



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
CENTRAL OFFICE
Bonifacio Drive, Port Area, Manila

097.7 DPWH

02.28.2022

January 28, 2022

DEPARTMENT MEMORANDUM)
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)
CIRCULAR NO. 17)
Series of 2022)
2/28/2022

FOR / TO : Undersecretaries
Assistant Secretaries
Bureau Directors
Service Directors
Regional Directors
Heads of UPMOs
District Engineers
This Department

For information and guidance, attached is a copy of COMELEC Resolution No. 10742 dated December 16, 2021, entitled **"IN THE MATTER OF THE ENFORCEMENT OF THE PROHIBITION AGAINST APPOINTMENT OR HIRING OF NEW EMPLOYEES; CREATION OR FILLING UP OF NEW POSITIONS; GIVING SALARY INCREASES; TRANSFER OR DETAIL OF CIVIL SERVICE EMPLOYEES; SUSPENSION OF ELECTIVE LOCAL OFFICIALS; AND FILING OF LEAVE OF ABSENCES OF LOCAL TREASURERS IN CONNECTION WITH THE MAY 09, 2022 NATIONAL AND LOCAL ELECTIONS."**

A copy of the said Resolution may also be downloaded from the DPWH website: <http://dpwhweb>. If an office cannot access the DPWH website, a hard copy may be obtained from the Records Management Division, HRAS, upon request.

For dissemination to all concerned.

MARICHU A. PALAFOX, CESO II
Assistant Secretary for Support Services

Encl: COMELEC Resolution No. 10742 dated December 16, 2021

cc: Office of the Secretary

10.1.4 JVL/CDP/VGV/MSV



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila
EDUCATION AND INFORMATION DEPARTMENT

23 January 2022

SECRETARY ROGER G. MERCADO

Department of Public Works and Highways (DPWH)
Room 201 DPWH Building, Bonifacio Drive, Port Area
Manila

Dear Sir:

Greetings!

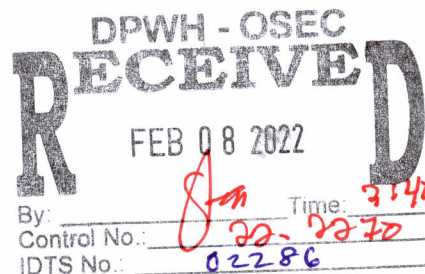
This is to respectfully furnish your good office with the following COMELEC Resolutions in connection with the May 9, 2022 National and Local Elections:

- 1) Resolution No. 10742 – IN THE MATTER OF THE ENFORCEMENT OF THE PROHIBITION AGAINST APPOINTMENT OR HIRING OF NEW EMPLOYEES; CREATION OR FILLING UP OF NEW POSITIONS; GIVING SALARY INCREASES; TRANSFER OR DETAIL OF CIVIL SERVICE EMPLOYEES; SUSPENSION OF ELECTIVE LOCAL OFFICIALS; AND FILING OF LEAVE OF ABSENCES OF LOCAL TREASURERS IN CONNECTION WITH THE MAY 9, 2022 NATIONAL AND LOCAL ELECTIONS;
- 2) Resolution No. 10747 – RULES AND REGULATIONS ON PROHIBITION AGAINST RELEASE, DISBURSEMENT, OR EXPENDITURES OF PUBLIC FUNDS AND CONSTRUCTION OF PUBLIC WORKS, DELIVERY OF MATERIALS FOR PUBLIC WORKS, AND ISSUANCE OF TREASURY WARRANTS AND SIMILAR DEVICES (SECTION 261 (V), (W) OF THE OMNIBUS ELECTION CODE IN CONNECTION WITH THE MAY 9, 2022 SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS.

For your information.

Very truly yours,


JAMES B. JIMENEZ
Director-IV





Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

RULES AND REGULATIONS ON PROHIBITION AGAINST RELEASE, DISBURSEMENT, OR EXPENDITURES OF PUBLIC FUNDS AND CONSTRUCTION OF PUBLIC WORKS, DELIVERY OF MATERIALS FOR PUBLIC WORKS, AND ISSUANCE OF TREASURY WARRANTS AND SIMILAR DEVICES (SECTION 261 (V), (W) OF THE OMNIBUS ELECTION CODE) IN CONNECTION WITH THE MAY 9, 2022 SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS

Abas, S.M.,	Chairman
Guanzon, M.R.A.V.,	Commissioner
Inting, S.B.,	Commissioner
Casquejo, M.S.,	Commissioner
Kho, Jr., A.T.,	Commissioner
Ferolino, A.P.,	Commissioner

promulgated: December 16, 2021

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RESOLUTION NO. 10747

The Commission on Elections (*hereinafter referred to as Commission for brevity*), pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, and other election laws, has **RESOLVED**, as it hereby **RESOLVES** to promulgate, the following rules and regulations to enforce the prohibitions provided under Section 261, subsections (v) and (w) of the Omnibus Election Code.

SECTION 1. Public works defined- Whenever used in this Resolution, “**public works**” refer to “**infrastructure projects**” built by the Government for public use and paid for by public fund. It encompasses fixed works constructed for public use or enjoyment financed and owned by the government.¹

These include the construction, improvement, rehabilitation, demolition, repair, restoration, or maintenance of roads and

¹ Guzman vs. COMELEC, G.R. No. 182380, 28 August 2009.

bridges, railways, airports, seaports, communication facilities, civil works components of information technology projects, irrigation, flood control and drainage, water supply, sanitation, sewerage and solid waste management systems, shore protection, energy/ power and electrification facilities, national buildings, school buildings, hospitals buildings, and other related construction projects of the government.²

SECTION 2. *Prohibition on Release, Disbursement or Expenditure of Public Funds.* – Effective March 25, 2022 until May 08, 2022, no public official or employee, including barangay officials, and those of government-owned or controlled corporations and their subsidiaries, shall release, disburse, or expend any public funds for:

- 1) Any and all kinds of public works, except the following:
 - a) Maintenance of existing and/or completed public works project: Provided, that not more than the average number of laborers or employees already employed therein during the six-month period immediately prior to March 25, 2022, shall be permitted to work during such time: Provided, further, that no additional laborers shall be employed for maintenance work starting March 25, 2022 until May 08, 2022;
 - b) Work undertaken by contract through public bidding held, or by negotiated contract awarded, before March 25, 2022: Provided, that for the purpose of this Section work under the so-called “takay” or “pakyaw” system shall not be considered as work by contract;
 - c) Payment for the usual cost of preparation for working drawings, specifications, bills of materials, estimates, and other procedures preparatory to actual construction including the purchase of materials and equipment, and all incidental expenses for wages of watchmen and other laborers employed for such work in the central office and field storehouses before March 25, 2022: Provided, that the number of such laborers shall not be increased over the number hired when the project or projects were commenced; and

² Section 5 (k) of Republic Act No. 9184 (*Government Procurement Reform Act*)

- d) Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility.

No payment shall be made within five (5) days before the date of election to laborers who have rendered services in projects or works except those falling under subparagraphs (a), (b), (c), and (d), of this Section.

