



April 13, 1998

Sanaing-Sanaing
 DECS

DECS ORDER
 No. 35, s. 1998

IMPLEMENTING GUIDELINES ON THE COMELEC AND DECS AGREEMENT
 RELATIVE TO THE MAY 1998 NATIONAL ELECTIONS

- To: Undersecretaries
 Assistant Secretaries
 Bureau Service and Center Directors
 Regional Directors
 Schools Superintendents
 All Others Concerned

1. Enclosed herewith is a reproduced copy of a Memorandum of Agreement entered into between the Commission on Elections (COMELEC) and the Department of Education, Culture and Sports (DECS) dated April 8, 1998.

2. To give more impetus to the provisions of this agreement, the following guidelines are hereby adopted:

- (a) To expedite payment of per diems of BEI members and DECS supervisors and support personnel, the Assistant Secretary for Financial and Management Service, Josefina Nisperos shall turn over the funds that will be remitted by the COMELEC to the Regional Director who will effect payment to deputized DECS officials after the elections in the most facilitative manner possible. Report of payment and supporting documents of disbursements shall be submitted to COMELEC for purposes of liquidation.
- (b) Transportation expenses of deputized DECS officials shall be paid by the COMELEC in the form of cash advance or reimbursement unless COMELEC will adopt a general formula for payment thereof. In case of cash advance or reimbursement, the cash requirement and receipt of expenditures, respectively shall be submitted to the election officers of the locality.
- (c) In case of injury or death suffered in the performance of election duties, payment of compensation thereof shall be made out of the insurance coverage and funds from COMELEC and DECS appropriated for this purpose. Report of such injury or death shall be immediately submitted to the COMELEC and DECS together with the supporting document like death certificate, hospitalization receipts, police report whenever applicable and Doctors' Certificate.

(d) Lawyers in the Central, Regional and Division Offices, including Legal Consultants, shall be required to render legal assistance in teachers and DECS officials deputized by the COMELEC who are or may be facing criminal and administrative cases. For this purpose, the Chief, Legal Division of the Central Office, the Regional Directors and Schools Superintendents are required to submit not later than April 20, 1998 to Assistant Secretary Reno A. Capinpin, Assistant Secretary for Legal Affairs, a list of lawyers in the Legal Division, the Regional as well as the Division Offices who shall be recommended for deputization by the COMELEC; and

(e) A separate election primer from COMELEC and DECS will be issued. Seminar-workshops shall be conducted to acquaint deputized officials of their duties and responsibilities. All concerned are requested to study the primer, enjoined to attend the seminar and re-echo what they learned therefrom.

2. For purposes of closer coordination and consultation between COMELEC, DECS and field offices on important issues, concerns and problems, a Monitoring Center is hereby established in the DECS Central Office chaired by Asst. Secretary Reno A. Capinpin and co-chaired by the Director, Technical Service, with the Office of Legislative Liaison Officers as the National Secretariat. The Offices of the Technical Service and General Services Division shall form part of this Monitoring Center.

3. To facilitate action and information gathering, the Regional and Division Offices shall likewise put up a similar election monitoring center which shall be in close contact with the National Monitoring Center at DECS Central Office by using the telephone and FAX machines. The Head of the Monitoring Center in the Regional and Division Offices shall be reported to the Office of Assistant Secretary Capinpin not later than April 20, 1998.

4. Everyone is enjoined to participate actively in the success of Project HOPE (Honest, Orderly and Peaceful Election) and avoid engaging in partisan political activities.

5. Wide dissemination of this Order is desired.


EMILIO C. PEFIANCO
Secretary

Info: As stated

Reference: None

Attachment: 1--(D.O. 50-97)

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

ELECTIONS

OFFICIALS

RULES & REGULATIONS

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This MEMORANDUM OF AGREEMENT (MOA) entered into by and between:

The COMMISSION ON ELECTIONS, hereunder referred to as COMELEC, a government entity, with office address at Intramuros, Manila, and represented herein by Chairman BERNARDO P. FARDO,

and

The DEPARTMENT OF EDUCATION, CULTURE AND SPORTS, hereinafter referred to as DECS, also a government entity, with office address at Pasig City, and represented herein by Secretary ERLINDA C. PEÑANCO.

Witnesseth:

WHEREAS, the teachers who served during the past elections complained that there were undue delays in the payment of per diems, transportation, and other compensations due them;

WHEREAS, the teachers also expressed their sentiments about the lack of financial as well as legal assistance and concern whenever a case is filed against them in connection with the performance of their duties as deputized COMELEC officials;

WHEREAS, there is a felt need for the teachers who will be given election duties to be fully aware of their duties and responsibilities as deputized COMELEC officials;

WHEREAS, teacher organizations made representations that their election duties should be limited to the precinct level only, and that they be given an extra copy of the tally sheet/election returns for their protection in the event that something happens to the ballot boxes that will affect the integrity of the elections;

WHEREAS, COMELEC and DECS desire to expedite payment of the per diems and other compensations including transportation allowance of the members

Erinda C. Peñanco

[Signature]

of the Board of Election Inspectors (BEIs) and DECS supervisors and support personnel as mandated by law:

