MEMORANDUM CIRCULAR

STANDARD OPERATING PROCEDURE ON VIRTUAL OR DIGITAL CAMPAIGNING IN JAILS FOR THE MAY 2022 NATIONAL AND LOCAL ELECTIONS

SUB-TOPIC

PRESCRIBES ALTERNATIVE MODES OF CAMPAIGNING IN JAILS, PROHIBITIONS AND FOR OTHER PURPOSES

1.0 REFERENCES

1.1 Article V, Section 1, 1987 Philippine Constitution;
1.2 Batas Pambansa Bilang 881, "Omnibus Election Code of the Philippines;"
1.3 Republic Act No. 9006, otherwise known as the "Fair Elections Act;"
1.4 Republic Act No. 7941, otherwise known as the "Party List System Act," promulgated on March 3, 1995;
1.5 Presidential Proclamation No. 1218, S. 2021, "Further Extending the Period of State of Calamity throughout the Philippines due to the Corona Virus Disease 2019 Declared under Proclamation No. 1021, S. 2020" dated September 10, 2021;
1.6 Aguinaldo v. New Bilibid Prison (Bureau of Corrections) et al., G.R. No. 221201, April 19, 2016;
1.8 IATF Resolution No. 144-D, Series of 2021 dated October 18, 2021;
1.9 COMELEC Resolution No. 10482 entitled "Supplemental Resolution to the Rules and Regulations on Persons Deprived of Liberty (PDL) Voting, Canvassing in connection with the May 13, 2019 National and Local Elections;"
1.10 COMELEC Resolution No. 10695 entitled "In the Matter of Prescribing the Calendar of Activities and Periods of Certain Prohibited Acts in Connection with the May 9, 2022 National and Local Elections promulgated on February 10, 2021;"
1.11 Department of Trade and Industry (DTI) Memorandum Circular No. 20-04 dated March 15, 2020; and
1.12 BJMP-LSO-MC No. 2, Campaigning in Jails for the 2016 Synchronized National and Local Elections.

2.0 RATIONALE

The Bureau of Jail Management and Penology (BJMP) recognizes the vital role of the people in nation building through the exercise of right of suffrage. Persons Deprived of Liberty (PDL) are likewise given the privilege to take part in this important activity in choosing the future leaders of our country. One of the preparations given to candidates

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is the conduct of campaign by which they state their platforms and programs as leaders to the voters while the latter get to see the potentials of the candidates.

Pursuant to the calendar of activities set by the COMELEC for the May 09, 2022 National and Local Elections, the campaign period for candidates for President, Vice-President, Senator and party-list groups participating in the party-list system of representation is from February 8, 2022 to May 7, 2022 while candidates for Members of House of Representatives, and elective regional, provincial, city and municipal officials is from March 25, 2022 to May 7, 2022.

On March 8, 2020, the Philippines was placed in an emergency health crisis due to the COVID-19 pandemic. On March 20, 2020, the BJMP enforced total lockdown in jails as a measure to prevent the spread of COVID-19 among PDL as well as personnel. Since then, the said measure has been implemented and has resulted in the temporary suspension of other important activities for PDL, such as face-to-face or physical visitation as well as religious and educational activities by service providers. On September 10, 2021, Presidential Proclamation No. 1218, S. 2021, extended the period of State of Calamity throughout the Philippines due to the COVID-19 pandemic.

In view of the need to continuously implement health measures in jails to prevent COVID-19 transmission among PDL, it is more prudent to adopt an alternative program in lieu of face-to-face or physical campaigning for the 2022 National and Local Elections; hence, this Memorandum Circular which lays down the guidelines and procedures for virtual campaigning in jails.

3.0 PURPOSES

3.1. To afford National Candidates for the May 2022 National and Local Elections a chance to campaign in BJMP jails;
3.2. To provide an efficient and effective mode of campaigning in jails through the use of modern technology; and
3.3. To ensure safe, orderly, and secured campaigning in jails.

