

Republika ng Pilipinas
(Republic of the Philippines)
MINISTRI NG EDUKASYON, KULTURA AT ISPORTS
(MINISTRY OF EDUCATION, CULTURE AND SPORTS)
Maynila

December 23, 1985

MECS O R D E R
No. 78, s. 1985

PROHIBITIONS ON PERSONNEL ACTIONS IN CONNECTION
WITH THE FEBRUARY 7, 1986 ELECTION

To: Bureau Directors
Regional Directors
Cultural Agency Directors
Chief of Service and Heads of Units/Centers
Schools Superintendents
Presidents, State Colleges and Universities
Vocational School Superintendents/Administrators

1. For the information and guidance of all concerned inclosed is a copy of COMELEC Resolution No. 1735 dated December 17, 1985, prohibiting appointment or hiring new employees, creating or filling new positions, promotions, giving any salary increase, or transferring or detailing any officer or employee in the Civil Service, in connection with the February 7, 1986 election.
2. Strict compliance is desired.

(SGD.) JAIME C. LAYA
Minister

Incl.:
As stated

Reference:
None

Allotment: 1-2-3--(D.O. 1-76)

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

APPOINTMENT, EMPLOYMENT	OFFICIALS
REAPPOINTMENT	PROMOTION
BUREAUS & OFFICES	RULES & REGULATIONS
ELECTIONS	SALARY
EMPLOYEES	TRANSFER

(Inclosure to MECS Order No. 78, s. 1985)

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

In the matter of implementing the prohibitions on appointment or hiring new employees, creating or filling new positions, promotions, giving any salary increase, or transferring or detailing any officer or employee in the Civil Service, in connection with the February 17, 1986 election.

present:
SAVELLANO, Victorino A., Ch. Com.,
OPINION, Jaime, Com.,
BACUNGAN, Froilan M., Com.,
FELIPE, Ramon H. Jr., Com.,
MARQUINEZ, Quirino A., Com.,
ORTIZ, Mario D., Com.,
GURO, Mangontawar B., Com.
Promulgated:

December 17, 1985

RESOLUTION NO. 1735

WHEREAS, The Omnibus Election Code provides:

"Sec. 261. Prohibited Acts. - The following shall be guilty of an election offense:

xxx (g) Appointment of new employees, creation of new positions, promotions or giving salary increases. During the period forty-five days before a regular election and thirty days before a special election, (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 exception to the foregoing provisions, a new employee may be appointed in case of urgent need. Provided, however, That notice of the appointment shall be given to the Commission within three days from the date of 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 employee, including those in government-owned or controlled corporations.

"(h) Transfer of officers and employees in the Civil Service. - Any public official who makes or causes any transfer or detail whatever of any officer or employee in the Civil Service, including public school teachers, within the election period except upon prior approval of the Commission."

WHEREAS, to effectively implement the foregoing provisions, wherein the Commission may authorize exemption from the prohibitions therein contained, there is a need to promulgate the necessary rules for the guidance of all concerned.

NOW, THEREFORE, pursuant to the powers granted by the Constitution and the Omnibus Election Code, the Commission RESOLVES to promulgate the following rules to implement the provisions of Section 257, paragraphs (g) and (h) of the Omnibus Election Code:

SECTION 1. Prohibited acts. - Beginning January 8, 1986 until February 7, 1986, 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 provisional, temporary or casual; or (2) create and fill any new position, except upon prior authority of the Commission.

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 or controlled corporations.

Also from December 2, 1985 up to February 7, 1986, no public official shall make or cause to make any transfer or detail whatever of any officer or employee in the Civil Service, including public school teachers, except upon prior approval of the Commission.

SEC. 2. Request for authority of the Commission. - Any request for authority to appoint or hire new employees, or to create and fill new positions, or approval to make or cause to make any transfer or detail must be submitted in writing to the Commission, stating all the necessary date or information regarding the request.

If the request is to appoint or to hire new employees or to create or fill new positions, it must state clearly that the position is essential to the proper functioning of the office or agency concerned, and that the creation or filling thereof shall not in any manner influence the election.

Promotion or increase of salary, remuneration or privilege of any government official or employee, including those in government-owned or controlled corporation, is prohibited or without exception during the prohibited period.

SEC. 3. Urgent need to appoint new employees. - When there is urgent need to appoint or hire new employees, the same may be allowed provided that, within three (3) days after appointment or hire, the Commission shall be notified in writing and stating therein the reason for said appointment or hire and all the necessary data or information regarding the same.

SEC. 4. Meaning of new employees. - For purposes of this resolution, the prohibition on the appointment or hire of "new employees" shall refer to those who are entering the government service for the first time and shall not include reappointments or the issuance of new appointments to those who are already in the government service under any authorized reorganization scheme.

SEC. 5. Effectivity. - This resolution shall take effect immediately upon its promulgation.

SEC. 6. Dissemination. - The Education and Information Department shall cause the publication of the same in two (2) daily newspapers of general circulation and shall furnish copies thereof to all Ministries/Commission/Offices, including government-owned or controlled corporation, and the Regional Election Offices.

The Regional Election Directors shall implement this Resolution, subject to review by the Commission.

SO ORDERED.

(SGD.) VICTORINO A. SAVELLANO
Chairman

(SGD.) JAIME OPINION
Commissioner

(SGD.) FROILAN M. BACUÑGAN
Commissioner

(SGD.) RAMON H. FELIPE, JR.
Commissioner

(SGD.) QUIRINO A. MARQUINEZ
Commissioner

(SGD.) MARIO D. ORTIZ
Commissioner

(SGD.) MANGONTAWAR B. GURO
Commissioner

A true copy