The prohibition shall not apply to on-going public works projects commenced before the campaign period or similar projects under foreign agreements. For purposes of this provision, it shall be the duty of the government officials or agencies concerned to report to the Commission the list of all such projects being undertaken by them as provided for under Sec. 3 of this Resolution.

- 2) The Department of Social Welfare and Development (DSWD) and any other office, agency, or bureau in other departments of the government performing functions similar to said department, except for salaries of personnel, and for such other routine and normal expenses, and for such other expenses as the Commission may authorize after due notice and hearing. Should a calamity or disaster occur, all releases normally or usually coursed through the said departments and offices of other departments shall be turned over to, and administered and disbursed by, the Philippine National Red Cross, subject to the supervision of the Commission on Audit (COA) or its representatives, and no candidate or his or her spouse or member of his family within the second civil degree of affinity or consanguinity shall participate, directly or indirectly, in the distribution of any relief or other goods to the victims of the calamity or disaster; and
- 3) The Department of Human Settlement and Urban Development (DHSUD) and any other office, agency, or bureau in any department of the government performing functions similar to said department, except for salaries of personnel and for such other necessary administrative or other expenses as the Commission may authorize after due notice and hearing.

SECTION 3. *Prohibition Against Construction of Public Works, Delivery of Materials for Public Works and Issuance of Treasury Warrants and Similar Devices.* – Effective March 25, 2022 until May 08, 2022, no person shall:

- 1) Undertake the construction of any public works, except for projects or works exempted in the preceding Section;
or
- 2) Issue, use or avail of treasury warrants or any device undertaking future delivery of money, goods, or other things of value chargeable against public funds.

SECTION 4. *Submission to the Commission of lists of authorized public works projects.* - The Department Secretary, Head of National Agency (including government owned and controlled corporations, government financing institutions and state universities and colleges) concerned, and Chief Executive in relation to national or local public works as the case may be, shall submit to the Commission, thru the Campaign Finance Office (*hereinafter referred to as CFO*), a certified list of the following:

- a) All on-going public works projects commenced before March 25, 2022;
- b) All on-going public works projects under foreign agreements commenced before March 25, 2022;
- c) All public works undertaken by contract through public bidding held, or by negotiated contract awarded, before March 25, 2022.

Provided that for local public works, the concerned local chief executive shall, in addition to its submission to CFO, furnish the nearest COMELEC Field Office a hard copy of all the certified true copy of its request and attachments.

Any public works not included in the above list and which are not among the exceptions under Sec. 261, subsection (v) of the Omnibus Election Code (OEC) shall be considered as falling under the public works ban.

SECTION 5. *Immediate payment of laborers required.* - Any laborer who may have worked on public works projects which have to be suspended pursuant to the forty-five (45) day ban on public works shall be paid immediately his complete earned wage upon the suspension of the public works projects. In no case shall the earned wage or any portion thereof be retained to be paid only within five (5) days before or on the day of the election. Likewise, any laborer who may worked in public works projects authorized under any of subparagraphs (a) to (d) of Sec.2 hereof, shall be paid his complete earned wage every regular pay and in no case shall said wage or any part thereof be retained or its payment deferred.

SECTION 6. *Documentary requirements for issuance of Certificate of Exception.* - For exceptions described in the

preceding sections, the following documentary requirements shall be submitted by the requesting party:

1. Maintenance of existing and/or completed public works project;

- (a) Certified true copy of the letter of acceptance of the public works project; or
- (b) Certified true copy of the contract covering the maintenance work being done on the existing/completed public works project; or
- (c) A notarized or sworn undertaking or commitment not to allow, hire or employ more than or additional number of employees/laborers to work during March 25, 2022 to May 08, 2022;

In the case of maintenance of completed public works, the requesting party must, in addition to any of the abovementioned, submit a certified true copy of the certificate of completion of the public works project.

2. Public works projects undertaken by contract through public bidding or by negotiated contract awarded;

- (a) Certified true copy of the Notice of Award (NOA) of contract; or
- (b) Certified true copy of the Notice to Proceed (NTP) with the public works project; or
- (c) Certified true copy of the duly executed contract agreement.

3. Payment for the usual cost of preparation of public works project for working drawings, specifications, bills of materials, and estimates, purchase of materials and equipment, and other procedures preparatory to actual construction, and all incidental expenses for wages of watchmen and other laborers employed for such work in the central office and field storehouses;

- a. The statement of account, billing or collection invoice showing the amount and date due evidencing the payment required to be released during the period covering the ban; and
- b. A sworn or notarized undertaking or commitment not to hire or employ more laborers than the number of laborers at commencement date of the

project/s. A template of said undertaking is hereto attached as Annex "A".

4. Emergency work necessitated by the occurrence of a public calamity limited to the restoration of the damaged facility;
 - (a) A certified true copy of the Executive Order or the Local Sanggunian Resolution declaring a state of calamity in the disaster-stricken area; and
 - (b) Documentation showing the scope of the emergency work needed, which must be limited to the restoration of the damaged facility (including but not limited to a copy of the Local Disaster Risk Reduction and Management Plan (LDRRMP), Local Sanggunian Resolution and approved local budget).
5. Ongoing public works projects commenced before the campaign period under foreign agreements.
 - (a) Certified true copy of the foreign agreement/contract; and
 - (b) List of works covered by the foreign agreement/contract.
6. Ongoing public works projects and other similar projects commenced before the campaign period undertaken or carried out by its own personnel of the concerned agency³
 - (a) Documents showing that the project was being undertaken using its own personnel (e.g. program of work, purchase order for materials, pakyaw agreement); and
 - (b) Documentation or proof, such as but not limited to photographs, plans, progress billing, among others, showing that the infrastructure project already commenced before the campaign period.

In the event that any of the abovementioned requirements for each public works project cannot be submitted, the party seeking to request for a Certificate of Exception shall, in lieu of the said documentary requirements submit a Certification under oath, signed by the head of department or agency or local chief executive, stating that the said project/s fall among those excepted mentioned above and the fact of and reason for non-submission of the

³ Where the implementation of an infrastructure project is carried out under the administration and supervision of the concerned agency through its own personnel (*Section 2.1, Appendix 1, Revised IRR of RA 9184*).

abovementioned requirements. A template Certification is hereto attached as Annex "B".

SECTION 7. *Modes of Filing of Request for a Certificate of Exception.* – All requests for the issuance of Certificate of Exception shall be submitted to the CFO by electronic means, personal submission, or through courier accompanied by the documentary requirements enumerated in the immediately preceding section and proof of payment.

SECTION 8. *Procedure for Filing Requests-* The following procedure shall govern the filing and the processing of requests:

(a) *Electronic filing.*

1. The requesting party shall go to and access the official website of the Commission on Elections at www.comelec.gov.ph and click the Public Works Ban link to proceed to the *Public Works Ban* page.
2. At the *Public Works Ban* page, the requesting party will find a step-by-step application process for each mode of filing. Click on the tab *Electronic Filing*, which proceeds to the following links: (a) The *Attachments to Request Forms*, which contains all the required attachments to the request in downloadable .pdf and .xls formats; and (b) The *Microsoft (MS) Forms* link to an online form that will serve as the first step for the submission of the request for Certificate of Exception.
3. The requesting party shall click the *Attachments to Request* link then download the required attachments.
4. For those paying through cash or postal money order, download and print the *Order of Payment* and follow the procedure in Section 10 hereof.
5. Download the *Project Compliance Checklist Forms* and completely fill up each project category worksheet to correspond to the projects being requested to be exempted from the application of the ban on public works. Save the file into .xls or .xlsx file format. Refer to Section 6 for guidance on project categories. The *Notice and Consent Form* shall

be duly accomplished, signed, notarized and thereafter digitally scanned and/or converted into .pdf file format. The request letter/cover letter, supporting documentary requirements and the proof of payment of filing fee provided for under Sections 6 and 9 hereof shall be scanned and/or converted into .pdf file format.

