

(Inclosure to MEC Memorandum No. 14, s. 1980)

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

In re: Designating the Minister of Education as deputy, Division and City Superintendents of Schools as Comelec representatives and District Supervisors and School Principals as their Assistants.	P r e s e n t : PEREZ, Leonardo B., Chairman DUQUE, Venancio S., Commissioner BAYOT, Flores A., Commissioner SANTIAGO, Jr. Vicente M., Commissioner PABALATE, Domingo C., Commissioner
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Promulgated:

January 15, 1980

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RESOLUTION NO. 1437

The Commission on Elections, pursuant to its powers under the Constitution, the Election Code of 1978 and Batas Pambansa Blg. 52 RESOLVED as follows:

A. To deputize the Minister of Education;

B. To appoint, as they are hereby appointed, effective immediately, Division and City Superintendents of Schools or officers-in-charge thereof as representatives of the Commission on Elections in their respective provinces and cities, under the direct and exclusive supervision of the Commission on Elections, in connection with the appointment of public school teachers as chairmen and members, and their substitutes in the citizens election committee in said provinces and cities for the election of January 30, 1980;

C. To appoint, subject to the provisions of this resolution, district supervisors and school principals as assistants to Division and City Superintendents of Schools;

D. To reappoint effective this date as chairmen and as members of the citizens election committee for the January 30, 1980 election, all public school teachers who served as chairmen and members respectively, in the 1978 elections, to their same place of assignments;

E. To appoint as third member of the boards of inspectors the substitute designated in each voting center during the last April 7, 1978 elections.

F. To order pursuant to the provisions of Section 6, R.A. 4670 otherwise known as the Magna Carta for Public School Teachers, that effective January 7, 1980, there shall be no transfers whatsoever of Division Superintendents of Schools and City Superintendents of Schools, district supervisors, school principals and public school teachers.

G. To promulgate the following rules and regulations for the guidance of all concerned:

1. Division and City Superintendents of Schools, district supervisors and school principals, as representatives of the Commission, and public school teachers as chairmen, and members of the citizens election committee, shall comply strictly with the rules and regulations prescribed in this resolution, in subsequent resolutions and the instructions referred to be complied with in the different election forms of the Commission.

2. Division and City Superintendents of Schools, District Supervisors and school principals who are related within the third degree of consanguinity or affinity to any candidate to be voted for in his district shall be disqualified for appointment as representative of the Commission and in which case, the representative shall not assume the duties of the office, and the Minister of Education shall immediately inform the Commission on Elections of such relationships. Continuance in office in violation of this prohibition shall be punishable in accordance with law.

GUIDELINES IN APPOINTMENT OF TEACHERS

a. Public school teachers appointed as chairmen and members of the citizens election committee shall be qualified electors, of good reputation, shall not have been convicted of any election offense or of any other crime punishable by more than six months of imprisonment, or shall have pending against them information for any election offense.

b. In making their proposals, which shall be treated as confidential, the Division and City Superintendent of Schools shall, considering rank, position and salary, recommend for appointment the best qualified public school teachers as chairmen, the next qualified as the next two members. A teacher designated as first member who is the next best qualified as chairman shall also be substitute chairman, and the third member shall be substitute member.

c. Public school teachers holding the position of chairmen, and members shall act also as representatives of the Commission to see to it that the election in their respective precincts is impartially conducted in accordance with existing laws and the instruction of the Commission.

It is, therefore, essential that only teachers of known probity and impartiality are proposed for appointment. They must also be teachers who have never been suspected of participation in partisan political activities, who are not identified directly or indirectly with any political party or group and who are not related within the fourth degree of consanguinity* or affinity to any candidate to be voted for in their voting centers.

d. The appointment of chairman is automatically cancelled and considered null and void if the appointee is related within the fourth degree of consanguinity or affinity to any candidate. The said appointee shall not assume the duties of the office and he shall immediately return his appointment to the Division or City Superintendent of Schools directly or through the district supervisor or school principal designated by the Commission as assistant to the said Division or City Superintendent of Schools in the municipality, municipal, municipal district or city.

It shall be unlawful for any person who, knowing that he is related as above-stated to any candidate, shall knowingly fail to notify the Commission on Elections about such relationship, assume the office of member thereof and perform the duties pertaining thereto.

In cases of shortage of public school teachers in the city, municipality or municipal district, the following procedure shall be observed:

*Relationship within the fourth degree of consanguinity affinity includes the following:

a) Son, daughter, grandson, granddaughter, great grandson, great granddaughter; b) Father, mother, grandfather, grandmother, great grandfather, great grandmother; c) Brother, sister; d) uncle, aunt; e) nephew, niece; f) husband, wife; g) son-in-law, daughter-in-law, grandson-in-law, granddaughter-in-law, great grandson-in-law, great granddaughter-in-law; h) father-in-law, mother-in-law, grandfather-in-law, grandmother-in-law, great grandfather-in-law, great grandmother-in-law; i) Brother-in-law, sister-in-law; j) uncle-in-law, aunt-in-law; k) nephew-in-law; niece-in-law; l) First cousins, first cousin-in-law; m) granduncle, grand-aunt, granduncle-in-law, grandaunt-in-law; n) grandnephew, grandniece, grandnephew-in-law, grandniece-in-law; o) great grandson, great granddaughter, great great grandfather, great great grandmother.

