

REPUBLIKA NG PILIPINAS
KAGAWARAN NG EDUKASYON, KULTURA, AT ISPORTS

DECS Complex, Meralco Avenue
Lungsod ng Pasig



*Sama-Sama
sa DECS*

TANGGAPAN NG KALIHIM

March 23, 1998

DECS MEMORANDUM

No. 113, s. 1998

**Details/Reassignments/Transfer of DECS Officials
Within the Election Ban**

To: Undersecretaries
Assistant Secretaries
Regional Directors
Schools Superintendents
Directors of Services/Centers
and Heads of Units

1. This Office is facing a problem involving the Election Ban when then DECS Secretary Ricardo T. Gloria issued an unnumbered Memorandum dated January 8, 1998 directing the transfer of Mrs. Emelin G. Gordove, Assistant Superintendent of the Schools Division of Calbayog City to the DECS Regional Office VIII, Candahug, Palo, Leyte, effective January 8, 1998 to June 30, 1998.

2. Asst. Supt. Gordove protested the transfer, by asking Commissioner Remedios Salazar-Fernando and Executive Director Ressurreccion Borra, both of the COMELEC, whether Secretary Gloria has secured an exemption prior to the issuance of the said Memorandum.

3. The COMELEC officials replied that no request for exemption, regarding the transfer of Asst. Supt. Gordove, was received by the COMELEC from DECS showing the period of the transfer or reassignment in question.

4. Although the Memorandum was dated January 8, 1998, the actual implementation of the reassignment was already after the January 11, 1998 prohibition as sought to be implemented by Supt. Alice Engay, the Schools Division Superintendent of Calbayog City in the letter dated January 26, 1998 addressed to Asst. Supt. Gordove.

5. The Election Ban on transfer/detail/reassignment or any movement of government officials from their present station or position is mandated by Section 1 of the COMELEC Resolution No. 2973, promulgated on 12 January 1998, which provides:

Section 1. Prohibited Acts (a) During the election period from January 11, 1998 until June 10, 1998, no public official shall make or cause any transfer/detail whatsoever of any officer or employee in the civil service, including public school teachers, or suspend elective provincial, city, municipal or barangay official, except upon prior written approval of the Commission.

Transfer is defined as a movement from one position to another without break in service involving an issuance of an appointment. It may be from one agency to another from one organizational unit to another in the same agency.

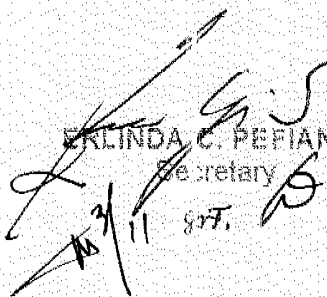
(b) Beginning March 27, 1998 until May 1, 1998, no head, official or appointing officer of any national or local government office, agency or instrumentality, including government-owned or controlled corporations, shall (1) appoint or hire any new employee, whether permanent, provisional, temporary or casual; or (2) create and fill any new position, except upon prior authority of the Commission

(c) During the same period, no government official shall promote or give any increase of salary or remuneration or privilege to any government official or employee, including those in government-owned and controlled corporations.

6. Clearly, the actual implementation of the Memorandum of Transfer ought to be made on January 11, 1998 in the Gordove case is within the prohibition, although it was issued by the DECS Secretary on January 8, 1998.

7. It would be better policy to allow the DECS Regional Director to secure the exemption from the Regional COMELEC Director since the exigency of the service is more localized and verifiable, or effect the transfer after the ban.

8. For wide dissemination.


ERLINDA C. PEFIANCO
Secretary
2/11 827. 2/17/98

Reference: DECS Order : No. 17, s. 1998

Allotment: 1—(D.O. 50-97)

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

ELECTIONS
TRANSFER