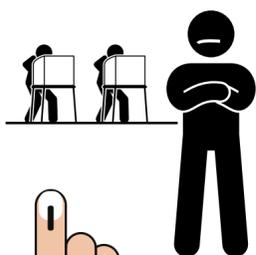
- Giving, distributing, and receiving any assistance or "ayuda", in which the names of the candidates are mentioned, or those conducted in a place where the name or picture of the candidate is visible or displayed, whether given by the candidate or his or her relative within the second degree of affinity or consanguinity, or their known supporters or employees;



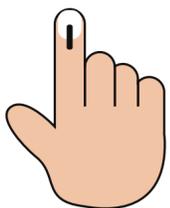
- Giving, distributing and receiving any assistance or "ayuda" other than those which are normally given to qualified individuals such as but not limited to basic needs and assistances, during the campaign period, whether given by the candidate or his or her relative within the second degree of affinity or consanguinity, or their known supporters or employees;



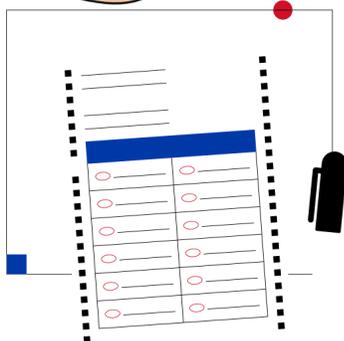
- Giving, distributing and receiving any assistance or "ayuda" other than medical or burial assistance during the ten (10)-day absolute ban provided for in Section 33 of this Resolution, whether given by the candidate or his or her relative within the second degree of affinity or consanguinity, or their known supporters or employees;



- Hiring or appointing more than two (2) watchers per precinct per candidate, who shall serve alternately;



- Possessing on election day, indelible ink or any chemical that may remove indelible ink such as but not limited to acetone/nail polish remover or paint thinner, except when necessary to the occupation of the possessor and those authorized by the Commission;



- Possessing of blank original ballots during election day, except those authorized by the Commission; and

- Such other analogous circumstances.

SURVEILLANCE AND VALIDATION

The AFP, PNP, NBI and other law enforcement agencies shall conduct surveillance of a person or a place, and validation of any received information, report or complaints for vote-buying and vote-selling, or acts constituting ASR.

If during the surveillance, there is a reasonable ground to believe that the acts of vote-buying and vote-selling, or ASR in elections have been committed, are actually being committed or attempted to be committed, the PNP may validly arrest the persons involved and conduct a search incidental thereto, pursuant to the guidelines herein set forth. Otherwise, after conducting the surveillance and determining the existence of probable cause for an arrest, the PNP shall secure a search warrant prior to effecting a valid arrest.

Surveillance activities, including validation, arrest and search incidental thereto, must be conducted in accordance with the Constitution and applicable laws, rules and regulations, and the policies and standard operating procedures of the PNP and other law enforcement agencies of the government.

WARRANTLESS ARREST

- Any law enforcement officer may, without a warrant, arrest a person when, in his or her presence, the person to be arrested has committed, is actually committing, or is attempting to commit the election offense of vote-buying and vote-selling, or acts constituting ASR.
- All other arrests without warrant as provided in Rule 113 of the Revised Rules of Criminal Procedure shall be applicable and valid in relation to these rules.
- The person arrested without a warrant shall be forthwith delivered to the nearest police station or jail and shall be proceeded against in accordance with Section 7 Rule 112 of the Revised Rules of Criminal Procedure.

DISPUTABLE PRESUMPTION OF CONSPIRACY OF VOTE- BUYING AND VOTE-SELLING

Proof that at least one voter in different precincts representing at least twenty percent (20%) of the total precincts in any municipality, city or province has been offered, promised or given money, valuable consideration or other expenditure by a candidate's relatives, leaders and/ or sympathizers for the purpose of promoting the election of such candidate, shall constitute a disputable presumption of a conspiracy under Section 261 (b) of the OEC.

Where such proof affect at least twenty percent (20%) of the precincts of the municipality, city or province to which the public office aspired by the favored candidate relates, the same shall constitute a disputable presumption of the involvement of such candidate and of his principal campaign managers in each of the municipalities concerned, in the conspiracy.

ACTS CONSTITUTING SUSPICIOUS TRANSACTIONS OF VOTE-BUYING AND VOTE-SELLING

Any unusual transaction flow between accounts, digital banking and digital wallets, including unusual large cash withdrawals involving the amount exceeding Five Hundred Thousand Pesos (P500,000.00), encashment of checks, during election period, which have no underlying legal/trade obligation, purpose or economic justification, or the amount involved is not commensurate with the business or financial profile of the client, shall be considered suspicious transactions of vote-buying and vote-selling.