4.0 SCOPE

This Memorandum Circular shall be implemented in all BJMP-manned jails nationwide during the campaign period for the May 2022 National and Local Elections. This Memorandum Circular shall cover all personnel, PDL as well as candidates and political parties campaigning in jails.

5.0 DEFINITION OF TERMS

For purposes of this MC, the following terms shall have their respective meanings:

Air-time – refers to the time during which a video or audio election propaganda is played, continuously or intermittently, within the sight or hearing of PDL for purposes of election campaigning.

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Candidate – refers to any person aspiring for or seeking for an elective public office who has filed a certificate of candidacy by himself or through an accredited political party, aggroupment, or coalition parties.

Campaign Activity– pertains to the conduct of any authorized activity in jail relating to the solicitation of votes and/or promotion of a candidate to an elective position. It includes virtual, digital or physical campaigning as herein provided.

COVID-19 Alert Levels System - refers to the new Community Quarantine Classifications for dealing with COVID-19 covering entire cities and/or municipalities; aimed to manage and minimize the risk of the disease through System Indicators, Triggers and Thresholds determined by the IATF Sub-Technical Working Group on Data Analytics to specify the public health and social measures to be taken in relation to the COVID-19 response, as may be updated based on new scientific knowledge, information about the effectiveness of control measures in the country and overseas, and its application.

1) Alert Level 1 - refers to areas wherein case transmission is low and decreasing, total bed utilization rate, and intensive care unit utilization rate is low.

2) Alert Level 2 - refers to areas wherein case transmission is low and decreasing, healthcare utilization is low, or case counts are low but increasing, or case counts are low and decreasing but total bed utilization rate and intensive care unit utilization rate is increasing.

3) Alert Level 3 - refers to areas wherein case counts are high and/or increasing, with total bed utilization rate and intensive care unit utilization rate at increasing utilization.

4) Alert Level 4 - refers to areas wherein case counts are high and/or increasing, with total bed utilization rate and intensive care unit utilization rate at high utilization.

5) Alert Level 5 - refers to areas wherein case counts are alarming, with total bed utilization rate and intensive care unit utilization rate at critical utilization.

Digital Campaigning – it refers to campaigning with the use of digital media such as but not limited to, texts, audio, video and graphics.¹

Election Campaign or Partisan Political Activity – refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office which shall include:

¹ https://www.iqi-global.com/dictionary/digital-media/7668, Visited last August 28, 2021

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a) Forming organizations, clubs, committees or other groups of persons for the purpose of soliciting votes and/or undertaking any campaign for or against a candidate;

b) Holding political caucuses, conferences, meetings, rallies, parades, or other similar assemblies, for the purpose of soliciting votes and/or undertaking any campaign or propaganda for or against a candidate;

c) Making speeches, announcements or commentaries, or holding interviews for or against the election of any candidate for public office;

d) Publishing or distributing campaign literature or materials designed to support or oppose the election of any candidate; or

e) Directly or indirectly soliciting votes, pledges or support for or against a candidate.

The foregoing enumerated acts, if performed for the purpose of enhancing the chances of candidates/aspirant for nomination for candidacy to a public office by a political party, aggregation, or coalition of parties, shall not be considered as election campaign or partisan election activity.

Public expressions/opinions or discussions of probable issues in a forthcoming election or on attributes of or criticisms against probable candidates proposed to be nominated in a forthcoming political party convention shall not be construed as part of any election campaign or partisan political activity.

General Community Quarantine - refers to the implementation of temporary measures limiting movement and transportation, regulation of operating industries, and presence of uniformed personnel to enforce community quarantine protocols.