6. All the files mentioned above shall be compressed into a password-protected .zip or .rar format.
7. Using an online file storage and synchronization service application or any cloud-based storage solution, the requesting party shall upload the file and grant access (read and download access) to publicworks@comelec.gov.ph the compressed or zip file containing all the documents mentioned above and generate an online link thereof.
8. Enter bit.ly/publicworks2022 into any browser to proceed to the MS Forms page.
9. Requesting party must then accomplish online the MS Forms, completely providing and filling-out correctly all the required data/information, uploading the specified documents, checking all the appropriate tick boxes, and ensuring to have provided the following:
 - (i) correct link to the online media storage application where the compressed/zip file containing the duly accomplished *Project Compliance Checklist Form*, and the scanned copies of the *Request Letter/Cover Letter*, *Notice and Consent Form* and supporting documentary requirements are uploaded and made accessible to the CFO;
 - (ii) a valid and active electronic mail (email) address of the requesting party; and
 - (iii) correct password to access the compressed/zip file containing all abovementioned documentary requirements.

Any error of fault in the processes, notifications, certificates, correspondences and communications attributable to incomplete, incorrect, misspelled data or information, including inaccessible, corrupted and non-working links or files provided shall be on the requesting party's account.

10. After reviewing that all the information entered are true and correct, requesting party must signify consent to the collection and processing of the required personal data/information and then click *Submit* which will direct to an *Acknowledgement* page.
11. Upon verification of the completeness and accessibility of the documentary requirements submitted, the requesting party will receive an email from the CFO of their Request Number and the turn-around time for the issuance of the Certificate of Exception.

(b) Personal submission or through courier

1. Requesting party intending to submit their Request for a Certificate of Exception personally or through a courier shall go to and access the official website of the Commission on Elections at www.comelec.gov.ph and click the Public Works - Certificate of Exception link to proceed to the Public Works - Certificate of Exception page.
2. At the *Public Works - Certificate of Exception* page, the requesting party will find a step-by-step application process for each mode of filing. Click on the tab *Personal Submission/Submission through courier*, which proceeds to the following links: (a) The *Attachments to Request*, which contains all the required attachments to the request in downloadable .pdf and .xls formats; and (b) The *Microsoft (MS) Forms* link to an online form that will serve as the first step for the submission of the request for Certificate of Exception.

3. The requesting party shall click the *Attachments to Request* link then download the required attachments.
4. For those paying through cash or postal money order, download and print the *Order of Payment* and follow the procedure in Section 10 hereof.
5. Download the *Project Compliance Checklist Forms* and completely fill up each project category worksheet to correspond to the projects being requested to be exempted from the application of the ban on public works. Save the file into .xls or .xlsx file format. Refer to Section 6 for guidance on project categories. The *Notice and Consent Form* shall be duly accomplished, signed, notarized and thereafter digitally scanned and/or converted into .pdf file format. The request letter/cover letter, supporting documentary requirements and the proof of payment of filing fee provided for under Sections 6 and 9 hereof shall be scanned and/or converted into .pdf file format and saved into a portable storage device.
6. On the COMELEC website, click on the *MS Forms* link or enter bit.ly/publicworks2022 in any browser to proceed to the MS Forms page.
7. Requesting party must then accomplish online the MS Forms, completely providing and filling-out correctly all the required data/information, uploading the specified documents, checking all the appropriate tick boxes, and ensuring to have provided a valid and active electronic mail (email) address.

Any error of fault in the processes, notifications, certificates, correspondences and communications attributable to incomplete, incorrect, misspelled data or information, including inaccessible, unreadable and corrupted files provided shall be on the requesting party's account.

8. After reviewing that all the information entered are true and correct, requesting party must signify consent to the collection and

processing of the required personal data/information by checking the Consent tick box and click *Submit*, which will direct to an *Acknowledgement* page. Print this Acknowledgment page.

9. On the date of submission indicated in the *MS Forms*, requesting party must personally submit or send through registered mail or courier the printed copy of the MS Forms Acknowledgment page, the hard copy of the request letter/cover letter and proof of payment and the portable storage media device containing all the soft copies and scanned copies of the above-mentioned documents.
10. Upon verification of the completeness and accessibility of the documentary requirements submitted, the requesting party will receive an email from the CFO of their Request Number and the turn-around time for the issuance of the Certificate of Exception.

Only those projects excepted by law and with complete submission of documentary requirements in accordance with these rules shall be issued with a Certificate of Exception.

SECTION 9. *Payment of Fees.* - Requesting party shall pay a non-refundable fee of **Five Hundred (P500.00) Pesos**. It shall be paid directly to CFO or to the appropriate COMELEC Field Office. It can also be paid either in cash, postal money order, or check.

For payments made at the field office, the Provincial Election Supervisor or Election Officer, as the case maybe, shall issue the appropriate official receipt as proof of payment in accordance with the succeeding section.

Section 10. *Procedure for Payment.* - Before submitting a request for Certificate of Exception, the requesting party shall download, accomplish and print the Order of Payment. Thereafter, bring the duly accomplished Order of Payment and proceed to CFO or to the nearest Comelec field office for payment.

The requesting party may also choose to pay through the following means:

- a. Cash

Cash payments must be made in person by the requesting party or their duly authorized representative at

the Cash Division of the Commission on Elections - Intramuros or at the nearest COMELEC field office.

b. Postal Money Order

- 1) The postal money order must contain the following details:

Pay to: COMMISSION ON ELECTIONS
Address: Intramuros, Manila
From: Name of Requesting Party

- 2) It must have the name and signature of the local postmaster or any personnel of the local PhilPost office duly authorized to issue and sign postal money orders.
- 3) It must contain the stamp or seal of the local PhilPost Office reflecting the date of purchase of the postal money order.
- 4) The amount of the postal money order must be exact or the same as the amount provided in the Order of Payment, excluding service fees and charges, which shall be shouldered by the requesting party. No change shall be given in case the amount provided in the postal money order is greater than the amount provided in the Order of Payment.
- 5) Postal money orders that do not conform to the aforementioned guidelines **SHALL NOT BE ACCEPTED** and will be returned to the sender.

c. Manager's or Cashier's Check

- 1) Manager's or Cashier's Check can be purchased by any person from any bank duly accredited by the Bangko Sentral ng Pilipinas (BSP), subject to the said bank's internal policies on the issuance of manager's or cashier's checks.
- 2) Manager's or Cashier's Check must be made payable to the "COMMISSION ON ELECTIONS".
- 3) The amount provided in the manager's or cashier's check must be exact or the same as the amount provided in the Order of Payment, excluding service fees and charges. No change shall be given in case the amount provided in the manager's or cashier's check is greater than the amount provided in the Order of Payment.