For this purpose, the Commission shall have the authority to inquire into the financial records of candidates and any organization or group of persons, motu proprio, after due notice and hearing. The Commission may avail itself of the assistance of the COA, BSP, NBI, the Bureau of Internal Revenue, AFP and PNP, barangay officials, and other agencies of the government.

In addition, all banking institutions and non-bank financial institutions shall submit suspicious transactions reports to the BSP and AMLC.

MONEY BAN



During the period of two (2) days before an election and on election day, it shall be prohibited to possess, transport and/ or carry cash exceeding Five Hundred Thousand Pesos (P500,000.00) or its equivalent in any foreign currency, along with campaign paraphernalia and/ or corroborating evidence.

EXCEPTIONS:

The provision on money ban shall not apply to persons, who by the nature of their duty, profession, business or occupation as cashiers or disbursing officers, transport or carry cash exceeding P500,000.00 or its equivalent in any foreign currency. Provided that, when transporting or carrying such amount, they must be in the actual performance of their duties involving the transport of money or disbursement of payrolls, and in possession of the following:

- Certificate of employment stating that he / she is currently employed as cashier or disbursing officer; and
- Company or office-issued identification card showing his / her photograph, designation and signature.

WHAT IS ABUSE OF STATE RESOURCES?

Abuse of State Resources (ASR) pertains to the misuse of government resources, whether material, human, coercive, regulatory, budgetary, media-related, or legislative, for electoral advantage.

ACTS CONSTITUTING ASR:

- **Intervention of public officers and employees.** – Any officer or employee in the civil service, except those holding political offices; any officer, employee, or member of the AFP, or any police force, special forces, home defense forces, barangay self-defense units and all other para-military units that now exist or which may hereafter be organized who, directly or indirectly, intervenes in any election campaign or engages in any partisan political activity, except to vote or to preserve public order, if he is a peace officer.
- **Undue influence.** – Any person who promises any office or employment, public or private, or to make or offer to make an expenditure, directly or indirectly, or to cause an expenditure to be made to any person, association, corporation or entity, which may induce anyone or the public in general either to vote or withhold his vote, or to vote for or against any candidate in any election or any aspirant for the nomination or selection of an official candidate in a convention of a political party. This includes acts of any person, association, corporation or community, to solicit or receive, directly or indirectly, any expenditure or promise or any office, or employment, public or private, for any of the foregoing considerations;
- **Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign.** – Any person who uses under any guise whatsoever, directly or indirectly, (1) public funds or money deposited with, or held in trust by, public financing institutions or by government offices, banks, or agencies; (2) any printing press, radio, or television station or audio-visual equipment operated by the Government or by its divisions, sub-divisions, agencies or instrumentalities, including government-owned or controlled corporations, or by the AFP; or (3) any equipment, vehicle, facility, apparatus, or paraphernalia owned by the government or by its political subdivisions, agencies including government-owned or controlled corporations, or by the AFP for any election campaign or for any partisan political activity.

- **Release, disbursement or expenditure of public funds.** – Any public official or employee including barangay officials and those of government-owned or controlled corporations and their subsidiaries, who, during forty-five days before a regular election and thirty (30) days before a special election, releases, disburses or expends any public funds for:
 - Any and all kinds of public works, **except the following:**
 - Maintenance of existing and/or completed public works project: Provided, That not more than the average number of laborers or employees already employed therein during the six-month period immediately prior to the beginning of the forty-five (45) day period before election day shall be permitted to work during such time: Provided, further, That no additional laborers shall be employed for maintenance work within the said period of forty-five (45) days;
 - Work undertaken by contract through public bidding held, or by negotiated contract awarded, before the forty-five (45) day period before election: Provided, That work for the purpose of this section undertaken under the so-called “takay” or “paquiao” system shall not be considered as work by contract;
 - Payment for the usual cost of preparation for working drawings, specifications, bills of materials, estimates, and other procedures preparatory to actual construction including the purchase of materials and equipment, and all incidental expenses for wages of watchmen and other laborers employed for such work in the central office and field storehouses before the beginning of such period: Provided, That the number of such laborers shall not be increased over the number hired when the project or projects were commenced; and
 - Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility. No payment shall be made within five (5) days before the date of election to laborers who have rendered services in projects or works except those falling under subparagraphs (i), (ii), (iii), and (iv), of this paragraph.
 - This prohibition shall not apply to ongoing public works projects commenced before the campaign period or similar projects under foreign agreements. For purposes of this provision, it shall be the duty of the government officials or agencies concerned to report to the Commission the list of all such projects being undertaken by them.
 - The DSWD and any other office in other departments of the government performing functions similar to the DSWD, except for salaries of personnel, and for such other routine and normal expenses, and for such other expenses as the Commission may authorize after due notice and hearing. Should a calamity or disaster occur, all releases normally or usually coursed through the DSWD and offices or departments shall be turned over to, and administered and disbursed by, the Philippine Red Cross, subject to the supervision of the COA or its representatives, and no candidate or his or her spouse or member of his family within the second civil degree of affinity or consanguinity shall participate, directly or indirectly, in the distribution of any relief or other goods to the victims of the calamity or disaster; and

