



Republic of the Philippines  
**DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**  
DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City  
<http://www.dilg.gov.ph>

May 9, 2019

## URGENT MEMORANDUM

**TO: ALL DILG REGIONAL DIRECTORS, DILG FIELD OFFICERS,  
AND OTHERS CONCERNED**

**SUBJECT: INFORMATION DISSEMINATION ON THE ROLE OF THE DILG  
UNDER THE COMELEC TASK FORCE KONTRA BIGAY  
AGAINST VOTE-BUYING AND/OR -SELLING**

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In view of the forthcoming 2019 midterm elections, the Commission on Elections in partnership with the Department of the Interior and Local Government (DILG), National Bureau of Investigation (NBI), the Philippine National Police (PNP) and the Integrated Bar of the Philippines (IBP), has created the **TASK FORCE KONTRA BIGAY** (Task Force) for the purpose of investigating and prosecuting vote-buying and/or -selling as defined in the Omnibus Election Code.

The objective of the task force is to put in place a mechanism to aid an ordinary citizen initiate a complaint on vote-buying and/or -selling.

In this connection, the following are the primary responsibilities of the members of the task force:

1. PNP and IBP - Assistance and Investigation in the filing of cases
2. COMELEC and NBI - Investigation
3. **DILG - Information Dissemination**

One of the challenges identified by the Task Force is the difficulty for an ordinary citizen to initiate a complaint against the perpetrators of these election offenses.

Hence, attached to this Memorandum is a *sample* complaint that can be used as guide by any prospective complainant. The same shall be uploaded in the DILG website for easier access and all offices concerned are advised to make copies available within their areas of jurisdiction.

The verified complaint supported by affidavits and/or any other pieces of evidence shall then be filed with any of the following offices:

1. Law Department of the COMELEC
2. Offices of the Election Registrars/Election Officers

3. Provincial Election Supervisors or COMELEC Regional Directors
4. State Prosecutor, Provincial Prosecutor, or City Prosecutor

In order to provide greater assistance to the voting public, all DILG field officers are hereby requested to coordinate with their counterparts in the COMELEC, PNP, NBI, and IBP chapters to localize the partnership under this task force. You are likewise requested to issue your respective press statements in your respective jurisdictions to cause widest dissemination of the objectives of this COMELEC program.



**JONATHAN E. MALAYA**  
Undersecretary



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

\_\_\_\_\_  
*Complainant,*

- versus -

\_\_\_\_\_  
*Respondent.*

**Docket No.** \_\_\_\_\_

For: Violation of Section 261 (a)  
 in relation to Section 262 of the  
 Omnibus Election Code  
*(Vote Buying and Vote Selling)*

X-----X

**COMPLAINT**

The Complainant, \_\_(*Name, Age, and Address of the Complainant*)\_\_, accuses Respondent \_\_(*Name of the Respondent*)\_\_ ("*Respondent*" for brevity), \_\_(*Name, Age, and Address of the Respondent*)\_\_ for violation of Section 261 (a) in relation to Section 262 of the Omnibus Election Code, in connection with the \_\_(*Specific Election relating to the complaint*)\_\_, and avers THAT:

1. On \_\_\_\_\_, Respondent \_\_\_\_\_(*Narration of detailed circumstances of the allegation/complaint, with reference to evidences with assigned Annexes/labels*)\_\_. The/ A \_\_(*Title or description of referred evidence*)\_\_ is hereto attached as Annex " \_\_";

2. (*In paragraphs, enumerate/establish the following elements of Vote Buying/Vote Selling:*

1. *That the offender is any person;*

2. *That the offender:*

- a. *Gives, offers or promises money or anything of value;*
- b. *Gives or promises any office or employment, franchise or grant, public or private;*
- c. *Makes or offers to make an expenditure, directly or indirectly, or*
- d. *Cause an expenditure to be made to any person, association, corporation, entity, or community; and*



3. That the act was done in order to induce anyone or the public in general to vote for or against any candidate or withhold his vote in the election, or to vote for or against aspirant for the nomination or choice of a candidate in any convention or similar selection process of a political party.)

3. Section 261 (a) in relation to Section 262 of the Omnibus Election Code, reads:

**Section 261. Prohibited Acts.** - The following shall be guilty of an election offense:

(a) Vote-buying and vote-selling. -

(1) Any person who gives, offers or promises money or anything of value, gives or promises any office or employment, franchise or grant, public or private, or makes or offers to make an expenditure, directly or indirectly, or cause an expenditure to be made to any person, association, corporation, entity, or community in order to induce anyone or the public in general 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.

(2) Any person, association, corporation, group or community who solicits or receives, directly or indirectly, any expenditure or promise of any office or employment, public or private, for any of the foregoing considerations.

**"Section 262. Other election offenses.** - Violation of the provisions, or pertinent portions, of the following sections of this Code shall constitute election offenses: Sections 9, 18, **74**, 75, 76, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 122, 123, 127, 128, 129, 132, 134, 135, 145, 148, 150, 152, 172, 173, 174, 178, 180, 182, 184, 185, 186, 189, 190, 191, 192, 194, 195, 196, 197, 198, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 223, 229, 230, 231, 233, 234, 235, 236, 239 and 240." [Emphasis supplied]

4.     (Cite applicable laws and jurisprudence)    

5. Verily, prescinding from the foregoing, it is crystal clear that Respondent committed vote buying / vote selling when he/she performs acts in order to induce anyone or the public to vote for or against the said candidate.

6. Undersigned is executing this complaint for purposes of filing an election offense case against the respondent for violation of Section 262 (a) in relation to Section 262 of the Omnibus Election Code.

WITNESS MY HAND this \_\_\_ day of \_\_\_\_\_, 2019 in the City of \_\_\_\_\_, Philippines.

\_\_\_\_(Name and Signature of Complainant)\_\_\_\_

\_\_\_\_(Address and contact details) \_\_\_\_

\_\_\_\_(Counsel of the Complainant, if any)\_\_\_\_

\_\_\_\_(Address and contact details) \_\_\_\_

### VERIFICATION

I, \_\_\_\_\_, of legal age, (Citizenship), (civil status), and a resident of \_\_\_\_\_, after having been duly sworn to in accordance with law, hereby, depose and say:

1. That I am the Complainant in the above-entitled case and have caused this Complaint to be prepared;
2. That I read and understood its contents which are true and correct of my own personal knowledge and/or based on authentic records.
2. That I am executing this affidavit to attest to the truthfulness and veracity of the foregoing and for all legal intents and purposes it may serve.

IN WITNESS THEREOF, I have hereunto set my hand this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Name and Signature of Affiant)

Affiant

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC