

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This **MEMORANDUM OF AGREEMENT** made and executed this 14th day of March, 2012 in the City of Manila by and between:

THE COMMISSION ON ELECTIONS (COMELEC), an independent Constitutional Commission of the Republic of the Philippines with office address at the Palacio del Gobernador Building, Gen. Luna St., Intramuros, Manila, herein represented by its **CHAIRMAN, SIXTO S. BRILLANTES, JR.**, hereinafter referred to as "COMELEC";

-and-

THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, an agency of the Republic of the Philippines with office address at the A. Francisco Gold Condominium II Building, EDSA corner Mapagmahal St., Diliman, Quezon City, herein represented by its **SECRETARY, JESSE M. ROBREDO**, hereinafter referred to as "DILG";

– WITNESSETH: That –

WHEREAS, the **COMELEC** is mandated by the Philippine Constitution to enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall;

WHEREAS, the **COMELEC** is empowered by the Philippine Constitution to deputize law enforcement agencies and instrumentalities of the Government, including the Armed Forces of the Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful, and credible elections;

ARIEL B. TANANGONAN

CHRISTIAN ROBERT S. LIM

JESSE M. ROBREDO

SIXTO S. BRILLANTES, JR.

WHEREAS, the **DILG** is the primary State agency responsible for promoting peace and order, ensuring public safety and strengthening local government capacity through its attached agencies, particularly the Philippine National Police;

WHEREAS, the **COMELEC** recognizes the crucial role of the **DILG** in the effective implementation of election laws, orders, writs and other legal processes of the Commission;

WHEREAS, the **COMELEC** proposed a partnership with the **DILG** to collaborate in the development of policy enforcement mechanisms to ensure the effective implementation of election laws for the succeeding elections to come;

NOW, THEREFORE, for and in consideration of the foregoing premises and these terms, the parties have agreed as follows:

1. The scope of this Agreement is limited to the implementation of Section 14 of Republic Act No. 7166¹, which states:

“Section 14. Statement of Contributions and Expenditures: Effect of Failure to File Statement. – Every candidate and treasurer of the political party shall, within thirty (30) days after the day of the election, file in duplicate with the offices of the Commission the full, true and itemized statement of all contributions and expenditures in connection with the election.

No person to any public office shall enter upon the duties of his office until he has filed the statement of contributions and expenditures herein required.

The same prohibition shall apply if the political party which nominated the winning candidate fails to file the statement required herein within the period prescribed by this Act.

Except candidates for elective barangay office, failure to file the statements or reports in connection with electoral contributions and expenditures as

¹ Entitled “An Act Providing for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations Therefor, and for Other Purposes”, approved on 26 November 1991.



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required herein shall constitute an administrative offense for which the offenders shall be liable to pay an administrative fine ranging from one thousand pesos (₱1,000.00) to thirty thousand pesos (₱30,000.00), in the discretion of the Commission.

The fine shall be paid within thirty (30) days from receipt of notice of such failure; otherwise, it shall be enforceable by a writ of execution issued by the Commission against the properties of the offender.

It shall be the duty of every city, or municipal election registrar to advise in writing, by personal delivery or registered mail, within five (5) days from the date of election all candidates residing in his jurisdiction to comply with their obligation to file their statements of contributions and expenditures.

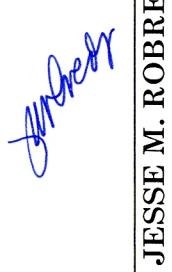
For the commission of a second or subsequent offense under this section, the administrative fine shall be from two thousand pesos (₱2,000.00) to sixty thousand pesos (₱60,000.00), in the discretion of the Commission. **In addition, the offender shall be subject to perpetual disqualification to hold public office.**” (Emphasis supplied)



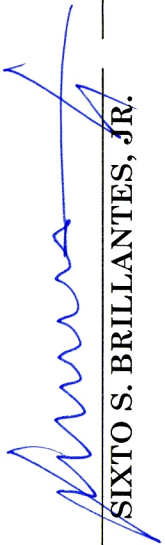
CHRISTIAN ROBERT S. LIM

2. This Agreement shall cover only the following local elective officials:

- a. Governors;
- b. Vice Governors;
- c. Members of the Sangguniang Panlalawigan;
- d. Mayors;
- e. Vice Mayors; and
- f. Members of the Sangguniang Panglungsod and/or Bayan



JESSE M. ROBREDO



SIXTO S. BRILLANTES, JR.

