

Republic of the Philippines

Department of Education

Region VII, Central Visayas

DIVISION OF CEBU PROVINCE

Sudlon, Lahug, Cebu City

DepEd

February 4, 2013

DIVISION MEMORANDUM

No. 70, s. 2013

**DISSEMINATION OF COMELEC RESOLUTION NO. 9598 DATED DECEMBER 21, 2012
(Deputation of Certain Departments Under the Executive Branch, Government –Owned
and Controlled Corporations and Financial Institutions in Connection
with the May 13, 2013 Automated National and Local Elections)**

TO : OIC, Assistant Superintendents
Education Supervisors/Coordinators
District Supervisors/OICs
Elementary and Secondary School Heads

1. Attached is a copy of DepEd Memorandum No. 15, s. 2013, dated January 22, 2013, disseminating COMELEC Resolution No. 9598 dated December 21, 2012, entitled " Deputation of Certain Departments Under the Executive Branch, Government-Owned and Controlled Corporations and Financial Institutions in Connection with the May 13, 2013 Automated National and Local Elections", for the guidance and information of all concerned.
2. Immediate and wide dissemination of this Memorandum is desired.


ARDEN B. MONISIT, Ed. D.
Schools Division Superintendent

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Republic of the Philippines
Department of Education


22 JAN 2013

DepEd MEMORANDUM
No. **15**, s. 2013

DISSEMINATION OF COMELEC RESOLUTION NO. 9598 DATED DECEMBER 21, 2012
(Deputation of Certain Departments Under the Executive Branch, Government-Owned and Controlled Corporations and Financial Institutions in Connection with the May 13, 2013 Automated National and Local Elections)

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Directors of Services, Centers and Heads of Units
Regional Directors
Schools Division/City Superintendents
Heads, Public and Private Elementary and Secondary Schools
All Others Concerned

1. For the information and guidance of all concerned, enclosed is a copy of Commission on Elections (COMELEC) Resolution No. 9598 dated December 21, 2012 entitled *Deputation of Certain Departments Under the Executive Branch, Government Owned and Controlled Corporations and Financial Institutions in Connection with the May 13, 2013 Automated National and Local Elections*, which is self-explanatory.
2. Immediate dissemination of this Memorandum is desired.


BR. ARMIN A. LUISTRO FSC
Secretary

Encl.:
As stated

Reference:
None

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

ELECTION
LEGISLATION
OFFICIALS

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0029-January 15, 2013-1 16-13



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

COMMISSION ON ELECTION
OFFICE OF THE EXECUTIVE DIRECTOR

RECEIVED
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BY: *Mildred* TIME: *5:30 AM*
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DEPUTATION OF CERTAIN DEPARTMENTS UNDER THE EXECUTIVE BRANCH, GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS AND FINANCIAL INSTITUTIONS IN CONNECTION WITH THE MAY 13, 2013 AUTOMATED NATIONAL AND LOCAL ELECTIONS.

**BRILLIANTES, Sixto, Jr. S.,
SARMIENTO, Rene V.,
TAGLE, Lucenito N.,
VELASCO, Armando C.,
YUSOPH, Elias R.,
LIM, Christian Robert S.,
PADACA, Maria Gracia Cielo M.**

Chairman
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

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PROMULGATED: December 21, 2012

RESOLUTION No. 9598

WHEREAS, pursuant to the Constitution, the Omnibus Election Code, Republic Act No. 9369, and other election laws, the Commission on Elections (Commission) may deputize certain departments under the Executive Branch, Government-Owned-and-Controlled Corporations (GOCCs) and Financial Institutions in connection with the conduct of elections and other electoral exercises.

NOW, THEREFORE, the Commission on Elections has **RESOLVED**, as it hereby **RESOLVES**, to deputize, the following in connection with the conduct of the May 13, 2013 national and local elections:

I. THE DEPARTMENT OF EDUCATION

The Department of Education (DepEd) shall: (a) comply with and enforce all orders and instructions of the Commission relative to the election duties and functions of its personnel; (b) allow the use of public school buildings for election purposes; (c) not to hold, during the election period, conferences, seminars or any school activity, which might interfere, restrict, or prevent the performance of election duties of its personnel, except upon prior written authority of the Commission; and (d) perform such other duties and functions which the Commission may prescribe from time to time.

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II. THE DEPARTMENT OF FINANCE

The Department of Finance (DoF) shall: (a) comply with and enforce all orders and instructions of the Commission relative to the election duties and functions of its personnel; (b) ensure that all provincial, city, and municipal treasurers remain in their present assignments and neither transferred, detailed, reassigned, whether temporarily or permanently, to another province, city or municipality, except upon prior written authority of the Commission, nor 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; (c) not designate temporary or casual employee as Officer-in-Charge of the Office of the Treasurer; and (d) perform such other duties and functions which the Commission may prescribe from time to time

III. THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS

The Department of Transportation and Communications (DOTC) shall:

- 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 provisions under the Omnibus Election Code are election offenses:
 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 five (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 hold 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, or 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 (1) year prior to the date of the election have been granted loans

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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, instrumentalities, 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 of for any partisan political activity; and
 5. Sec. 261 (dd), 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, through the Regional Election Director or Provincial Election Supervisor, for proper action;
 - 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 or 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 of the Region, who in turn shall submit the same to the Law Department, Commission on Elections, Manila, for the purpose of proper accounting and

monitoring of expenses under Sections 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.