Lawful Election Propaganda - refers to election propaganda whether on television, cable television, radio, newspapers, or any other medium allowed under the provision of R.A. 9006. It includes the following:

a. Pamphlets, leaflets, cards, decals, stickers or other written or printed materials the size of which does not exceed eight and one-half inches in width and fourteen inches in length;

b. Handwritten or printed letters urging voters to vote for or against any particular political party or candidate for public office;

c. Cloth, paper or cardboard posters, whether framed, or posted, with an area not exceeding two (2) feet by three (3) feet, except that, at the site and on the occasion of a public meeting or rally, or in announcing the holding of said meeting or rally, streamers not exceeding three (3) feet by eight (8) feet in size, shall be allowed: Provided, that said streamers may be displayed five (5) days before the date of the meeting or rally and shall be removed within twenty-four (24) hours after said meeting or rally; and

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d. Paid advertisements in print or broadcast media: Provided, that the advertisements shall follow the requirements set forth in Section 4 of R.A. 9006.

**Modified General Community Quarantine** - refers to the transition phase between GCQ and the New Normal, when the following temporary measures are relaxed and become less necessary: limiting movement and transportation, the regulation of operating industries, and the presence of uniformed personnel to enforce community quarantine protocols.

**Virtual Campaigning** – refers to campaigning through the use of online platforms such as but not limited to, Skype, Zoom, Webex, and Google Meet.

### 6.0 GENERAL GUIDELINES:

#### 6.1 Candidates Allowed to Campaign.

Only candidates for President, Vice President, Senator and those participating in the Party-list representation in the House of Representatives, whose names appear in the Certified List of Candidates or whose parties are in the Certified List of Registered Parties issued by the COMELEC, shall be allowed to conduct campaign activity in jails. Representatives or political party allies of candidates may also be allowed to campaign on behalf of the latter provided that they can show that the campaign activity has been approved by the Election Officer of the concerned city or municipality.

Candidates for members of House of Representatives and elective provincial, city and municipal officials shall not be allowed to campaign in BJMP jails as the activity would be futile since PDL are not yet allowed to vote for candidates for local elective positions in view of the Temporary Restraining Order (TRO) issued by the Supreme Court in the case of *Aquinaldo v. New Bilibid Prison* wherein the Court prohibited PDL in voting for candidates for Members of House of Representatives and elective provincial, city and municipal officials.

#### 6.2 Modes of Campaigning.

Virtual campaigning shall be the primary mode of campaigning in BJMP jails during the campaign period for National and Local candidates for the May 2022 Elections. Digital campaigning shall be the secondary mode of campaigning in case the former is not feasible due to poor internet connectivity or inadequate logistical resources of the jail.

When virtual or digital modes of campaigning are not feasible due to logistical factors, such as poor internet connectivity and lack of equipment, physical campaigning may be allowed provided the following requirements are met:

a. the area or locality where the jail is located is under any of the following classifications:

---

2 Except party-list representatives as mentioned in the preceding paragraph

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a.1 Alert Level 1;
a.2 MGCQ;
a.3 Alert Level 2;
a.4 GCQ; or
a.5 other lower alert or community quarantine classifications as may be declared by competent authorities.

b. the jail has an adequate space for maintaining a 6-meter distance between the designated area for candidates and the designated area for spectators;
c. the jail has at least fifty (50) registered voters;
d. the jail facility has a Safety Seal Certificate; and
e. at least 80% of PDL have been fully inoculated with COVID-19 vaccine.

Provided, further, that negative RT-PCR and/or Antigen with validities of seventy-two (72) hours and twenty-four (24) hours, respectively, shall be required prior to entry of candidates and pertinent health protocols shall be observed such, as wearing of face mask and face shield. No face-to-face confrontation shall be made between the candidates and PDL.

6.3 Requirements for Virtual Campaigning. — Every candidate desiring to conduct virtual campaigning in a particular jail shall submit a written request to the Warden containing the following information and/or attachments:

a. Proposed Date and Time of Virtual Campaigning;
b. Virtual Platform to be used (Zoom, WebEx, etc.);
c. Name/s of Candidate/s;
d. Name of the party, organization, or coalition [mandatory for Party-list Representatives];
e. Names of persons campaigning on behalf of the candidate/s, if any;
f. Certified True Copy of Certificate of Candidacy (COC) for individual candidates or Manifestation of Intent to Participate (MIP) for Party List Groups; and
g. Name and contact details of focal or contact person.

