



Tanggapan ng Kalihim  
Office of the Secretary

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DepED MEMORANDUM  
No. 84 s. 2007

GUIDELINES ON TRANSFER OF OFFICERS AND EMPLOYEES AND APPOINTMENT  
OR HIRING OF NEW EMPLOYEES IN DEPED DURING THE PROHIBITED PERIODS  
IN CONNECTION WITH THE 14 MAY 2007 ELECTIONS

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

1. The Commission on Elections (COMELEC) has issued Resolution No. 7770 dated 6 December 2006 entitled "**Enforcement of the Prohibition Against Appointment or Hiring of New Employees; Creation or Filling Up of New Positions; Giving Salary Increases; Transferring/Detailing Civil Service Employees; And Suspension of Elective Local Officials in Connection with the 14 May 2007 Synchronized National and Local Elections**", in addition to Resolution No. 7707 dated August 30, 2006 entitled "*Calendar of Activities and Periods of Prohibited Acts in Connection with the May 14, 2007 Synchronized National and Local Elections*", which has been disseminated under DepED Memorandum No. 17 dated 10 January 2007.

2. In this connection, there is a need to emphasize certain provisions thereof and provide the following guidelines that will ensure the Department compliance specifically on the prohibitions to the transfer of officers and employees for the period from 14 January 2007 to 13 June 2007 and the appointment or hiring of new employees for the period from 30 March 2007 to 14 May 2007:

General Guidelines:

To preserve the non-partisan nature and institutional integrity of DepED, Schools Division Superintendents and Regional Directors should ensure that proposed transfers/reassignments shall be guided by the interests of public service and not by partisan political interests.

Except in very urgent circumstances, the effectivity dates of transfers/reassignments shall be after the election day on May 14, 2007. School heads shall be allowed to finish their tenure in their respective school assignments up to the end of the school year in March 2007 unless present circumstances warrant their immediate reassignment.

Specific Guidelines:

2.1 Transfer as used in the aforesaid COMELEC Resolution shall mean any personnel movement from one government agency to another or from one department, division, geographical unit or subdivision of a government agency to another with or without the issuance of an appointment.

2.2 Requests for transfer or detail of officers or employees whose official stations are in the Central Office; Regional Directors, Assistant Regional Directors, Schools Division Superintendents, and Assistant Superintendents; or positions of similar rank, irrespective of their official stations, are to be filed in writing with the Law Department of the COMELEC, through the Office of the Secretary; also included is the transfer of employees deputized by the COMELEC, irrespective of positions and official stations.

2.3 Requests for transfer or detail of officers or employees with official stations in the DepED regional or division offices or schools are to be filed with the Law Department of COMELEC, subject to the following conditions:

2.3.1 Said request shall indicate the office and place to which the officer or employee is proposed to be transferred and the reasons therefore, which strongly justify the transfer or detail during the prohibited election period. The proposed effectivity date should also be indicated.

2.3.2 Requests for transfer/reassignment of Education Supervisors and other personnel in the regional office shall be strongly justified by the Regional Director. These shall be submitted to the Central Office for endorsement to the Law Department of COMELEC.

2.3.3 Requests for transfer/reassignment of Division Supervisors and Public Schools District Supervisors in the divisions shall be strongly justified by the Schools Division Superintendent. Such requests shall be reviewed by the Regional Directors for submission to the Central Office for endorsement to the Law Department of COMELEC.

2.3.4 The following are authorized to act on requests for transfer or reassignment:

Central Office – Secretary or Undersecretary for Regional Operations or Undersecretary for Legal and Legislative Affairs

Regional Offices – Regional Directors or Assistant Regional Directors

Division Offices - Schools Division Superintendents

2.3.5 Requests for transfer/reassignment of Principals, School Heads (Head Teachers and Teachers-In-Charge) and other personnel in the division shall be strongly justified by the Schools Division Superintendents to the Regional Directors/Assistant Regional Directors who shall approve and endorse said requests directly to the Law Department of COMELEC.

2.3.6 Requests for transfer/reassignment of teachers from one school to another within the division, subject to existing guidelines on transfer of teachers, shall be strongly justified and submitted by the Superintendents to the Regional Directors/Assistant Regional Directors for endorsement to the Law Department of COMELEC.

2.4 The appointment and hiring of new teachers for the opening of classes this coming school year and filling up other teaching-related positions are considered of urgent need as provided for in Section 3 of Resolution No. 7770 and may be undertaken without the need for prior authority from COMELEC. Superintendents shall notify the COMELEC in writing through its concerned offices within three (3) days from the date of appointment or hiring, stating herein the exact date when the position sought to be filled became vacant, the cause of vacancy, reason/s for said appointment or hiring and all the necessary data or information regarding the same.

2.4.1 The need to fill up the vacant positions may be considered "urgent" if: a) the position is essential to the proper functioning of the office concerned; b) the position to be filled has been vacated either by the death, retirement, resignation, promotion or transfer of the regular incumbent; (c) the appointment is issued within sixty (60) days from occurrence of the vacancy; d) the same cannot be filled by promotion or transfer of insiders within the same period; and (e) the position shall not be filled in a manner that may influence the elections.

2.4.2 The appointment or hiring of new teachers and other related teaching positions shall be valid unless found by the COMELEC: (1) to have been made to influence in any manner the results of the election; (2) to have been issued without the required notice; and (3) there is no urgent need for the appointment.

2.4.3 An appointment to a position which has been vacant for more than sixty (60) days is not considered urgent and must therefore require prior authority from the COMELEC.

2.5 No official or appointing authority in DepED shall appoint or hire any new non-teaching or casual employee; or create and fill any new position, or promote or give any salary increase or remuneration or privilege to any DepED official or employee during the prohibited period, except upon prior written authority of the COMELEC.


2.5.1 Requests for authority to appoint or hire new employees shall be submitted in writing to the Office of the Regional Election Directors where the vacancy exists, stating all the necessary data and reasons for the same.

2.5.2 Similar requests involving employees in the Central Office shall be submitted in writing to the Law Department of the COMELEC.

2.5.3 Notwithstanding the COMELEC ban on appointment or hiring during the specific period of prohibited acts, the appointment or hiring of non-teaching personnel is still prohibited in view of the ongoing review of the Rationalization Plan of DepED. Requests however for exemption to the ban on hiring under E. O. 366 in view of the urgent need to fill-up some positions in the regions, divisions and schools may be submitted to the Central Office for endorsement to the Department of Budget and Management (DBM).

2.6 The renewal of appointments of temporary, casual, substitute and contractual personnel is not covered by the prohibition and therefore no longer needs prior authority of the COMELEC. However, the appointing authority shall furnish the COMELEC, through the concerned offices, a complete list of employees whose appointments were renewed, indicating their positions, item numbers, salary grades and official stations.

3. Immediate dissemination of this Memorandum is desired.

  
FRANKLIN C. SUNGA  
Undersecretary

Reference: DepED Memorandum: (No. 17, s. 2007)

Allotment: 1—(D.O. 50-97)

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

APPOINTMENT, EMPLOYMENT, REAPPOINTMENT  
ELECTIONS  
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TRANSFER

Reformatted: Sally - Resolution 7770- comelec exemption from prohibition  
February 26, 2007