WHEREAS, COMELEC and DECS recognize the imperative need to extend financial as well as legal assistance to teachers and DECS supervisors and other support personnel who are deputized to render poll duties;

WHEREAS, DECS has been deputized by the COMELEC as one of its deputies to assist it in connection with the above payment of the teachers' election compensations;

WHEREAS, DECS has the organization, facilities and expertise in rendering compensations to public school teachers which it regularly undertakes and is therefore in the best position to make expeditious payment of such compensations;

WHEREAS, DECS is willing to handle the payment of the members of the BEIs and DECS supervisors and support personnel;

WHEREAS, COMELEC has the funds for payment of said per diem or compensations;

WHEREAS, DECS has lawyers who could be assigned to extend legal services to teachers, supervisors and support personnel who maybe criminally or administratively charged in connection with the performance of their election duties;

NOW, THEREFORE, in view of the foregoing premises, the parties hereto have agreed as follows:

A. Responsibilities of COMELEC:

1. To remit to DECS the amount necessary to pay the per diem of all the BEI members and DECS supervisors and support personnel. There shall be one supervisor (supervisor, principal or other administrator) and one support personnel (clerk, messenger or utility man) for every ten (10) precincts or clustered precincts in each city/municipality.
2. To provide DECS with the number of BEIs and DECS supervisors and support personnel entitled to per diem in each city/municipality.

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3. To pay the deputized DECS Officials their transportation expenses on the basis of an average or general formula that should be adopted by the COMELEC or in the form of reimbursement whichever is more convenient and facilitative.
4. To pay the deputized DECS Officials compensation or insurance in case of injury or death suffered in the performance of election duties, aside from other compensation under and in the manner allowed by law from COMELEC funds appropriated for this purpose.
5. To allow the teachers who are members of the Board of Election Inspectors in the ARMM only, to retain the 8th copy of the election returns.
6. To deputize/recognize DECS lawyers for purposes of giving legal assistance to teachers, DECS supervisors and support personnel who are facing or who may be facing criminal and administrative cases in connection with the performance of their election duties.
7. To issue primer and conduct seminars and workshops to properly acquaint DECS deputized officials of their duties and responsibilities.
8. To consider the possibility of granting the requests of teachers to limit their election duties up to the precinct level only and to issue the corresponding resolution to this effect.
9. To extend utmost protection to teachers to insure their safety in the performance of their election duties.

B. Responsibilities of the DECS:

1. To immediately effect payment of per diem due the teachers who render election duties out of the funds transferred by the COMELEC and to liquidate the same in accordance with accounting and auditing rules and regulations.
2. To make available the 5 million fund appropriated in the DECS Budget for the payment of other compensation in case of injury, death and their insurance, and other compensations allowed by law to teachers, supervisors and support personnel performing election duties.

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3. To make available the legal services of lawyers in the DECS to teachers who may face criminal and administrative cases in accordance with the deputization/recognition to be issued by the COMELEC.
4. To cooperate in the conduct of seminars and workshops to DECS teachers and officials who will be given election duties.
5. To issue election primer on the duties and responsibilities of teachers assigned to poll duties.

The COMELEC and DECS shall closely coordinate and/or consult with each other for the effective discharge of their respective responsibilities under this Agreement. For this purpose, the DECS will set up a monitoring center in the Central Office.

This Agreement shall take effect upon the signing hereof by both parties.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement this 3rd day of April, 1998, in the City of Manila.

COMMISSION ON ELECTIONS

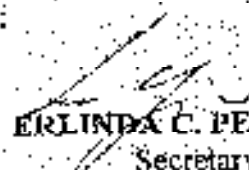
DEPARTMENT OF EDUCATION,
CULTURE & SPORTS

By:



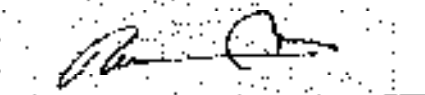
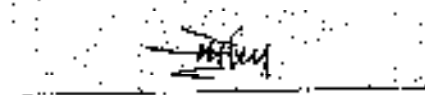
BERNARDO P. PARDO
Chairman
CTC No. 11593000
Issued at Manila
On 27 February 1998

By:



ERLINDA C. PEFIANCO
Secretary
CTC No. 15625579-E
Issued at San Juan, MM
on March 9, 1998

SIGNED IN THE PRESENCE OF:

ACKNOWLEDGMENT

Republic of the Philippines)

City of Manila) S.S.

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BEFORE ME personally appeared Chairman BERNARDO P. PARDO for and in behalf of the Commission on Elections and Secretary ERLINDA C. PEFLANCO for and in behalf of the Department of Education, Culture and Sports with their respective Community Tax Certificates as above indicated, known to me to be the same persons who executed the foregoing Memorandum of Agreement and acknowledged to me that the same is their free and voluntary act and deed.

This Agreement consisting of five (5) pages, including the page on which this acknowledgment is written, is signed by the parties and their witnesses on each page and sealed with my notarial seal.

WITNESS MY HAND AND SEAL this 8th day of April, 1998, in the City of Manila.

Doc. No. _____
Page No. _____
Book No. _____
Series of 1998.

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