

Republika ng Pilipinas
(Republic of the Philippines)
KAGAPAHAN NG EDUKASYON AT KULTURA
(DEPARTMENT OF EDUCATION AND CULTURE)
Manila

October 12, 1977

DEPARTMENT MEMORANDUM

No. 278, s. 1977

COMELEC RESOLUTION PROHIBITING CIVIL SERVICE OFFICERS
AND EMPLOYEES FROM PARTICIPATING IN ANY ORGANIZED
PARTISAN CAMPAIGN ON THE REFERENDUM QUESTION

To: Bureau Directors
Regional Directors
Chiefs of Services and Heads of Units
Coordinator, State Colleges and Universities
Schools Superintendents

1. Inclosed is a copy of COMELEC Resolution No. 1265, in the matter of prohibiting officers and employees in the civil service, including members of the armed forces, from participating in any organized campaign on the referendum question.

2. It is desired that the contents of this Department Memorandum and its inclosure, particularly Sections 1, 2, and 5 of the Resolution, be given the widest publicity and dissemination in the division for the information and guidance of all concerned.

(SGD.) JUAN L. MANUEL
Secretary of Education and Culture

Incl.:

As stated

Reference:

None

Allotment: 1-2-3--(D.C. 1-76)

To be indicated in the Perpetual Index
under the following subjects:

ELECTIONS
EMPLOYEES
OFFICIALS
RULES & REGULATIONS
TEACHERS

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

Present:

In the matter of prohibiting officers and employees in the civil service, including members of the armed forces, from participating in any organized partisan campaign on the referendum question:

Chairman Leonardo B. Perez
Commissioners:
Venancio S. Duque
Flores A. Bayot
Casimiro K. Madarang, Jr. and
Venancio L. Yaneza

Promulgated:

December 7, 1977

RESOLUTION NO. 1265

WHEREAS, in the national referendum of December 17, 1977, the people will be asked to resolve the following question:

"Do you vote that President Ferdinand E. Marcos continue in office as incumbent President and be Prime Minister after the organization of the interim Batasang Pambansa as provided for in amendment No. 3 of the 1976 amendments to the Constitution?"

WHEREAS, the people shall cast their votes in the context of the following interpretation and understanding:

- 1) In case of a "yes" vote, President Marcos shall continue to exercise the powers of incumbent President under the 1976 Constitutional Amendments. He shall automatically become the Prime Minister when the interim Batasang Pambansa is organized. He (President Marcos) shall continue to exercise legislative powers until martial law shall have been lifted.
- 2) In case of a "no" vote, President Marcos is committed to resign as incumbent President and shall not assume the Office of Prime Minister when the interim Batasang Pambansa is organized, notwithstanding the 1976 Constitution Amendments. In such a situation, the interim Batasang Pambansa shall elect the Prime Minister from among its members.

WHEREAS, the Commission on Elections is fully cognizant of, and believes in the solemn commitment of President Marcos to abide by the results of the referendum and expects that the President shall take concrete steps to implement whatever be the mandate of the people;

WHEREAS, in the light of the foregoing, the national referendum of December 17 partakes of the nature of a mandate mechanism which shall determine whether or not President Marcos shall continue as incumbent President and become automatically the Prime Minister when the Interim Batasang Pambansa is organized;

WHEREAS, this national referendum, the first to be held under the 1976 Amendments to the Constitution, is not an ordinary consultation because it possesses the complexities of a partisan electoral exercise, with those favoring President Marcos contending against those who want him out,

WHEREAS, the Commission on Elections, while recognizing that the people should have full freedom to discuss and debate the referendum question, yet realizes that the Constitution imposes a limitation on such freedom in the case of the officers and employees in the civil service, including members of the armed forces in that it forbids them from participating in any partisan political activity except to vote;

WHEREAS, the Commission on Elections believes that limiting the participation of government employees and members of the armed forces in any organized partisan campaign on the referendum question will enhance the credibility of the results thereof,

WHEREFORE, in consideration of the foregoing, the Commission on Elections resolves, as it hereby resolves as follows:

SECTION 1. Prohibition against taking part in organized partisan campaign. - Officers and employees in the civil service, including members of the armed forces, shall be prohibited from taking sides in any organized partisan campaign on the referendum question provided, however, that nothing herein shall be understood to prevent any officer or employee from expressing his views on current problems or issues relevant to the referendum question, or from announcing the side of the referendum question which he supports, but shall not join any organized rally or public meeting intended to influence the voters to vote one way or the other. (Sec. 45, Presidential Decree No. 807, otherwise known as the Civil Service Decree).

SEC. 2. Prohibition against coercion of subordinates. - No public officer shall coerce or intimidate or compel directly, or indirectly, any of his subordinates or employees to aid, campaign or vote for or against any side of the referendum question. (Sec. 17(d), Presidential Decree No. 229).

SEC. 3. Absolute prohibition against members of the armed forces from campaigning. - No officer or member of the armed forces shall campaign for or against any side of the referendum question. (Sec. 17(e), Presidential Decree No. 229).

SEC. 4. Political officials. - Public officers and employees holding political offices may take part in, and campaign for any side of the referendum question, but they shall not solicit contributions from their subordinates or subject them to any acts involving subordinates prohibited in the Election Code. (Sec. 45, Presidential Decree No. 807).

SEC. 5. Penalties. - The disciplinary sanctions and other penalties provided under Presidential Decrees Nos. 807 and 229 shall be applicable in case of any violation of this resolution.

SEC. 6. Dissemination and enforcement. - Copies of this resolution shall be furnished the Commission on Civil Service, the heads of all agencies, departments, bureaus and offices, including government-owned and controlled corporations, for their information and implementation.

The Information and Education Department of the Commission on Elections shall give this resolution widest publicity and dissemination.

DONE in the City of Manila, this seventh day of December nineteen hundred and seventy-seven.

(SGD.) LEONARDO B. PEPEZ
Chairman

(SGD.) VENANCIO S. DUQUE
Commissioner

(SGD.) FLORES A. BAYOT
Commissioner

(SGD.) CASIMIRO MADARANG, JR.
Commissioner

(SGD.) VENANCIO L. YANEZA
Commissioner

A true copy