6.4 Requirements for Digital Campaigning. — Every candidate desiring to conduct digital campaigning in a particular jail shall submit a written request to the Warden containing the following information and/or attachments:

a. Digital media to be utilized including its length of time in minutes;
b. Name/s of Candidate/s;
c. Name of the party, organization, or coalition [mandatory for Party-list Representatives];
d. Name/s of person/s campaigning on behalf of the candidate/s;
e. Certified True Copy of COC for individual candidates or MIP for Party List Groups; and
f. Name and contact details of focal or contact person.

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6.5 **Requirements for Physical Campaigning.** – Every candidate desiring to conduct campaigning in a particular jail shall submit a written request to the Warden containing the following information and/or attachments:

- a. Proposed Date and Time of Campaigning;
- b. Name/s of Candidate/s;
- c. Name of the party, organization or coalition [mandatory for Party-list Representatives];
- d. Name/s of person/s campaigning on behalf of the candidate/s; and
- e. Certified True Copy of COC or MIP for Party List Groups; and
- f. Name and contact details of focal or contact person.

7.0 **SPECIFIC GUIDELINES**

7.1 **Action on Requests for Campaigning.** – Within twenty-four (24) hours from receipt of the request to conduct campaigning, the Warden, through his/her Operations Officer, shall examine the sufficiency of the request based on the requirements stated in Sections 6.3 to 6.5 hereof. If sufficient, the Warden shall inform the requesting candidate of the approval of his/her request through a letter. If the request is incomplete, the requesting party shall be informed and be given the chance to supply the missing details on the said request. The scheduling of campaign activity shall be on a “first-come, first-served” basis.

The warden shall immediately notify the Regional Director, Attn: Chief, Operations Division, of the approved campaign activities in his/her jail unit.

7.2 **Schedule of Campaigning.** - The approved dates of campaigning and the dates that campaigning is prohibited shall be as follows:

<table>
<thead>
<tr>
<th>Candidates for President, Vice-President, Senator and Party-list Groups Participating in the Party-list System of Representation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Campaign Period</strong></td>
</tr>
<tr>
<td>February 8, 2022 to May 7, 2022</td>
</tr>
</tbody>
</table>

7.3 **Time Allowed for Virtual Campaigning.** - The candidates for the following positions shall be given only the following maximum time for virtual campaigning:

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Virtual campaigning shall be scheduled during weekdays except Monday, and during Saturdays and Sundays from 0900H to 1200H and 1300H to 1600H. The Warden shall see to it that the virtual campaigning shall not compromise or disturb other PDL activities such as Therapeutic Community Modality Program (TCMP), “e-dalaw” and videoconference hearings.

No campaigning shall be held during prohibited days as provided in the preceding number.

7.4 Air-time for Digital Campaigning. - The digital campaign materials of candidates for the following positions shall be given the following air-time:

<table>
<thead>
<tr>
<th>Elective Positions</th>
<th>Pre-recorded Video</th>
<th>Pre-recorded Audio</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>25 minutes</td>
<td>25 minutes</td>
</tr>
<tr>
<td>Vice-President</td>
<td>15 minutes</td>
<td>15 minutes</td>
</tr>
<tr>
<td>Senator</td>
<td>15 minutes</td>
<td>15 minutes</td>
</tr>
<tr>
<td>Party-list Representative</td>
<td>15 minutes</td>
<td>15 minutes</td>
</tr>
</tbody>
</table>

The candidates will have the option to choose whether to use pre-recorded video or audio. The use of pre-recorded video will preclude the use of pre-recorded audio and vice-versa.

