



REPUBLIKA NG PILIPINAS
REPUBLIC OF THE PHILIPPINES
KAGAWARAN NG EDUKASYON
DEPARTMENT OF EDUCATION
DepEd Complex, Meralco Avenue, Pasig City



Tanggapan ng Kalihim
Office of the Secretary

Direct Line: 633-7208 / 7228
Fax: 636-4876
DEText: 0919-4560027
E-Mail Address: osec@deped.gov.ph
Website: <http://www.deped.gov.ph>

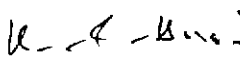
JAN 08 2004

DepED MEMORANDUM
No. 3, s. 2004

DISSEMINATION OF COMELEC RESOLUTION NO. 6498
(Deputation of Certain Departments Under the Executive Branch, Government-Owned
and Controlled Corporations and Financial Institutions in Connection
With the May 10, 2004 National and Local Elections)

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Regional Directors
Schools Division/City Superintendents
District Supervisors
Heads, Public and Private Elementary and Secondary Schools

- For the information and guidance of all concerned, enclosed is a copy of Commission on Elections (COMELEC) Resolution No. 6498 dated December 30, 2003 entitled "Deputation of Certain Departments Under the Executive Branch, Government-Owned and Controlled Corporations and Financial Institutions in Connection With the May 10, 2004 National and Local Elections."
- Particular attention is invited to the duties and functions of this Department relative to the conduct of the elections, for strict compliance.
- Immediate dissemination of this Memorandum is desired.


RAMON C. BACANI
Undersecretary
Officer-in-Charge

Encl.: As stated
Reference: DepED Memorandum: No. 461, s. 2003
Allotment: 1—(D.O. 50-97)
To be indicated in the Perpetual Index
under the following subjects:

ELECTIONS
BUREAUS & OFFICES

EMPLOYEES
OFFICIALS

Rhea/Madel:c:resolution no. 6498
01-06-04



Republic of the Philippines **COMMISSION ON ELECTIONS** Manila

DEPUTATION OF CERTAIN DEPARTMENTS UNDER THE EXECUTIVE BRANCH, GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS AND FINANCIAL INSTITUTIONS IN CONNECTION WITH THE MAY 10, 2004 NATIONAL AND LOCAL ELECTIONS.

PRESENT:

- | | |
|-----------------------------|--------------|
| ABALOS, Benjamin S., | Chairman |
| TANCANGCO, Luzviminda G., | Commissioner |
| JAVIER, Rufino S.B., | Commissioner |
| LANTION, Ralph C., | Commissioner |
| SADAIN, Mehol K., | Commissioner |
| BORRA, Resurreccion Z., | Commissioner |
| TUASON, Florentino, Jr. A., | Commissioner |

Promulgated: 30 DECEMBER 2003

RESOLUTION NO. 6498

WHEREAS, pursuant to the Constitution, the Omnibus Election Code and other election laws, the Commission on Elections may deputize certain departments under the Executive Branch, Government-Owned and Controlled Corporations and Financial Institutions in connection with the May 10, 2004 National and Local Elections.

NOW, THEREFORE, the Commission on Elections, by virtue of the powers vested in it by the Constitution, the Omnibus Election Code and other related election laws, has RESOLVED to deputize, as it hereby deputizes the following departments under the executive branch, government-owned and controlled corporations and financial institutions, to perform specific duties relative to the conduct of the elections, as follows:

I. THE DEPARTMENT OF EDUCATION

The Department of Education (DepEd) and its Department Secretary, the Undersecretaries, Assistant Secretaries, Regional Directors, Assistant Regional Directors, the Provincial / City Superintendents of Schools or Officers-In-Charge thereof, are hereby designated Deputies of the Commission on Elections; and the District School Supervisors, School Principals or Officers-In-Charge thereof, are hereby appointed Assistant Deputies. They shall have the following duties and functions:

The Department Secretary, the Undersecretaries, Regional Directors and Assistant Regional Directors:

Comply with and enforce all orders and instructions of the Commission relative to the election duties and functions of public school teachers in connection with the May 10, 2004 national and local elections, and perform such other measures as are necessary including the use of all public school buildings designated as polling places/centers.

- a) The Provincial/City Superintendents of Schools, and Officers-In-Charge thereof:
 - a) Submit to the Election Officers (EO) not later than January 26, 2004, the names of public school teachers recommended for appointment as chairmen and members of the Boards of Election Inspectors. (BEIs)
 - b) Submit to the EO the names of district supervisors and school principals recommended for appointment as assistants.
 - c) Comply strictly with the rules and regulations prescribed herein, and such other resolutions as may be promulgated by the Commission.
- b) The District School Supervisors, School Principals or Officers-In-Charge:
 - a) Receive all communications from the Commission or its deputies and transmit them to the BEI concerned.
 - b) Supervise public school teachers appointed to positions of chairmen and members of the BEI in accordance with the instructions of the Commission.
 - c) Receive complaints against any chairman or member of said board and to transmit the same to the Commission or its representatives; and
 - d) Adopt, jointly with the Election Officer and the BEI, adequate measures to safeguard election documents and paraphernalia.