(1) If there are not enough public school teachers, private school teachers shall be appointed, if there are any. Nevertheless, the best qualified teachers shall always be appointed as chairman for the positions that can be filled up. For example, if there are ten precincts in the municipality and there are only twenty-six qualified teachers available for appointment, the ten best qualified teachers shall be appointed chairmen and the remaining teachers shall be appointed members. For the two precincts without members, the Commission may appoint private school teachers or any officer or employee in the civil service who is a registered voter of the municipality, to fill the vacancy or vacancies.

In case of acute shortage of teachers or employees of the civil service, two public school teachers shall proceed with the conduct of voting and may designate a registered voter of the voting center as aide in their proceedings.

The Division and City Superintendents of Schools are hereby ordered and instructed to observe the following:

(a) Once a public school teacher has been appointed by the Commission as chairman or member-poll clerk or member or a district supervisor or school principal has been appointed as assistant to the Division or City Superintendent of Schools, no change in said appointment and place of assignment shall be made.

(b) Effective January 7, 1980, no change whether permanent or temporary, shall be made in the teaching station or post of any district supervisor, school principal or teacher which will involve a transfer from one barrio to another or from the poblacion to a barrio within the same city, municipality or municipal district or from one city, municipality or municipal district to another, or vice versa.

ON THE APPOINTMENT AND DUTIES OF DISTRICT
SUPERVISORS AND SCHOOL PRINCIPALS

Division and City Superintendents of Schools are hereby directed to submit to the Commission on Elections the names of district supervisors and school principal under their jurisdiction whom they recommend for appointment as their assistants solely to assist them in the following duties:

(a) To receive and transmit all communications from the Commission on Elections or its deputies and representatives to the citizens election committee;

(b) To sign for the Division or City Superintendents of Schools, if authorized by the latter, the appointments of the chairmen and members to facilitate the release of said appointments;

(c) To assist in the filling of vacancies in the positions of chairmen and members in the citizens election committees when such occasions arise, in accordance with the instructions of the Commission on Elections as transmitted through its deputies and representatives;

(d) To receive any complaint against any chairman or member, from any interested party for transmittal to the Commission on Elections or its deputies and representatives;

(e) To adopt jointly with the election registrar, adequate measures to safeguard the Certified List of Candidates and the Precinct Book of Voters until said Precinct Book of Voters is returned to the election registrar after the voting.

District Supervisors and school principals, as such assistants, shall not unduly influence any public school teacher appointed as chairman, member or substitute member in the performance of his functions and duties;

District supervisors and school principals shall not travel in connection with the performance of their duties as such assistants except upon authority of the Commission; and

No conferences or seminars of district supervisors, school principals and public school teachers on their election duties shall be held except on authority of the Commission.

IRREGULARITIES COMMITTED BY CHAIRMAN OR MEMBER

I. Before Election Day. - In case a sworn complaint is filed against a chairman or member before election for electioneering and there is a prima facie evidence to support the charges but there is no sufficient time to conduct a formal investigation of the charges, the Division or City Superintendent of Schools with the concurrence of the Commission Provincial Supervisor shall relieve such chairman or member and appoint immediately his substitute to take over his duties.

2. On Election Day. - In case the Superintendent of Schools, the Commission Provincial Supervisor, the District Supervisor, the school principal, or the election registrar shall find any chairman or member committing serious irregularities or misbehavior in the performance of his duties as a member of the board of inspectors on election day, the Superintendent of Schools and the Commission Provincial Supervisor, acting jointly, or the district supervisor, or school principal and the local representative of the Commission on Elections, acting jointly, shall immediately relieve said board member and appoint the corresponding substitute who shall immediately be directed to take over.

3. Immediately after the elections, the said Superintendent of Schools, Commission Provincial Supervisor, district supervisor, school principal, or local representative of the Commission on Elections shall file against the erring chairman or member, criminal and/or administrative charges in accordance with the existing laws.

ON PROHIBITION ACTS

The following are prohibited acts:

1. Any act committed by any person which tends to interfere, affect, influence, or otherwise impede, obstruct embarrass or unduly influence the Division or City Superintendent of Schools, the district supervisor, the school principal or the public school teacher appointed in accordance with this resolution as representative of the Commission on Elections or member of the citizens election committee while in the performance of his functions as such;

2. Any act committed by any Division or City Superintendent of Schools, district supervisor, school principal or public school teacher appointed in accordance with this resolution as representative, assistant, chairman, member or substitute member, as the case may be, in violation of this resolution as well as the other rules, regulations and instruction which the Commission on Elections may subsequently issue.

3. Any act enumerated under Sec. 178 of the Election Code of 1978, to wit: pars. (pp), (qq), (rr), (ss), (tt), (uu), (vv), (ww), (xx), (yy), (zz), (bbb), (ddd), and (jjj) in relation with Sec. 181 thereof.

All Division and City Superintendents of Schools are hereby directed to circularize this resolution to their respective supervisors, principals and teachers for their information and guidance.

The Executive Officer is directed to furnish the Civil Service Commissioner, the Minister of Education, the Director of Public Schools, Director of Private Schools, all the Division and City Superintendents of Schools, all the Commission Provincial Supervisors and all the City and Municipal Election Registrars with copies of this resolution.

SO ORDERED.

(SGD.) LEONARDO B. PEREZ
Chairman

(SGD.) VENANCIO S. DUQUE
Commissioner

(SGD.) FLORES A. BAIOT
Commissioner

(SGD.) VICENTE M. SANTIAGO JR.
Commissioner

(SGD.) DOMINGO C. PABALATE
Commissioner

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