A single digital election propaganda which exceeds the above-mentioned air-time shall be played only once and shall be given a clearance for a maximum of five (5) minutes. Thereafter, the same shall be discontinued and recorded in the logbook as completed.

The pre-recorded video or audio campaign materials shall be played any time from 0800H to 1700H from Tuesday to Sunday as long as the same shall not cause disturbance to other PDL activities such as Therapeutic Community Modality Program (TCMP), “e-dalaw”, videoconference hearings and other activities.

The air-time provided in this policy shall be without prejudice to the air-time granted to candidates pursuant to pertinent provisions of R.A. 9006 and COMELEC Resolution/s.

No playing of digital election propaganda shall be made during prohibited days of campaigning as provided in Section 7.2 hereof.

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7.5 Time Allowed for Physical Campaigning. — When the primary and secondary modes of campaigning are not feasible and the jail grants the conduct of physical campaigning, the schedule and time provided in Section 7.3 hereof shall be followed.

7.6 Censorship of Digital Election Material. — No digital campaign material shall be played unless the same has been subjected to censorship. A digital campaign material or any portions thereof, containing subversive, seditious or revolutionary matters shall not be played. The designated Censor Officer or in his absence, the Intelligence Officer, shall examine the content of the digital campaign material and report to the Warden, his/her findings which should be as follows: 1) Cleared for Air-time; or 2) Not Cleared for Air-time due to subversive or seditious content/s or threat to security. In the latter instance, air-time shall be cancelled.

7.7 Attestation of Completion of Air-time. — The Duty Desk Officer shall accomplish/execute an Affidavit of Attestation (see Annex "A") stating that the air-time of a digital campaign material of a candidate was completed, stating the date and time that the same was played. The Affidavit of Attestation shall be administered before the Warden or any Jail Officer Rank assigned in the jail or Jail Officer Rank in the Provincial Jail Administrator’s Office or Regional Office. For this purpose, the jail shall keep all accomplished Attestations for future purposes.

7.8 Mandatory Entries in the Logbook Pertaining to Campaign Activities. — The Duty Desk Officer shall make necessary entry in the jail logbook of the commencement of any campaign activity in jail. The air-time of a digital campaign material, from the start up to its completion, shall likewise be reflected in the logbook.

7.9 Video and Audio Equipment for Campaigning. — Candidates shall be responsible for providing the video and/or audio equipment needed for the campaign activity. However, whenever the logistical capability of the jail is adequate such that it could provide said equipment without compromising the videoconference hearings and e-dalaw program for PDL, the candidates may be exempted from this requirement.

7.10 Attendance in Virtual or Physical Campaigning and Occupancy. — No PDL shall be compelled to be present or to witness any campaign activity against his/her will. Attendance or participation of PDL during the said activity is optional.

7.11 Physical Distancing Measures in Physical Campaigning by Candidates. — The campaign area for candidates shall be occupied by a number of allowed candidates at any given time following the density of one (1) person per one (1) square meter of space.

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7.12 **Physical Distancing Measures for PDL.** - The designated campaign area where PDL will witness the virtual or physical campaigning or playing of pre-recorded video campaign material for PDL shall be occupied by a number of PDL at any given time following the density of one (1) PDL per one (1) square meter of space.

7.13 **Prohibitions for Personnel.** – No personnel shall undertake to (a) play, show or exhibit any digital propaganda to any PDL except in cases allowed under this policy or (b) shall continuously play the digital campaign material in excess of the air-time provided herein.

7.14 **Prohibitions for Candidates.** – It shall be prohibited for candidates or Party-list Groups or their representatives to:

a. distribute to PDL any handwritten or printed form of election propaganda (pamphlets, flyers, etc.);
b. include in their virtual speeches or statements and/or digital campaign materials any subversive, seditious, or revolutionary matters;
c. donate and/or distribute wearable items, such as t-shirts, caps, ballers, face mask or face shields (either marked or unmarked);
d. donate food, refreshments, or snacks to PDL and/or personnel;
e. directly distribute to PDL printed campaign materials (proscribed due to COVID-19 pandemic);
f. promote or offer vote buying;
g. to seek another round of campaign activity in a jail to which a candidate or party-list group has previously conducted campaign activity; and
h. other analogous circumstances.