- The Department of Human Settlements and Urban Development (DHSUD) and any other office or department of the government performing functions similar to DHSUD, except for salaries of personnel and for such other necessary administrative or other expenses as the Commission may authorize after due notice and hearing.
- Construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices. – During the period of forty-five (45) days preceding a regular election, any person who (a) undertakes the construction of any public works, except for projects or works exempted in the preceding paragraph, or (b) issues, uses or avails of treasury warrants or any device undertaking future delivery of money, good or other things of value chargeable against public funds.

ALLOWED RELEASE, DISBURSEMENT OR EXPENDITURE OF PUBLIC FUNDS

Release, disbursement or expenditure of public funds for the following purposes are not covered by the prohibition:

- Release, disbursement or expenditure of public funds during calamities or disasters
- Maintenance and Other Operating Expenses (MOOE) which are considered normal and routine expenses incurred through day-to-day operations
- Salaries of government personnel, including benefits mandated by law.

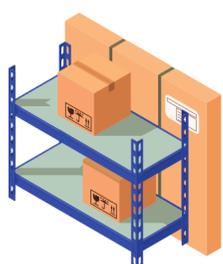
TOTAL BAN ON DISTRIBUTION OF “AYUDA”, SUCH AS TUPAD, AKAP, AICS AND 4PS

Notwithstanding any provisions to the contrary, the giving and distribution of “Ayuda”, TUPAD, AKAP, AICS and 4Ps, shall be totally prohibited within a period of ten (10) days before elections and on election day, except medical and burial assistances which are normally given to qualified individuals.

“Ayuda”, TUPAD, AKAP, AICS and 4Ps that are distributed by candidates who are incumbent elected officials or their spouses or members of their families within the second civil degree of affinity or consanguinity, or their known supporters or employees, during the period of total prohibition shall be presumed vote-buying and vote-selling, or ASR, as the case may be.

PRESUMED ACTS CONSTITUTING ABUSE OF STATE RESOURCES

The following conduct shall be presumed acts constituting ASR in elections, committed by the incumbent elected public official and/or government employee who exercises control or administration, directly or indirectly, over government resources, whether material, human, coercive, regulatory, budgetary, or media-related, or relevant government facility, asset, activity, or program, for his or her election benefit/gain or for the interest of his or her political party or relative/s who are candidates for elective office:



- The storage or transport of campaign materials, or any paraphernalia, including the name, visage, appearance, logo, signature or other analogous image of any candidate on government vehicles, including motor vehicles used as patrol cars or any mobile asset bearing government license plates, unless made pursuant to Operation “Baklas” of the Commission.
- The storage of foods and beverages intended for the supporters of certain candidates, as well as tarpaulins, vests, posters, sample ballots, or any paraphernalia that tends to promote the election of a candidate, in barangay halls, covered courts or any government facility or property of the government;



- The display of campaign materials in covered courts, barangay halls unless designated as common poster area, or any government facility or property, including motor vehicles such as patrol cars, ambulances and other vehicles bearing government license plates;



- The distribution or delivery of assistance and legitimate social welfare benefits and programs of the government such as TUPAD, AKAP, AICS and 4Ps, with displayed campaign materials, paraphernalia, or those made in the presence and participation of the candidate or his or her spouse or member of his family within the second civil degree of affinity or consanguinity;



- The use of government funded media platforms, or the official page/s of government instrumentalities that consistently feature the face, image, appearance, logo, signature or other analogous image of any public official;



- The use of government funded media platforms, or the official page/s of government instrumentalities to live stream campaign activities of the incumbent, his/her political party, or candidates;



- The use of programs, activities, projects, which are government funded as a platform to display the corresponding signage, name, visage, appearance, logo, signature or other analogous image or promote the candidacy of any public official, whether elected or appointed;



- The sudden and unjustified revocation during the campaign period, of existing scholarships and other government grants to qualified beneficiaries, or the undue refusal to include qualified individuals in legitimate programs of the government such as but not limited to scholarships, 4Ps;



- The sudden influx of hiring of Job Order and Contract of Services workers and their conduct of partisan political activities by campaigning for or against a candidate, during official working hours; and

- Such other analogous circumstances.