- 4) Personal checks, or checks drawn against the funds of a person with a current or checking account, **SHALL NOT BE ACCEPTED** and will be returned to the sender.

Official receipt issued by the Cash Division, COMELEC or any of its appropriate field office shall be attached as proof of cash payment. For those paying through postal money order or check, the postal money order check or manager's or cashier's check shall be submitted. Requests submitted without attached proof of payment of required filing fee shall not be acted upon by the CFO.

SECTION 11. *Use of prescribed forms.* - Requesting party shall ensure that forms to be submitted are readable and with the proper file formats. Electronic copies of the prescribed forms shall be made available through the COMELEC Website in Excel and PDF file formats.

The Program Compliance Checklist Form shall be submitted in either .xls or .xlsx file format. For all other forms and attachments, only PDF (.pdf) file formats will be accepted.

SECTION 12. *Effects of non-compliance of rules; incomplete or incorrect documents submitted.* - Non-compliance with any of the requirements in this Resolution, or that the document submitted is incomplete or incorrect shall either cause for denial of request or exclusion of any specific project affected by incompleteness or incorrectness thereof.

SECTION 13. *Projects, activities, and programs pertaining to social welfare projects and services (non-infrastructure projects).* - For social welfare projects and services, a petition for issuance of Certificate of Exception shall be filed before the Clerk of the Commission for due notice and hearing.

SECTION 14. *Projects and programs entailing the use of other state/public funds not covered under Section 261 (v) of the OEC.* - The release, disbursement or expenditures of other state funds are allowed subject to the following conditions:

- a) The projects/programs/activities ("PPAs") sought to be implemented during the prohibited period of March 25, 2022 to May 08, 2022 were established before the said period and duly reported to the Commission on Audit pursuant to Item 2.1 of its Circular No. 2013-004 dated 30 January 2013;⁴

⁴Commission on Audit Circular No. 2013-004 dated 30 January 2013 re "Information and Publicity on Programs/Projects/Activities of Government Agencies".

- b) The public awareness and information dissemination activities pertaining to these PPAs must conform to the guidelines provided under the said COA Circular.
- c) In no instance shall the implementation of PPAs be used as an opportunity by any candidate, his or her spouse, family member within the second civil degree of affinity or consanguinity, political parties, party-list organizations and their nominees to further their candidacy through their personal appearance in such events, the posting, exhibition or distribution of any form of election propaganda, or any material containing their names, logos, initials, mottos, slogans, images, and other forms of representation attributable to them.
- d) Support for or endorsement of candidates, party-list organizations and political parties shall not be made as a condition for the entitlement of the benefits from the PPAs.
- e) Candidates, party-list nominees, their spouses, and members of their family within the second civil degree of affinity or consanguinity are strictly prohibited from participating, directly or indirectly, in the distribution of cash, goods or merchandise for scholarships, assistance for burial, healthcare, calamity and other similar programs. A violation of this condition shall subject the candidates or their representatives to liability under Section 261 (o) of the OEC.

SECTION 15. *Public-Private Partnership and Build-Operate-Transfer Projects.* - Public works contracted under the Public-Private Partnership (PPP) and Build-Operate-Transfer (BOT) are not covered by the ban on public works.

SECTION 16. *Irrigation Projects.* - The repair, maintenance and rehabilitation of irrigation facilities as well as BOT irrigation projects shall be exempted from the scope of the ban on public works.⁵

SECTION 17. *Maintenance and other operating expenses, defined.* - Maintenance and Other Operating Expenses (MOOE)

⁵ Sec. 37 of Republic Act No. 8435, entitled "An Act Prescribing Urgent Related Measures to Modernize the Agriculture and Fisheries Sectors of the Country in order to Enhance their Profitability, and prepare said Sectors for the Challenges of Globalization through an Adequate, Focused and Rational Delivery of Necessary Support Services, Appropriating Funds therefor and for other Purposes"

refer to an expenditure category/expense class for support to the operations of government agencies such as expenses for supplies and materials; transportation and travel; utilities (water, power, etc.) and the repairs, among others.⁶

MOOE are considered normal and routine expenses incurred through its day-to-day operations and are not covered by the prohibition against release, disbursement or expenditure of public funds.

SECTION 18. *Payment of Salaries of government personnel-* Payments for salaries of personnel in the government service is excepted from the prohibition of Section 261 (v) (w) of the OEC.

SECTION 19. *The Commission is not estopped from implementing Section 261 (o) of the OEC.* – In cases where the prohibited acts as described in Section 261 (o) of the OEC occur, the Certificate of Exception issued by the CFO shall not bar the Commission or other prosecuting arms of the Government to conduct preliminary investigation of election offenses punishable under the OEC, pursuant to its prosecutorial powers under Section 254 thereof, as amended by Section 43 of Republic Act No. 9369.

SECTION 20. *Injunction.* – The Department of Budget and Management and the Commission on Audit, including all its field offices, are hereby enjoined not to release or authorize the release of any appropriation, or to pass in audit payments or expenditures of public funds that may directly or indirectly be used in violation of the prohibitions contained in Sec. 261, sub-sections (v) and (w) of the OEC or Sections 2 and 3 hereof.

All field offices of the Commission, including those of its deputized agencies and citizens arms, are directed to monitor compliance in their respective jurisdictions and submit immediately to the Commission a written report on any violation of said provisions of the Omnibus Election Code.

SECTION 21. *Penalty.* – Any violation of the provisions of this Resolution shall, consistent with Sections 261 and 264 of the OEC, constitute an election offense and shall be punishable by imprisonment of not less than one (1) year but not more than six (6) years, among other penalties provided for by law.

SECTION 22. *Effectivity.* – This Resolution shall take effect on the seventh day after its publication in two (2) daily newspapers of general circulation.

⁶ Glossary of Terms, Department of Management and Budget

SECTION 23. Dissemination. – The Education and Information Department shall cause the publication of this resolution in two (2) daily newspapers of general circulation, immediately after promulgation hereof, and shall furnish copies hereof to the Executive Secretary, the Chairman of the Commission on Audit, heads of all departments, and national offices, provincial governors, city/municipal mayors, punong barangays, and other agencies of the government, including government – owned or controlled corporations, all registered political parties, and all field offices of the Commission.

SO ORDERED.

SHERIFF M. ABAS
Chairman

MA. ROWENA AMELIA V. GUANZON
Commissioner

SOCORRO B. INTING
Commissioner

MARLON S. CASQUEJO
Commissioner

ANTONIO T. KHO, JR.
Commissioner

AIMEE P. FEROLINO
Commissioner

CERTIFICATION

APPROVED by the Commission *En Banc* during its special online meeting on 16 December 2021 pursuant to COMELEC Resolution No. 10671 entitled: "Supplemental Resolution to COMELEC Resolution No. 9366 Promulgated March 25, 2015, entitled, 'Rule on the Enactment and Promulgation of Executive or Administrative Resolutions' Providing for Other Format of Meetings to Include Online Meetings Applicable in Times of the COVID-19 Pandemic and the Imposition of Community Quarantines and Similar Emergency".


