

REPUBLIKA NG PILIPINAS REPUBLIC OF THE PHILIPPINES A CAWADANI NG EDUIZA SY

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
DETxt: 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

- 1. 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."
- 2. Particular attention is invited to the duties and functions of this Department relative to the conduct of the elections, for strict compliance.
- 3. 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 <u>Perpetual Index</u> 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.,
TANCANGCO, Luzviminda G.,
JAVIER, Rufino S.B.,
LANTION, Ralph C.,
SADAIN, Mehol K.,
BORRA; Resurreccion Z.,
TUASON, Florentino, Jr. A.,
Chairman
Commissioner
Commissioner
Commissioner
Commissioner

.Promulgated: 30 DECEMBER 2003

RESOLUTION NO. 6498

WHEREAS, pursuant to the Constitution, the Omnibus Election Code and other election taws, 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, 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.

- The Provincial/City Superintendents of Schools, and Officers-In-Charge thereof:
 - 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)
 - Submit to the EO the names of district supervisors and school principals recommended for appointment as assistants.
 - Comply strictly with the rules and regulations prescribed herein, and such other resolutions as may be promulgated by the Commission.
- The District School Supervisors, School Principals or Officers-In-Charge;
 - Acceive all communications from the Commission or its deputies and transmit them to the BEI
 concerned.
 - Supervise public school teachers appointed to positions of chairmen and members of the BEI in accordance with the instructions of the Commission.
 - Receive complaints against any chairman or member of said board and to transmit the same to the Commission or its representatives; and
 - 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:

- 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;
- 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;
- The best qualified public school teachers on the basis of rank, position and salary shall be appointed chairmen; and
- d) Imcase of shortage of public echool 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:

- 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.
 - Not designate temporary or casual employees as Officer-In-Charge of the Office of the Treasurer.
- 2) All City/Municipal Treasurers shall:
 - 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 starting 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:
 - 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 operaling 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, paraphernalla 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.
- 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 pard 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.

4. THE PHILIPPINES POSTAL SERVICES CORPORATION, THE NATIONAL TELECOMMUNICATIONS COMMISSION, AND THE TELECOMMUNICATIONS OFFICE

The Philippine Postal Services Corporation and the Postmaster General, the National Telecommunications Commission and the Commissioner, and the Telecommunications Office and its Director are hereby designated as deputies to perform the following functions and duties:

- a) Instruct their respective personnel and the management of all private telecommunications firms to give special preference to, and effect immediate transmission and delivery of messages or telegrams of the Commission, its field personnel and its deputies during the election period; and between and among the Commission's field offices, its deputies and other assisting agencies until after the proclamation of the winning candidates in the May 10, 2004 National and Local Elections;
- b) Impress upon such personnel and management that non-compliance with the provisions of Sec. 9 of the Omnibus Election Code on preferential transmission of official mails, messages and telegrams relative to the elections, constitutes an election offense punishable under Sec. 264 of said Code with imprisonment of not tess than one year but not more than six years and shall not be subject to probation. In addition, the quilty party shall be sentenced to suffer disqualification to hold public officeand deprivation of the right of suffrage;
- Assign sufficient number of personnel to receive, transmit and deliver election messages ten days before and on election day and ten days after election day;
- d) Make operational all its stations during the election period; and
- e) Perform such other duties and functions which the Commission may prescribe from time to time.

S. THE DEPARTMENT OF ENERGY AND ELECTRIC COOPERATIVES

The Department of Energy and its Secretary and other agencies under it, and electric cooperatives in the local government units are hereby designated as deputies to perform the following:

- a) To provide uninterrupted power supply on the day before and on election day, until the termination/ conclusion of the canvassing of the election returns and proclamation of the elected officials; and
- To perform such other functions that the Commission may prescribe from time to time.