3. Before administering an oath of office to any winning candidate or allowing a winning candidate assumption into office, the DILG or any of its attached agencies shall require him or her to present a Certification from the COMELEC that he or she have satisfactorily complied with his or her obligation under Section 14 of Republic Act No. 7166 by filing his or her Statement of Contributions and Expenditures with the COMELEC. Absent this Certification, the winning candidate cannot enter into the execution of his or her office pursuant to Paragraph 2 of the same provision of law.

4. For local elective officials who are subject to perpetual disqualification by final and executory Orders or Resolutions of the COMELEC pursuant to Paragraph 7, Section 14 of Republic Act No. 7166, the DILG, through the Philippine National Police, shall assist the COMELEC in implementing the necessary legal processes to effect the said Order or Resolution.

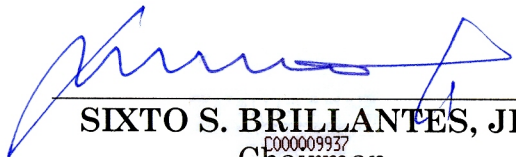
5. In case any provision hereof or any part thereof be declared void or unenforceable by competent authorities, the remainder unaffected by such declaration shall remain valid and binding among the parties, their successors and assigns;

This Memorandum of Agreement shall take effect immediately upon signing of the document by the parties, and shall remain in force until superseded by another Agreement, or unless sooner terminated in writing by the parties.

IN WITNESS WHEREOF, both parties have hereunto set their hands this 14th day of March, 2012 at the City of Manila.

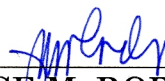
**COMMISSION ON
ELECTIONS**

By:



SIXTO S. BRILLANTES, JR.
0000009937
Chairman

**DEPARTMENT OF THE
INTERIOR AND LOCAL
GOVERNMENT**


By:


JESSE M. ROBREDO
Secretary

Witness:


CHRISTIAN ROBERT S. LIM
Commissioner
Chairperson, Ad Hoc Campaign
Finance Steering Committee,
Commission on Elections

Witness:


ARIEL B. TANANGONAN
OIC Director,
Public Affairs Office,
Department of the Interior and
Local Government

ACKNOWLEDGMENT

Republic of the Philippines)
CITY OF MANILA)S.S.

BEFORE ME, a Notary Public for and in CITY OF MANILA
on this ____ day of MAR 15 2012 2012 personally appeared the
following:

SIXTO S. BRILLANTES, JR.	JESSE M. ROBREDO
Passport No.: _____	Passport No.: _____
Date of expiry: _____	Date of expiry: _____
Place of issue: Manila	Place of issue: Manila

both known to me and to me known to be the same persons who
executed the foregoing instrument and they acknowledge to me that
the same is their free and voluntary act and deed, as well as the
agencies they represent. This instrument consists of a total of five
(5) pages including this page wherein this Acknowledgment is
written, and is signed by the parties and their instrumental
witnesses on each and every page hereof.

IN WITNESS WHEREOF, I have hereunto affixed my
signature and notarial seal at the place and on the date first above
mentioned.

ATTY. EVERHARDO B. GENEROSO
NOTARY PUBLIC
UNTIL DEC 31 2012
PTR NO. 0458378 JAN 26 2012 MLA
IBP NO. 876280 FEB 7 2012 MLA
ROLL NO. 31826
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