ATTY. CONSUELO B. DIOLA
Acting COMELEC Secretary



Campaign Finance Office

NOTICE AND CONSENT FORM

By filling up this form, and submitting and providing personal data and other required documents, I attest that I am the head of the national government agency, GOCC, government financing institution, state university or college, or local government unit stated below.

I authorize the Campaign Finance Office (CFO) and its employee analysts to evaluate and process this request for the issuance of Certificate of Exception from the Ban on Public Works.

I acknowledge that the evaluation and processing for the issuance of appropriate Certificate of Exception will be based on the implementing resolution of the Commission on Elections governing the ban on public works and release, disbursement and expenditures of public funds, construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices in connection with the May 9, 2022 National and Local Elections, the contents of which I fully understand.

I give my consent to the CFO to collect, store, and process any personal

data that I will be submitting herewith in relation to the request of my agency, department, bureau, office, corporation, university, college or government unit, and to keep and secure the same in accordance with the implementing resolution and Data Privacy Management Program of the Commission on Elections, and other existing laws and rules on the matter.

I understand that my consent does not preclude the existence of other criteria for lawful processing of personal data, and does not waive any of my rights under the Data Privacy Act of 2012 and other applicable laws.

IN WITNESS WHEREOF, I have hereunto affixed my signature and seal of my office on this ____ day of _____ 2022, in the _____, Philippines.

(Signature above printed name)

(Designation - Name of Agency)

SUBSCRIBED AND SWORN to before me this ____ day of _____ 2022 at _____, Philippines.

DOC NO. ____
PAGE NO. ____
BOOK NO. ____
SERIES OF 2022.

By the Authority vested in me by the (Name of NGA,GOCC,LGU,GFI,SUC) as (Designation/Position) , I hereby commit to ensure implementation of (Name of Public Works Project) as the following:

- That I execute this sworn statement to establish the truth of the foregoing in relation to our request for issuance of Certificate of Exception from public works ban in connection with the May 9, 2022 National and Local Elections.

IN WITNESS WHEREOF, I have hereunto affixed my signature and seal of my office on this ____day of _____, 20__ in the City/Municipality of _____, Philippines.

(Name of Agency, Department, Bureau, GOCC, GFI, SUC or LGU)

SUBSCRIBED AND SWORN TO BEFORE me this ____ day of _____, 20____,
in the City/Municipality of _____, Republic of the Philippines,
affiant personally appeared before me _____ with Identification No.
_____ issued by _____ on _____ in _____.

Series of 20____

CERTIFICATION

I, _____ of legal age, Filipino, and with office address _____ located _____ at _____

after having been duly sworn to in accordance with law, do hereby undertake that:

- 1. I am presently the _____ of the _____;
(Position) (Agency/Department/Bureau/GOCC/SUC/GFI/LGU)
- 2. That the _____ is requesting for *Certificate of*
(Agency/Department/Bureau/GOCC/SUC/GFI/LGU)
Exception under COMELEC Resolution No. _____, for its public works project/s
(Please use Annex B-1 for details);
- 3. In addition, the requirements for the issuance of the Certificate of Exception for the above-mentioned public works project/s, as set forth by COMELEC Resolution No. _____, cannot be submitted and/or complied with (Please see Annex B-2 for reason/s for non-submission);
- 4. The statements stated herein are all willingly, freely and voluntarily executed, according to the best of my knowledge and/or based on existing records, to attest to the truth of the foregoing facts for whatever purpose it may serve.

IN WITNESS WHEREOF, I have hereunto affixed my signature and seal of my office on this _____ day of _____, 20____, in the City/Municipality of _____, Philippines.

(Name and Signature)

Republic of the Philippines)
City/Municipality of _____)S.S.

SUBCRIBED AND SWORN TO BEFORE me this _____ day of _____, 20____, in the City/Municipality of _____, Republic of the Philippines, affiant personally appeared before me _____ with Identification No. _____ issued by _____ on _____ in _____.

Notary Public/ Administering Officer

Document No.: _____
Page No.: _____
Book No.: _____
Series of 2022

List of Public Works Project/s

No.	Project Title	Description

Non-Submission of Requirements

<i>Project Title</i>	<i>Lacking Requirement</i>	<i>Reason for Non-submission</i>



Campaign Finance Office

NOTICE AND CONSENT FORM

By filling up this form, and submitting and providing personal data and other required documents, I attest that I am the head of the national government agency, GOCC, government financing institution, state university or college, or local government unit stated below.

I authorize the Campaign Finance Office (CFO) and its employee analysts to evaluate and process this request for the issuance of Certificate of Exception from the Ban on Public Works.

I acknowledge that the evaluation and processing for the issuance of appropriate Certificate of Exception will be based on the implementing resolution of the Commission on Elections governing the ban on public works and release, disbursement and expenditures of public funds, construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices in connection with the May 9, 2022 National and Local Elections, the contents of which I fully understand.

I give my consent to the CFO to collect, store, and process any personal

data that I will be submitting herewith in relation to the request of my agency, department, bureau, office, corporation, university, college or government unit, and to keep and secure the same in accordance with the implementing resolution and Data Privacy Management Program of the Commission on Elections, and other existing laws and rules on the matter.

I understand that my consent does not preclude the existence of other criteria for lawful processing of personal data, and does not waive any of my rights under the Data Privacy Act of 2012 and other applicable laws.

IN WITNESS WHEREOF, I have hereunto affixed my signature and seal of my office on this ____ day of _____ 2022, in the _____, Philippines.

(Signature above printed name)

(Designation - Name of Agency)

SUBSCRIBED AND SWORN to before me this ____ day of _____ 2022 at _____, Philippines.

DOC NO. ____
PAGE NO. ____
BOOK NO. ____
SERIES OF 2022.

By the Authority vested in me by the (Name of NGA,GOCC,LGU,GFI,SUC) as (Designation/Position) , I hereby commit to ensure implementation of (Name of Public Works Project) as the following:

- That I execute this sworn statement to establish the truth of the foregoing in relation to our request for issuance of Certificate of Exception from public works ban in connection with the May 9, 2022 National and Local Elections.

IN WITNESS WHEREOF, I have hereunto affixed my signature and seal of my office on this ____ day of _____, 20__ in the City/Municipality of _____, Philippines.

(Name and Signature)
(Position/Designation)
(Name of Agency, Department, Bureau, GOCC, GFI, SUC or LGU)

SUBSCRIBED AND SWORN TO BEFORE me this ____ day of _____, 20____,
in the City/Municipality of _____, Republic of the Philippines,
affiant personally appeared before me _____ with Identification No. _____
issued by _____ on _____ in _____.