IV. THE PHILIPPINE POSTAL CORPORATION, THE NATIONAL TELECOMMUNICATIONS COMMISSION, AND THE TELECOMMUNICATIONS OFFICE

The Philippine Postal Service Corporation, the National Telecommunications Commission, the Telecommunications Office shall 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 deputies during the election period;
- b. Impress upon such personnel and management that non-compliance with the provisions of Sec. 9 of the Omnibus Election Code on preferential transmissions 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 less than one (1) year but not more than six (6) years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage;
- c. Assign sufficient number of personnel to receive, transmit and deliver election messages ten (10) days before election day, on election day, and ten (10) 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.

V. THE DEPARTMENT OF ENERGY AND ELECTRIC COOPERATIVES

The Department of Energy and electric cooperatives in the local government units shall perform the following:

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- a. Provide uninterrupted power supply on the day before and on election day, until the termination or conclusion of the canvassing of the election returns and proclamation of the elected official; and
- b. Perform such other functions that the Commission may prescribe from time to time.

VI. THE PHILIPPINE AIR LINES (PAL)

The Philippine 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;
- b. 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.

VII. THE CIVIL SERVICE COMMISSION

The Civil Service Commission (CSC) shall enforce and implement the provision of the Constitution of the Philippines particularly paragraph 4, Section 2 (B), and Section 6 of 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.”

“(6) No candidate who has lost in any election shall, within one (1) year after such election, be appointed to any office in the government or any government-owned or controlled-corporations or in any of its subsidiaries.”

and the provisions of the Omnibus Election Code, particularly Section 261:

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

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g.) Appointment of new employees, creation of new position, promotion, or giving salary increases. - Appointment or new employees, creation of new position, promotion, or giving salary increases. During the forty five days before a regular election; and thirty days before a special election; (1) any head, official 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 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: Provided, however, that notice of the appointment shall be given to the Commission after 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 employee, including those in government-owned or controlled corporation.

h.) 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.

i.) Intervention of public officers and employees. - Any officer or employee in the civil service, except those holding 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 to preserve public order, if he is a peace officer.”

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and other related provisions of law on the matter.

VIII. THE COMMISSION ON AUDIT AND THE DEPARTMENT OF THE BUDGET AND MANAGEMENT

The Commission on Audit shall enforce and implement the provisions of Section 261 (v) of the Omnibus Election Code, which prohibits the release, disbursement or expenditure of public funds during the period of forty-five days

before a regular election and thirty days before a special election; and Section 261 (w) of the same Code which prohibits construction of public works, delivery of construction materials for public works and issuance of treasury warrants and similar devices during the period of forty-five days before a regular election and thirty days before a special election.

IX. DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS AND THE METRO MANILA DEVELOPMENT AUTHORITY

The Department of Public works and Highways (DPWH) and the Metro Manila Development Authority (MMDA) shall assist the Commission in removing and tearing down all unlawful election materials, and perform such other duties and functions as the Commission may prescribe from time to time.

The DPWH as well as the MMDA shall provide facilities and/or equipment necessary in the tearing down of illegal propaganda materials, and perform such other duties and functions as the Commission may prescribe from time to time.

X. THE PHILIPPINE INFORMATION AGENCY

The Philippine Information Agency (PIA) 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 its facilities and services of 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 13, 2013; 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

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- 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.

XI. GOVERNMENT FINANCIAL INSTITUTIONS, OTHER GOVERNMENT AGENCIES, AND OTHER GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS

The Bangko Sentral ng Pilipinas (BSP), the Land Bank of the Philippines (LBP), the Development Bank of the Philippines (DBP), the Government Service Insurance System (GSIS), the Social Security System (SSS), the Philippine National Oil Company (PNOC), the Department of Agriculture (DA), the Department of Agrarian Reform (DAR), the Department of Environment and Natural Resources (DENR), the National Irrigation Administration (NIA), the National Food Authority (NFA), the National Electrification Administration (NEA), the National Printing Office (NPO), and the Philippine Ports Authority (PPA) shall place at the disposal of the Commission their land, air and water craft, such as airplanes and helicopters, trucks, jeeps, vans, cars and the like, ships, launches, barges, and speedboats, and communication facilities, as the Commission may need from time to time. Said vehicles shall be used to ferry the personnel of the Commission and of its deputized agencies in the performance of their election duties, and to transport election forms, supplies and materials to their places of destination, particularly in areas with inadequate or without regular means of transportation.

For the above purposes, they shall provide the Commission with a list of available vehicles, together with the pilots/ captains, shipmasters, or drivers assigned to said crafts or vehicles. These crafts or vehicles shall be at the disposal of the Commission immediately and until the end of the election period.

EFFECTIVITY

This Resolution shall take effect on the seventh (7th) days after its publication in two (2) daily newspapers of general circulation in the Philippines.

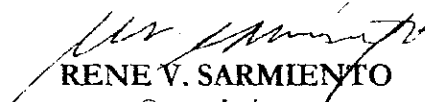
DISSEMINATION AND PUBLICATION

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

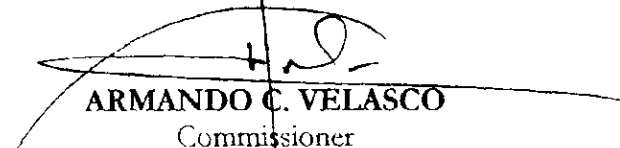
The Education and Information Department shall cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines and, disseminate this Resolution for the information of the public.

SO ORDERED.


SIXTO S. BRILLIANTE, JR.
Chairman


RENE V. SARMIENTO
Commissioner


LUCENITO N. TAGLE
Commissioner


ARMANDO C. VELASCO
Commissioner


ELIAS R. FUSOPH
Commissioner


CHRISTIAN ROBERT S. LIM
Commissioner


MARIA GRACIA CIELO M. PADACA
Commissioner