6. THE PHILIPPINE AIR LINES (PAL)

The Philipipne Air Lines and its President are hereby designated as deputies to perform the following functions and duties:

- a) Direct the officials and employees of PAL throughout the country to give preferential accommodation of "must-ride status" to officials, employees and deputies of the Commission traveling on official business:
- Direct said officials and employees of the Airlines to effect immediate shipment, delivery and transmittal of COMELEC cargo and other election matters; and
- c) Perform such other duties and functions which the Commission may prescribe from time to time.

7. THE CIVIL SERVICE COMMISSION

The Civil Service Commission, and its chairman and officials are designated as deputies to enforce and implement the provision of the Constitution of the Philippines particularly paragraph 4, Section 2, B, Article IX, which provides that:

"(4) No officer or employee in the civil service shall engage, directly or indirectly, in any electioneering or partisan political campaign."

and the provision of the Omnibus Election Code (BP 881), particularly Section 261:

*Section 261. Prohibited Acts. - The following shall be guilty of an election offense:

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f) Appointment of new employees, creation of new position, promotion, or giving salary increases. During the forty-five (45) days before a regular election; and thirty days before a special elections; (1) any head, official or appointing officer of a government office, agency or instrumentality, whether national or local, including government-owned or controlled corporations, who appoints or hires any new employee, whether provisional, temporary or casual, or creates and fills any new position, except upon prior authority of the Commission. The Commission shall not grant the authority sought unless, it is satisfied that the position to be filled is essential to the proper functioning of the office or agency concerned, and that the position shall not be filled in a manner that may influence the election.

As an exemption to the foregoing provision, a new employee may be appointed in case of urgent need: <u>Provided</u>, however, That notice of the appointment shall be given to the Commission within three days from the date of the appointment. Any appointment or hiring in violation of this provision shall be null and void.

- (2) Any government official who promotes, or gives any increase of salary or remuneration or privilege to any government official or employed, is cluding those in government-owned or controlled corporation.
- g) Transfer of officers and employees in the civil service. Any official who makes or causes transfer or detail of any officer or employee in the civil service including public school teachers, within the election period except upon prior approval of the Commission.
- h) Intervention of public officers and employees. Any officer or employee in the civil service, except those holdings political offices; any officer, employee, or member of the Armed Forces of the Philippines, or any police force, special forces, home defense forces, barangay self-defense units and all other paramilitary units that now exist or which may hereafter be organized who directly or indirectly, intervenes in any political activity, except to vote or to preserve public order, if he is a peace officer.

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and other related provisions of law on the matter.

8. COMMISSION ON AUDIT

The Commission on Audit, its Chairman and officials are designated as deputies and as such, they shall enforce and implement the provisions of Section 3 of Republic Act No. 6679, in relation to the provisions of Sec. 261 (v) and (w), of the Omnibus Election Code, quoted as follows:

"Sec. 3. The construction or maintenance of provincial, city and barangay-funded roads and bridges shall be prohibited for a period of ten (10) days immediately preceding the date of election, the provisions of Section 261 paragraphs (v) and (w) of the Omnibus Election Code to the contrary notwithstanding."

9. DEPARTMENT OF BUDGET AND MANAGEMENT

The Department of Budget and Management, its Secretary and Officials are designated as deputles and as such they shall enforce and implement the provisions of Sec. 3 of Republic Act No. 6697, quoted above, in relation to Sec. 261, paragraphs (v) and (w) of the Omnibus Election Code, specifically on the prohibition against release/expenditures and disbursement of public funds.

10. PHILIPPINE INFORMATION AGENCY

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

- Assist the Commission in its education and information campaign on the aforesaid elections:
- 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
- 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:
 - The Agency shall adhere strictly to the policy of the Commission that the education and information campaign must be absolutely impartial, objective and neutral;
 - 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
 - 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.
- 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

LUZ**∲**IMINDA G. TANCANGCO

Commissioner

RALPH C. LANTION Commissioner

RESURRECCION Z. BORRA

Commissioner

RUFINO S.B. JAVIER Commissioner

SADAIN Commissioner

FLORENTINO A. TUASON, JR.

Commissioner