7.15 **Common Poster Area.** – A common poster area shall be established for the posting of pamphlets, leaflets, cards, decals, stickers, or other written or printed materials the size of which does not exceed eight by one-half inches in width and fourteen inches in length, at least one (1) per candidate. An area shall likewise be allotted for virtual campaigning or playing of digital election propaganda.

7.16 **Prohibitions for Accredited Service Providers and other Persons.** – Accredited Service Providers or other persons having any form of transaction shall be prohibited from conducting any form of campaign activity in jail.

7.17 **Penalty Clause.** – Any personnel found violating this Memorandum Circular shall be dealt with administratively without prejudice to any criminal liability, if warranted. Candidates who commit any of the prohibitions stated in the preceding number shall be barred from continuing the approved election activity and shall likewise be barred from conducting the same in other BJMP jails.

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8.0 MONITORING CLAUSE

Jails shall submit an After-Activity Report (AAR) of every campaign activity conducted to the BJMP Regional Office. All AARs submitted by jails shall be kept by the Regional Operations Division for future reference. A consolidated monthly report (see Annex "B") shall be submitted by the Regional Office to the Directorate for Operations from the first month to the last month of the campaign period. In addition to the functions of the National Election Committee of the BJMP, it shall also monitor campaign activities in BJMP jails nationwide.

9.0 REPEALING CLAUSE

All memoranda, circulars, and issuances which are inconsistent with this Memorandum Circular are hereby repealed or modified accordingly.

10.0 EFFECTIVITY

This Memorandum Circular shall take effect fifteen (15) days from the filing thereof with the U.P Law Center - Office of the National Administrative Register in accordance with Sections 3 and 4, Chapter II, Book VII of Executive Order No. 292, otherwise known as the "Administrative Code of 1987."

11.0 ANNEXES

11.1 ANNEX "A" – Affidavit of Attestation

11.2 ANNEX "B" - Monthly Report Format

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Jail Director,
Chief, BJMP

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Annex “A”

REPUBLIC OF THE PHILIPPINES)
____________________) SS.

AFFIDAVIT OF ATTESTATION

I, ____________________________, of legal age, single/married, a resident of ____________________________, after being duly sworn to, under oath and in accordance with law, do hereby depose and state that:

1. I am a bona fide member of the BJMP assigned at (name of jail and region);
2. I caused the playing of digital campaign material of (name of candidate/party-list group) on (Date and time), for a total of (___) minutes;
3. The air-time said digital campaign material has been completed; and
4. That I am executing this affidavit to attest to the truth of the foregoing and for other legal purpose it may serve.

IN WITNESS WHEREOF, I hereunto affix my signature this ______________________ at ______________________.

__________________________
Affiant

SUBSCRIBED AND SWORN to before me this ______________________ at ______________________, Affiant exhibiting to me his/her BJMP I.D. ______________________ issued at ______________________ on ______________________.

Administering Officer

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**Annex “B”**

**REGION**

<table>
<thead>
<tr>
<th>Name of Jail</th>
<th>No. Virtual Campaigning Conducted</th>
<th>No. of Digital Campaigning Completed</th>
<th>No. of Physical Campaigning Conducted</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABC District Jail</td>
<td>20</td>
<td>15</td>
<td>10</td>
<td>45</td>
</tr>
<tr>
<td>XYZ City Jail</td>
<td>15</td>
<td>10</td>
<td>10</td>
<td>35</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>35</td>
<td>25</td>
<td>20</td>
<td>80</td>
</tr>
</tbody>
</table>

Prepared by: Operations Division JNOR  
Noted by: Chief, Regional Operations Div.  
Certified Correct: Regional Director

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