



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

**RULES AND REGULATIONS ON
THE LIQUOR BAN IN
CONNECTION WITH THE MAY 9,
2022 NATIONAL AND LOCAL
ELECTIONS.**

Abas, S.M., *Chairman*
Guanzon, M.R.A.V., *Commissioner*
Inting, S.B., *Commissioner*
Casquejo, M.S., *Commissioner*
Kho, Jr., A.T., *Commissioner*
Ferolino, A.P., *Commissioner*

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Promulgated: December 16, 2021

RESOLUTION NO. 10746

WHEREAS, the Omnibus Election Code of the Philippines provides:

Sec. 261. Prohibited Acts. – The following shall be guilty of an election offense:

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(dd) *Other prohibitions:*

(1) Any person who sells, furnishes, offers, buys, serves or takes intoxicating liquor on the days fixed by law for the registration of voters in the polling place, or on the day before the election or on election day: *Provided*, That hotels and other establishments duly certified by the Ministry of Tourism as tourist-oriented and habitually in the business of catering to foreign tourists may be exempted for justifiable reasons upon prior authority of the Commission: *Provided, further*, That foreign tourists taking intoxicating liquor in said authorized hotels or establishments are exempted from the provisions of this subparagraph.

WHEREAS, violation of said prohibited acts shall be punishable with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation, and in addition, the guilty party shall suffer disqualification to hold public office and deprivation of the right of suffrage.

NOW, THEREFORE, the Commission on Elections (Commission), pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, and other election laws, **RESOLVES,** as it hereby **RESOLVED,** to promulgate the following implementing rules:

Section 1. Prohibited Acts. - It shall be unlawful for any person, including owners and managers of hotels, resorts, restaurants, and other establishments of the same nature to sell, furnish, offer, buy, serve, or take intoxicating liquor anywhere in the Philippines.

Section 2. Period of Prohibition. - The liquor ban shall be in force and effect on the day before the election (May 8, 2022) and on election day (May 9, 2022).

Section 3. Exemption. - Hotels, resorts, restaurants, and other establishments of the same nature duly certified by the Department of Tourism as tourist-oriented and habitually in the business of catering to foreign tourists may be exempted from the liquor ban, **PROVIDED,** they secure prior written authority from the officers enumerated in Section 4 hereof, upon showing that there are justifiable reasons therefor.

Only foreign tourists taking intoxicating liquor in said authorized hotels or establishments are exempted from the prohibition.

Section 4. Where to Apply and Secure for Exemption. - Applications for exemption together with supporting documents, shall be filed with, and duly acted upon by the following:

- a) **Regional Election Director of the National Capital Region (NCR)**, in cases of hotels, resorts, restaurants, and other establishments of the same nature located in the NCR;
- b) **Provincial Election Supervisors** with respect to establishments located in the municipalities within their respective provinces; and
- c) **City Election Officers** with respect to those located within their respective cities or districts.

Section 5. Conditions for the Grant of Exemption. - Exemption may be granted only upon compliance and submission of the following:

- a) The request or application for exemption must be under oath and must contain a statement that the operator or owner of the hotel, resort, restaurant, or other establishment of the same nature have not been convicted of an election offense;
- b) A certification by the Department of Tourism stating that the requesting hotel, resort, restaurant, or other establishment of the same nature is:
 - i) tourist-oriented; and
 - ii) habitually in the business of catering to foreign tourists.
- c) Currently licensed to do business in the Philippines or in the province, city, or municipality as stated in its Business Permit; and
- d) Has paid the required taxes and/or fees imposed by the national or local government or any of its agencies or instrumentalities as attested by the Bureau of Internal Revenue's Certificate of Registration and/or Mayor's Permit or Business Permit as displayed in the establishment of the applicant.

Section 6. Revocation of Exemption. - The exemption granted may be revoked or withdrawn summarily by the Commission *motu proprio* or upon verified petition filed by any person, and showing among others, that the reason for which the exemption was granted does not exist or is not justifiable, or that the requesting party or applicant has committed misrepresentation in the application, or introduced or submitted falsified documents, subject to notice and opportunity to present documentary evidence by the party whom the exemption was granted.

Section 7. When Request for Exemption is Not Necessary. - Request for exemption shall not be necessary in cases of bulk movement from one warehouse to another or to retail outlets, of which sale and/or payment had already been consummated before the days the liquor ban were imposed; Provided that no furnishing, offering, serving, taking or selling of liquor products for consumption shall be done during the effectivity of the liquor ban.

Section 8. Who shall Implement. - The Philippine National Police, National Bureau of Investigation, Regional Election Directors, Provincial Election Supervisors, Election Officers and the COMELEC Election Law Enforcement Team, if any, which will be assigned by the Commission in specific areas, shall implement this Resolution.

Section 9. Effectivity. - This Resolution shall take effect on the seventh day after its publication in two (2) daily newspapers of general circulation in the Philippines.

Section 10. Publication and Dissemination. - The Education and Information Department shall cause the publication of this Resolution in two (2) daily newspapers of general circulation and shall furnish copies thereof to the Department of Tourism, Association of Hotels and Restaurants, Regional Election Directors, Provincial Election Supervisors, Election Officers, the Armed Forces of the Philippines, the Philippine National Police, the National Bureau of Investigation and the Accredited Citizens Arms of the Commission.

SO ORDERED.

SHERIFF M. ABAS
Chairman

MA. ROWENA AMELIA V.
GUANZON
Commissioner

SOCORRO B. INTING
Commissioner

MARLON S. CASQUEJO
Commissioner

ANTONIO T. KHO, JR.
Commissioner

AIMEE P. FEROLINO
Commissioner

CERTIFICATION

APPROVED by the Commission *En Banc* during its special online meeting on 16 December 2021 pursuant to COMELEC Resolution No. 10671 entitled: "Supplemental Resolution to COMELEC Resolution No. 9366 Promulgated March 25, 2015, entitled, 'Rule on the Enactment and Promulgation of Executive or Administrative Resolutions' Providing for Other Format of Meetings to Include Online Meetings Applicable in Times of the COVID-19 Pandemic and the Imposition of Community Quarantines and Similar Emergency".


ATTY. CONSUELO B. DIOLA
Acting COMELEC Secretary