The DepEd Regional Directors, Assistant Regional Directors, Provincial and City Superintendents of Schools, District Supervisors, School Principals or Officers-In-Charge thereof, and public School Teachers, shall not be transferred or assigned to other positions during the election period, without prior written authority of the Commission.

The following guidelines shall be observed in the appointment of teachers to the BEI:

- a) All public school teachers who had served as chairmen or members of the BEI in previous elections shall be given preference for appointment to the same precincts;
- b) Where it is necessary to constitute new or additional BEI, preference for appointment shall be given to public school teachers who efficiently served in the 2001 elections, and who are registered voters of the municipality/city;
- c) The best qualified public school teachers on the basis of rank, position and salary shall be appointed chairmen; and
- d) In case of shortage of public school teachers in the city or municipality for appointment as chairmen and members of the BEI, the city superintendent of schools and/or district supervisors shall immediately notify the EO of such fact.

No conference, seminar, or any school activity, which might interfere, restrict, or prevent the performance of election duties of district school supervisors, school principals and public school teachers, shall be held during the election period except upon prior written authority of the Commission.

The superintendent of schools, district supervisor or school principal shall immediately report to the EO any chairman or member of the BEI who have committed or are committing any serious irregularity or misbehavior in the performance of duties who are disqualified to serve as such. The EO shall relieve said chairman or member and appoint the corresponding substitute who shall immediately be directed to take over.

Immediately after the elections, the Commission and/or school officials concerned, shall file against the erring chairman or member, the appropriate criminal and/or administrative charges in accordance with existing laws, rules and regulations of the Commission.

2. THE DEPARTMENT OF FINANCE

The Department of Finance and its Department Secretary are hereby designated deputies of the Commission to enforce and ensure during the election period that:

- 1) Provincial, City and Municipal Treasurers, shall:
 - a) Remain in their present assignments and not be transferred or detailed, whether temporarily or permanently, to another province, city or municipality, except upon written authority of the Commission.
 - b) Not be allowed to go on leave of absence from office during the period starting two weeks before and two weeks after election day except upon prior written approval of the Commission. They shall at all times assign responsible employees in their offices to receive telegrams and instructions from the Commission relative to election matters to ensure immediate action thereon.
 - c) Not designate temporary or casual employees as Officer-In-Charge of the Office of the Treasurer.
- 2) All City/Municipal Treasurers shall:
 - a) Under the direct orders and supervision of the EO, preserve, take custody and storage of election forms, ballot boxes, paraphernalia, supplies and materials entrusted to them and prevent any loss, destruction, impairment or damage thereof.

In the discharge of their duties as deputies of the Commission, the City/Municipal Treasurers shall not be subject to the command, control or orders of the city/municipal mayors or other local executive officials. In this respect, it shall be unlawful for the city/municipal mayors or other local executive officials to intervene or interfere in the discharge by these deputies of their duties in connection with the election.
 - b) Keep a record of the quantity and serial numbers of official ballots, election returns and ballot boxes allocated for distribution to the various precincts in their respective jurisdiction, and furnish legible copies of such record to the candidates, the EO and the Election Records and Statistics Department (ERSD), Commission on Elections, Manila, immediately after distribution.
 - c) Distribute in the presence of watchers if available, the official ballots, election returns and ballot boxes, individually or as part of a kit as may be decided by the Commission, to the Boards not earlier than the first hour on election day. However, the Commission, upon request of the Treasurer, and upon the recommendation of the EO, may authorize the City/Municipal Treasurers, for reasons such as, but not limited to, distance and weather condition in the locality and difficulty of transportation, number of precincts in a city or municipality, and prevailing peace and order, to distribute the election forms, materials, supplies and other paraphernalia to the BEI at an advance date with written notice to the candidates and political parties.

The BEI shall issue the proper receipt stating clearly the date, the number of sets and the corresponding quantity and serial numbers of the official ballots and ballot boxes and other accountable forms and supplies.
 - d) Submit a joint written report with the EO within five days after Election Day to the ERSD, of the quantity and serial numbers of the ballot boxes and accountable forms. A candidate may be furnished copy thereof upon written request.

Submit to the EO an official report on ballot boxes which were not returned to him by the BEI immediately after its adjournment. The ERSD shall be furnished with a copy of said report.

The Provincial, City and Municipal Treasurers are hereby designated for the purpose herein provided as Deputies under the direct and immediate supervision of the Commission in their respective provinces, cities and municipalities.

3. THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATION

The Department of Transportation and Communications, and its Department Secretary and all agencies/offices under the department are hereby designated as deputies to perform the following duties and functions:

- a) Circularize to all owners and operators of land and air transportation facilities and telecommunications services, holders of certificates of public convenience, franchises or other forms of authorization, that the following acts are election offenses under the Omnibus Election Code:
 - 1) Sec. 89 which prohibits any candidate, political party or organization or any person from giving or accepting transportation, free of charge, directly or indirectly during the live (5) hours before and after a public meeting, on the day preceding the election and on election day;
 - 2) Sec. 95 which prohibits contributions for partisan political activity given directly or indirectly by natural or juridical persons operating a public utility; or by natural or juridical persons who held contracts or subcontracts to supply the government or any of its agencies, subdivisions or instrumentalities with goods or services or to perform construction or other work; or by natural or juridical persons who have been granted franchise, incentives, exemptions, allocations or similar privileges or concessions by the government or any of its agencies, subdivisions or instrumentalities including government-owned or controlled corporations; or by natural or juridical persons who within one year prior to the date of the election have been granted loans or other accommodations in excess of P100,000.00 by the government or any of its agencies, subdivisions or instrumentalities including government-owned or controlled corporations;
 - 3) Sec. 97 which makes it unlawful for any person or organization, whether civic or religious, to directly or indirectly solicit and/or accept from any candidate for public office or from his campaign manager, agent or representative, or any person acting in their behalf, any gift, food, transportations, contribution or donation in cash or in kind from the commencement of the election period up to and including election day;
 - 4) Sec. 261 (o) which prohibits the use under any guise whatsoever, directly or indirectly of any printing press, radio or television station or audio-visual equipment operated by the government or by its subdivisions, agencies or instrumentalities, including government-owned or controlled corporations, or any equipment, facility, apparatus, paraphernalia or vehicle owned by the government or by its political subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations or by the Armed Forces of the Philippines for any election campaign; or for any partisan political activity; and
 - 5) Sec. 261 (dd) (4) which penalizes any operator or employee of a public utility or transportation company operating under a certificate of public convenience who refuses to carry official election mail matters free of charge during the election period.
- b) Direct its agents to apprehend violators of the aforesaid provisions of the Omnibus Election Code and refer such violations to the Commission;
- c) Require all transportation companies engaged in the operation of transportation facilities to report within thirty (30) days following the day of the election, the use, rental or hiring of their facilities by any candidate, political party, coalition of political parties, or groups/organizations in connection with the election campaign, including the amount paid for such use, rental or hiring, which report shall be submitted to the Regional Election Director, who in turn shall submit the same to the ERSD for the purpose of proper accounting and monitoring of expenses under Secs. 100 and 101, respectively, in relation to Sec. 112 of the Omnibus Election Code; and
- d) Perform such other duties and functions which the Commission may prescribe from time to time.

10. PHILIPPINE INFORMATION AGENCY

The Philippine Information Agency, its Director and officials are designated as deputies and as such shall perform the following duties:

1. Assist the Commission in its education and information campaign on the aforesaid elections;
2. Make available to the Commission the services of and its personnel, as may be necessary to ensure implementation of the programs of activities or operation plans for the Commission's information campaign;
3. Produce such information materials as the Commission may deem necessary to ensure the conduct of free, orderly, honest, peaceful and credible national and local elections on May 10, 2004; Provided, that in all cases:
 - a) The Agency shall adhere strictly to the policy of the Commission that the education and information campaign must be absolutely impartial, objective and neutral;
 - b) The expenses it may incur, as such deputy for the information campaign of the Commission, i.e., production of information materials, shall be for the exclusive account of the Agency; and
 - c) Any information material which the Agency, as such deputy, shall produce upon the direction of the Commission, shall be published/distributed/released only upon prior clearance from the Commission to ensure that nothing therein contained shall detract from or violate the policy of impartiality, objectivity and neutrality.
4. Perform such other duties and functions which the Commission may prescribe from time to time.

EFFECTIVITY

This resolution shall take effect seven (7) days following its publication in at least two (2) daily newspapers of general circulation in the Philippines.

DISSEMINATION

The Executive Director shall furnish all the above deputized officials and/or departments, offices, or agencies, through their respective heads, copies of this resolution pertinent to their agencies.

The Education and Information Department shall cause the publication of this resolution in two (2) newspapers of general circulation and disseminate this resolution for the information of the public.

SO ORDERED.


BENJAMIN S. ABALOS
Chairman


LUZVIMINDA G. TANGANGCO
Commissioner


RALPH C. LANTION
Commissioner


RESURRECCION Z. BORRA
Commissioner


RUFINO S.B. JAVIER
Commissioner


MEHOUL K. SADAIN
Commissioner


FLORENTINO A. TUASON, JR.
Commissioner