NOTE!

These presumptions shall apply to the spouse and relative/s within the second civil degree of consanguinity or affinity of any incumbent candidate.

PERSONS LIABLE FOR ELECTION OFFENSE OF VOTE-BUYING AND VOTE-SELLING

The giver, offerer, and promisor as well as the solicitor, acceptor, recipient and conspirator for acts of vote-buying and vote-selling shall be liable as principals.

EXEMPTED FROM PROSECUTION

Any person, otherwise guilty of vote-buying and vote-selling who voluntarily gives information and willingly testifies on any violation thereof in any official investigation or proceeding shall be exempt from prosecution and punishment for the offenses with reference to which his or her information and testimony were given: Provided, further, that nothing herein shall exempt such person from criminal prosecution for perjury or false testimony.

WHERE TO FILE THE COMPLAINT

Initiation of complaint for the election offense of vote-buying and vote-selling, or acts constituting ASR, may be done *motu proprio* by the Commission, or upon written complaint by any citizen of the Philippines, political party, or any accredited citizens arms of the Commission.

***Motu proprio* complaints** for election offenses of vote-buying and vote-selling, or acts constituting ASR in elections may be signed by the EO, PES, the RED, or the Director of the Commission, and need not be verified.

When **not initiated *motu proprio***, the complaint must be subscribed and supported by affidavits of complaining witnesses attesting to the alleged acts of vote-buying and vote-selling or acts constituting ASR in elections, and/or any other evidence.

FILING OF THE COMPLAINT WITH COMELEC

- Complaint for election offense may be filed with the Commission or through the Prosecutor's Office. The agency that initially takes cognizance of the complaint shall exercise jurisdiction to the exclusion of the others.
- Complaints filed with the Commission shall be made in the following manner:
 - In-Person filing with the Law Department, ORED, OPES or OEO where the alleged election offense took place; or
 - E-mail in PDF to the official e-mail address of the Law Department or ORED, OPES or OEO where the alleged election offense took place. All other supporting documents including Affidavits of Witnesses, if any, shall also be scanned and e-mailed together with the complaint. Immediately after filing through e-mail, the party shall send, through the fastest means available, including registered mail or any courier service, all pleadings, answers motions, comments, notices, and other court submissions, with complete annexes in four (4) hard copies. The date of receipt of the complaint via e-mail shall be considered the date of filing.

All complaints for the election offense of vote-buying and vote-selling, or acts constituting ASR in elections, shall be duly subscribed and sworn to before a public prosecutor or a notary public. In localities where there are no public prosecutors or notaries public available, the EO of the place where the alleged election offense of vote-buying took place shall have the authority to administer oath for purposes of the filing a complaint. Complaints which do not comply with this paragraph shall not be accepted and/or docketed.

The complaints together with the affidavits of the witnesses filed before the OEO, OPES or ORED shall be transmitted to the Law Department for docketing. After the complaint has been docketed, the Law Department shall refer the case to the concerned lawyer of the Commission for preliminary investigation.

PRELIMINARY INVESTIGATION

- If on the basis of the complaint, affidavits and the supporting evidence, the investigating officer finds no ground to continue with the inquiry, he or she shall recommend the dismissal of the complaint and shall follow the procedure prescribed in Section 53 of these Rules. Otherwise, the investigating officer shall issue a subpoena to the respondent, attaching thereto a copy of the complaint, affidavits and other supporting documents and giving said respondent three (3) days from receipt within which to submit counter-affidavits and other supporting documents. The respondent shall have the right to examine all other evidence submitted by the complainant. The respondent shall not be allowed to file any other pleading or motion in lieu of the counter-affidavit. For this purpose, no other pleadings except the counter-affidavit, affidavit of witnesses and other supporting documents shall be admitted by the investigating officer.
- The complainant shall be furnished with counter-affidavits and other supporting evidence by the respondent.
- If the respondent cannot be subpoenaed, or if subpoenaed, does not submit counter-affidavits within three (3) days from receipt of the complaint, the investigating officer shall base his or her resolution on the evidence presented by the complainant.
- If the investigating officer believes that there are matters to be clarified, he may set a hearing to propound clarificatory questions to the parties or their witnesses, during which the parties shall be afforded an opportunity to be present but without the right to examine or cross-examine. If the parties so desire, they may submit questions to the investigating officer which the latter may propound to the parties or witnesses concerned.
- Thereafter, the investigation shall be deemed concluded, and the investigating officer shall resolve immediately the complaint. Upon the evidence thus adduced, the investigating officer shall determine whether or not there is sufficient ground to hold the respondent for trial.