Document No.: _____
Page No.: _____
Book No.: _____
Series of 20 _____

CERTIFICATION

I, _____ of legal age, Filipino, and with office
address _____ located _____ at _____

after having been duly sworn to in accordance with law, do hereby undertake that:

- 1. I am presently the _____ of the _____;
(Position) (Agency/Department/Bureau/GOCC/SUC/GFI/LGU)
- 2. That the _____ is requesting for *Certificate of*
(Agency/Department/Bureau/GOCC/SUC/GFI/LGU)
Exception under COMELEC Resolution No. _____, for its public works project/s
(Please use Annex B-1 for details);
- 3. In addition, the requirements for the issuance of the Certificate of Exception for the above-
mentioned public works project/s, as set forth by COMELEC Resolution No. _____,
cannot be submitted and/or complied with (Please see Annex B-2 for reason/s for non-
submission);
- 4. The statements stated herein are all willingly, freely and voluntarily executed, according
to the best of my knowledge and/or based on existing records, to attest to the truth of the
foregoing facts for whatever purpose it may serve.

IN WITNESS WHEREOF, I have hereunto affixed my signature and seal of my office on this
____day of _____, 20____, in the City/Municipality of _____
_____, Philippines.

(Name and Signature)

Republic of the Philippines)
City/Municipality of _____)S.S.

SUBSCRIBED AND SWORN TO BEFORE me this ____ day of _____, 20____,
in the City/Municipality of _____, Republic of the Philippines,
affiant personally appeared before me _____ with Identification No.
_____ issued by _____ on _____ in _____.

Notary Public/ Administering Officer

Document No.: _____
Page No.: _____
Book No.: _____
Series of 2022

List of Public Works Project/s

No.	Project Title	Description

Non-Submission of Requirements

<i>Project Title</i>	<i>Lacking Requirement</i>	<i>Reason for Non-submission</i>



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

**IN THE MATTER OF THE
ENFORCEMENT OF THE
PROHIBITION AGAINST
APPOINTMENT OR HIRING OF
NEW EMPLOYEES; CREATION
OR FILLING UP OF NEW
POSITIONS; GIVING SALARY
INCREASES; TRANSFER OR
DETAIL OF CIVIL SERVICE
EMPLOYEES; SUSPENSION OF
ELECTIVE LOCAL OFFICIALS;
AND FILING OF LEAVE OF
ABSENCES OF LOCAL
TREASURERS IN CONNECTION
WITH THE MAY 09, 2022
NATIONAL AND LOCAL
ELECTIONS**

**ABAS, S. M.,
GUANZON, M.R.A.V.,
INTING, S. B.,
CASQUEJO, M. S.,
KHO, A., Jr. T.,
FEROLINO, A. P.,**

*Chairman
Commissioner
Commissioner
Commissioner
Commissioner*

X-----X

Promulgated: December 16, 2021

RESOLUTION NO. 10742

The Commission on Elections, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, and other election laws, RESOLVES, as it hereby RESOLVED to promulgate the following rules to implement the provisions of Section 261 subsections (g), (h) and (x) of the Omnibus Election Code:

GENERAL PROVISIONS AND DEFINITION OF TERMS

SECTION 1. Prohibited Acts. - Section 261 of the Omnibus Election Code of the Philippines provides:

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

xxx

xxx

xxx

(g) *Appointment of new employees, creation of new position, promotion, or giving salary increases.* - During the period of forty-five (45) days before a regular election and thirty (30) 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 (3) 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 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.

xxx

xxx

xxx

(x) *Suspension of elective provincial, city, municipal or barangay officer.* - The provisions of law to the contrary notwithstanding; during the election period, any public official who suspends, without prior approval of the Commission, any elective provincial, city, municipal or barangay officer, unless said suspension will be for purposes of applying the "Anti-Graft and Corrupt Practices Act" in relation to the suspension and removal of elective officials; in which case the provision of this section shall be inapplicable.

SECTION 2. Definition of Terms. – As used in this Resolution:

- a. **Appointment** is the selection, by the authority vested with the power, of an individual who is to exercise the functions of a given office. When completed, usually with its confirmation, the appointment results in security of tenure for the person chosen unless he is replaceable at pleasure because of the nature of his office.
- b. **Designation** connotes merely the imposition by law of additional duties of an incumbent official. It is considered only an acting or temporary appointment, which does not confer security of tenure on the person named.
- c. **Detail** is the movement of an employee from one department or agency which is temporary in nature, which does not involve a reduction in rank, status or salary and does not require the issuance of another appointment. It shall be allowed only for a limited period in the case of employees occupying professional, technical and scientific position.
- d. **Giving of remuneration or privilege** shall include giving of bonuses, other than the mandated 13th month pay and cash gift for government employees, incentives, Representation and Transportation Allowance (RATA) or other form of allowances regularly received, on top of their usual benefits and privileges.
- e. **Increase of salary** shall include adjustments in salaries as a result of increase in pay levels or upgrading of positions which do not involve a change in qualification requirements and do not require the issuance of a new appointment.
- f. **Promotion** is the advancement of an employee from one position to another with an increase in duties and responsibilities as authorized by law, and usually accompanied by an increase in salary. Promotion may be from one department or agency to another or from one organizational unit to another in the same agency.
- g. **Reassignment** is the movement of an employee from one organizational unit to another in the same department or agency which does not involve a reduction in rank, status or salary and does not require the issuance of an appointment.

- h. *Suspension* is the temporary forced removal from the exercise of the office. It shall include both suspension as a penalty and preventive suspension.
 - i. *Transfer* is a movement from one position to another which is of equivalent rank, level or salary without break in service involving the issuance of an appointment. The transfer may be from one department or agency to another or from one organizational unit to another in the same department or agency. This shall also include movement consequent to an order for the return/recall of the detailed/assigned/reassigned personnel to the original or previous place of assignment within the period of prohibition.
- APPOINTMENT OF NEW EMPLOYEES, CREATION OF NEW POSITION, PROMOTION, OR GIVING SALARY INCREASES**

SECTION 3. *Prohibited Acts and Period of Prohibition.* -
From March 25, 2022, Friday until May 08, 2022, Sunday:

- a. No head or appointing officer of any national or local government office, agency or instrumentality, including government-owned or -controlled corporations, shall, except upon prior authority of the Commission:
 - i. Appoint or hire any new employee in the civil service, whether permanent, provisional, temporary, substitute or casual. The appointment referred herein shall not include designation.
 - ii. Create and fill any new position.
- b. 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.

SECTION 4. *Designation not included.* - The appointment referred herein shall not include designation as defined in Section 2 (b) hereof. Thus, designation of an incumbent official or employee in a committee or office which involves merely the imposition of additional duties is not included in the prohibition.

SECTION 5. *Request for Authority to Appoint or Hire New Employees; Where and How to File.* -

- a. Requests for authority to appoint or hire new employees shall be:

- i. in writing;
 - ii. stating all information pertinent to the appointment or hiring (i.e. name of appointee, position, salary grade, name of appointing authority, etc.) and the reasons for the same;
- b. Said request shall be filed with:
 - i. the **Law Department** - when the request is for authority to appoint or hire new employees in the central or main office of national government agencies and government-owned or -controlled corporations.
 - ii. the **Office of the Regional Election Director** - when the request is for authority to appoint or hire new employees in the field or local offices of government agencies and government-owned or -controlled corporations in the region where the vacancy exists.
- c. The request shall be filed with the pertinent Department/Office in the following manner:
 - i. A digital/scanned copy of the request shall be submitted through e-mail to:
 - i. law@comelec.gov.ph for the Law Department; and
 - ii. the e-mail address of the concerned Office of the Regional Election Director which may be found in this Commission's official website at www.comelec.gov.ph.

The attachments of the request, if any, such as the list of the names of the personnel to be appointed, hired, transferred, detailed or suspended, in MS Word and/or PDF Format, must be e-mailed together with the signed request.

- ii. On the same day of filing through e-mail, the hard copy of the request, including its attachments, if any, shall be sent by registered mail or recognized courier service to the Law Department or Office of the Regional Election Director.

In case there is a variance between the attachments sent through e-mail in Word and/or PDF file, and the hard copy, the former shall prevail.

A sample copy of the application for request for exemption from the ban on appointment is hereto attached as *Annex "A"*.

***SECTION 6. Request for Authority to Create and Fill New Positions;
Where and How to File. -***

- a. Requests for authority to create and fill new positions shall be submitted in writing to the Law Department of the Commission.
- b. The Commission shall not grant the authority unless it is satisfied that the position to be created and filled is essential to the proper functioning of the office or agency concerned and that the filling up of such position shall not in any manner influence the results of the election.

A sample copy of the application for request for exemption from the ban on creation and filling of new positions is hereto attached as *Annex "B"*.

SECTION 7. When Request of Authority is Not Necessary. - No prior written authority from this Commission shall be needed for the hiring or appointment of workers under Contract of Service and Job Order whose services are neither covered by Civil Service law, rules, and regulations nor considered as government service.

Renewal of appointments of temporary, casual, substitute and contractual personnel are likewise not covered by this prohibition and will no longer require prior authority of the Commission.

However, the appointing authority shall furnish the Commission, through the Law Department for positions in the central or main offices, and through the Office of the Regional Election Director concerned for positions in the field offices, a complete list of workers appointed/hired by virtue of a Contract of Service or Job Order and employees whose appointments were renewed, indicating their positions, item numbers, salary grade and station, if applicable.

SECTION 8. Urgent Need to Appoint or Hire New Employees. -

- a. Where there is urgent need to appoint or hire new employees and such employees have already been appointed or hired without prior authority of the Commission, the requesting office or agency shall notify the Commission in writing, within three (3) days from the date of the appointment or hiring, stating therein:
 - i. the exact date when the position became vacant;
 - ii. the cause for vacancy;

- iii. the reason for the urgency of appointment or hiring; and
 - iv. all the necessary data or information regarding the same.
- b. Notice shall be made through the Law Department in case the position is in the central or main office, or through the Office of the Regional Election Director concerned in case of positions in the field offices.
- c. The appointment or hiring of new employees shall be valid, unless the same is found by the Commission:
 - i. to have been made to influence, in any manner, the results of the election;
 - ii. to have been issued without the required notice; or
 - iii. that there is no urgent need for the appointment or hiring.
- d. The need to fill up a vacant position with a new employee may be considered "**urgent**" if:
 - i. the position is essential to the proper functioning of the office or agency concerned;
 - ii. the position has been vacated by death, retirement, resignation, promotion or transfer of the regular incumbent;
 - iii. the appointment is issued within sixty (60) days from the occurrence of the vacancy;
 - iv. the vacancy cannot be filled by promotion or transfer of insiders within the same period; and
 - v. the position shall not be filled in any manner that may influence the election.
- e. Appointment to a position which has been vacant for more than sixty (60) days shall not be considered urgent and must, therefore, require prior written authority from the Commission, through the Law Department or the Office of the Regional Election Director concerned.

SECTION 9. Total Ban on Promotion, Salary Increases, Grant of Privileges. - The promotion or giving of increase of salary or remuneration or privilege to any government official or employee including those in government-owned or -controlled corporations, shall be strictly prohibited from **March 25, 2022, Friday** until **May 08, 2022, Sunday**.

SECTION 10. Injunction. - The Civil Service Commission (CSC), including all its field offices is hereby enjoined not to approve the appointment of new employees where no prior written authority of the

Commission or its regional offices is presented by the appointing authority concerned or proof that the required notice within the 3-day reglementary period as provided in Section 8 (a) hereof has been complied with.

The Department of Budget and Management (DBM) and the Commission on Audit (COA), including all their field offices, shall not release or authorize the release of any appropriation, or pass in audit, payments or expenditures of public funds that may be directly used in violation of the foregoing prohibition.

All field offices of the CSC are directed to submit immediately to the Commission through the Law Department a written report on any violation of said provisions of the Omnibus Election Code through electronic mail (e-mail) at law@comelec.gov.ph.

TRANSFER OF OFFICERS AND EMPLOYEES IN THE CIVIL SERVICE

SECTION 11. Prohibited Act and Period of Prohibition. -
From January 09, 2022, Sunday to June 08, 2022, Wednesday, no public official shall, except upon prior written approval of the Commission, make or cause any transfer or detail whatsoever of any officer or employee in the civil service, including public school teachers.

The phrase "transfer or detail" shall be construed in general terms. Any movement of personnel from one station to another, whether or not in the same office or agency, during the election is covered by the prohibition.

Transfer incidental to promotion, as well as that incidental to appointment, is within the purview of the prohibition against transfer during the election period.

The ban shall likewise include any movement consequent to an order for the return/recall of the detailed/assigned/reassigned personnel to the original or previous place of assignment within the period of prohibition.

SECTION 12. Request for Approval of the Commission on Transfer or Detail. - Requests for approval to make or cause any transfer or detail shall be:

- a. in writing;

- b. indicating the (1) office and place to which the officer or employee is proposed to be transferred or detailed or otherwise moved;
- c. stating the reasons therefor;

SECTION 13. *Filing of Requests with the Law Department.* - Requests for approval to make or cause any transfer or detail of any officer or employee in the civil service shall be filed with the Law Department, when:

- a. The official station is in the central/main offices of national agencies and government-owned or controlled corporations;
- b. The requests for transfer or detail involve Provincial, City/Municipal Treasurers and Schools Division Superintendents and Assistant Superintendents;
- c. The transfer or detail is inter-regional.

The Request for Approval shall be sent through e-mail to law@comelec.gov.ph and registered mail/recognized courier service, in the manner provided for under Section 5(c) hereof.

SECTION 14. *Filing of Requests with the Office of the Regional Election Director.* - Requests for approval to make or cause any transfer or detail of any officer or employee in the civil service shall be filed with the Office of the Regional Election Director where the employee/s sought to be transferred or detailed is stationed, when:

- a. It involves government officers or employees with official stations in the field offices including the National Capital Region;
- b. All other officers and employees not covered under Section 8 hereof.

The Request for Approval shall be sent through the e-mail of the concerned Office of the Regional Election Director which may be found in this Commission's official website at www.comelec.gov.ph. and registered mail/recognized courier service, in the manner provided for under Section 5(c) hereof.

A sample copy of the application for request for exemption from the ban on transfer is hereto attached as *Annex "C"*.

SUSPENSION OF ELECTIVE PROVINCIAL, CITY, MUNICIPAL OR BARANGAY OFFICER

SECTION 15. *Prohibited Acts.* - From January 09, 2022, Sunday to June 08, 2022, Wednesday, the provisions of law to the contrary notwithstanding, no public official shall, except upon prior written approval of the Commission, suspend any elective provincial, city, municipal or barangay officer.