AUTHORITY OF COMELEC LAWYERS TO INVESTIGATE AND PROSECUTE ELECTION OFFENSE OF VOTE-BUYING AND VOTE-SELLING, OR ACTS CONSTITUTING ASR IN ELECTIONS

All lawyers in the Commission who are EO, PES, Regional Election Attorneys (REA), Assistant Regional Election Directors (ARED), RED and lawyers of the Law Department are authorized to conduct preliminary investigation.

Provided that the Commission may authorize other lawyers of the Commission to investigate and prosecute election offense of vote-buying and vote-selling, or acts constituting ASR in elections, if it may deem necessary.

The authority may be revoked or withdrawn any time by the Commission whenever in its sound judgment such revocation or withdrawal is necessary to protect the integrity of the Commission, or when it believes that successful prosecution of the case for vote-buying and vote-selling, or acts constituting ASR in elections, can be done by other lawyers in the Commission.

COMMITTEE ON

KONKORRA

Bigay



The Commission expands the powers and functions of the CKB to effectively enforce all policies of the Commission against vote-buying and vote-selling, and ASR in elections, through a comprehensive whole-of-nation approach

COMPOSITION

- Commissioner-in-Charge, as Chairperson
- Executive Director as Vice-Chairperson
- Deputy Executive Director for Operations (DEDO), Law Department, Education and Information Department (EID), Finance Services Department (FSD), Election and Barangay Affairs Department (EBAD) as Members
- Other members composed of the following national government agencies, civic organizations and election stakeholders, to wit:
 - Department of Justice (DOJ)
 - Department of the Interior and Local Government (DILG)
 - Department of Education (DepEd)
 - Department of Information and Communications Technology (DICT)
 - Cybercrime Investigation and Coordinating Center (CICC)
 - Philippine Information Agency (PIA)
 - Armed Forces of the Philippines (AFP)
 - Philippine National Police (PNP)
 - National Bureau of Investigation (NBI)
 - Bangko Sentral ng Pilipinas (BSP)
 - Commission on Audit (COA)
 - Civil Service Commission (CSC)
 - Department of Social and Welfare and Development (DSWD)
 - Anti-Money Laundering Council (AMLC)
 - Public Attorney's Office (PAO)
 - Integrated Bar of the Philippines (IBP)
 - Philippine Association of Law Schools (PALS)
 - Accredited Citizens' Arms of the Commission and
 - Other government agencies and election stakeholders as may be deputized by the Commission.

LOCAL COMMITTEE ON *KONTRA* BIGAY

REGIONAL CKB	PROVINCIAL CKB	MUNICIPAL CKB
<ul style="list-style-type: none"> • Regional Election Director (RED) • Regional Official of the DepEd • Regional Director of DSWD • Regional Director of COA • Regional Director of CSC • Regional Director of the PNP • Division or Brigade Commander with the highest rank designated by the AFP • Regional Director of the NBI • Regional Prosecutor • Representative, Regional Chapter of Citizens' Arms of the Commission. 	<ul style="list-style-type: none"> • Provincial Election Supervisor (PES) • Highest-ranking provincial official of the DepEd • Highest-ranking provincial official of the DSWD • Highest-ranking provincial official of the COA • Highest-ranking provincial official of the CSC • Provincial Director of the PNP • Battalion Commander of the highest-ranking officer in the area as may designated by the AFP • Provincial Head of the NBI • Provincial Prosecutor • Representative, Provincial Chapter of Citizens' Arms of the Commission. 	<ul style="list-style-type: none"> • Election Officer (EO) • Highest-ranking city /municipal official of the DepEd • Highest-ranking city/municipal official of the DSWD • Highest-ranking city/municipal official of the COA • Highest-ranking city/municipal official of the CSC • PNP Chief of Police • g.Highest-ranking officer in the area as may designated by the AFP • City Prosecutor / Provincial Prosecutor for MCKB • Representative, Regional or Local Chapter of Citizens' Arms of the Commission.

COMELEC Resolution No. 11104, Sec. 3, 4 and 5.



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Kabang-yaman ng bayan, ilaan para sa kapakanan
ng sambayanan, Huwag abusuhin para sa
pansariling interes ng ilan.

NO TO ABUSE OF STATE RESOURCES DURING ELECTIONS



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