Consistent with Section 2 (h) hereof, the ban shall include preventive suspension or suspension imposed as a penalty.

No prior approval is required if the suspension will be for purposes of applying the *Anti-Graft and Corrupt Practices Act* in relation to the suspension and removal of elective officials.

SECTION 16. *Request for Authority of the Commission to Suspend Any Elective Provincial, City, Municipal or Barangay Officer, Unless Suspension will be for Purposes of Applying the Anti-Graft and Corrupt Practices Act: Where and How to File.* - Requests for authority to suspend an elective provincial, city, municipal or barangay officer shall be submitted to the Law Department of the Commission, supported by:

- a. a certified true copy of the formal complaint executed under oath and containing the specific charges or in the absence thereof, a Certification from the requesting agency or local government unit stating that the agency or local government unit that promulgated the decision or resolution did not furnish them a copy of the said formal complaint; and
- b. a certified true copy of the Decision or Resolution suspending the concerned elective local official.

The Request for Authority to Suspend Any Elective Provincial, City, Municipal or Barangay Officer shall be sent through e-mail to law@comelec.gov.ph and registered mail/recognized courier service, in the manner provided for under Section 5(c) hereof.

A sample copy of the request is hereto attached as *Annex "D"*.

SECTION 17. *When Request for Authority is Not Necessary.* - Request for authority to suspend elective local officials shall not be necessary:

- a. If the offense involved is punishable under the *Anti-Graft and Corrupt Practices Act*

- b. For those that were already implemented before the start of the election period but is continuously served during or even after the expiration of the election period.

SECTION 18. *Effect of the Onset of the Election Period.* - The onset of the election period will not have the effect of lifting any suspension, imposed as a penalty or preventive suspension, that is already being served.

SECTION 19. *Dismissal from the Service, Not Included in the Prohibition.* - Dismissal from the service, recall and removal of elective local officials is not included in the prohibition under paragraph (x), Section 261 of the Omnibus Election Code.

LEAVE OF ABSENCE OF PROVINCIAL, CITY OR MUNICIPAL TREASURER

SECTION 20. *Leave of Absence of Provincial, City or Municipal Treasurer.* - In view of the important role of provincial, city and municipal treasurers, the Department of Finance (DOF) is deputized to 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. The DOF shall also ensure that no temporary or casual employee is designated as Acting Treasurer of the Office of the Treasurer.

SECTION 21. *Request for Approval of Leave of Absence of Provincial, City or Municipal Treasurer.* - Requests for approval of leaves of absence of provincial, city or municipal treasurers within the period of two (2) weeks before and two (2) weeks after Election Day shall be coursed through the appropriate Regional Office of the Bureau of Local Government Finance (BLGF) of the DOF, having supervision and control over local offices of treasurers, stating the purpose of the leave.

The Regional BLGF Office shall then request for a prior written approval by the Commission for the leave of absence of the requesting treasurer.

SECTION 22. *Where to File.* - The Regional BLGF shall file the request for approval of leave of absence with the appropriate Office of the Regional Election Director of the Commission. The Regional Election Director shall approve or disapprove the same, subject to the following conditions:

- a. that a personnel in an acting capacity is designated in the office of the treasurer whose leave of absence is being requested for approval during the period of absence so as not to disrupt or impede the proper functioning of the office;
- b. that an approval is prospective in application and without prejudice to the applicable Civil Service Law, rules and regulations on personnel action/movements; and
- c. that the leave of absence of the treasurer and the designation of an acting treasurer are not made to influence the election.

The Office of Regional Election Director concerned shall make a **weekly report** to be submitted to the Law Department via e-mail at law@comelec.gov.ph on actions taken on all applications for approval of leave of absence received. The hard copy of the report shall also be sent through registered mail/recognized courier service.

A sample copy of the weekly report is hereto attached as *Annex "E"*.

AUTHORITY OF THE CHAIRMAN TO APPROVE/DISAPPROVE REQUESTS AND THE PROCEDURE ON THE REQUEST

SECTION 23. *Authority of the Chairman to Approve/Disapprove Recommendations from the Law Department.* - The Chairman of the Commission is authorized to approve/disapprove recommendations of the Law Department on requests for exemption from the coverage of the ban involved in this Resolution, except those the Regional Election Directors are authorized to act upon, subject to reportorial requirements.

SECTION 24. *Requests for Authority Submitted to the Law Department.* - The Law Department shall prepare its recommendation on all requests received by it and submit to the Chairman for approval or disapproval.

SECTION 25. *Requests for Authority Submitted to the Office of the Regional Election Director.* - The Offices of the Regional Election Director shall approve or disapprove all requests received by them and submit a report containing a list of all the requests acted upon to the Law

Department, at the end of every week, via e-mail to law@comelec.gov.ph. The hard copy of the report shall also be sent through registered mail/recognized courier service.

A sample copy of the Regional Report is hereto attached as *Annex "F"*.

SECTION 26. *Report of the Law Department on All Actions on Requests for Exemption to the Commission En Banc.* - At the end of the election period, the Law Department shall make a Report of all the actions taken on the requests for exemption from the coverage of the ban involved in this Resolution, including actions of the Offices of the Regional Election Director.

All actions of the Chairman and of the Regional Election Directors granting the requests for exemptions from the coverage of the ban herein involved shall remain valid and effective, unless otherwise reversed or set aside by the Commission.

GRANT OF CONTINUING AUTHORITY

SECTION 27. *Continuing Authority to Transfer Government Employees Granted to Certain Government Agencies.* - For purposes of the May 09, 2022 National and Local Elections, the Commission hereby grants continuing authority to the following government agencies to appoint or hire new employees from **March 25, 2022, Friday** until **May 08, 2022, Sunday**, and to transfer or detail their officers or employees from **January 09, 2022, Sunday** to **June 08, 2022, Wednesday**, in view of the nature of their functions:

- a. The President of the Philippines;
- b. Supreme Court of the Philippines, Court of Appeals, Sandiganbayan, Court of Tax Appeals and the lower courts, including the Senate and Presidential Electoral Tribunal; and
- c. Such other government agencies as may be approved by the Commission En Banc.

SECTION 28. *Grant of Continuing Authority.* - The grant of continuing authority to appoint and transfer personnel during the election period may be granted to government agencies, upon the submission to the Law Department of a written request justifying the reasons therefor.

SECTION 29. Conditions for the Grant of Continuing Authority. -

The grant of continuing authority to government agencies to appoint or transfer officers or employees during the said period shall, however, be subject to the following conditions:

- a. that it is essential to the proper functioning of the office and shall not in any manner influence the conduct of the May 09, 2022 National and Local Elections;
- b. that it shall not involve promotion or giving of any increase of salary or remuneration or privilege during the forty-five (45) day period before the May 09, 2022 Elections which is strictly prohibited without any exception whatsoever;
- c. that this authorization shall be prospective in application and without prejudice to the applicable Civil Service Law, rules and regulations on personnel actions/movements; and
- d. that they shall notify in writing the Commission, through the Law Department, as follows:

d.1. In cases of appointments - within three (3) days from the date of appointment, stating therein:

- i. Name of the officer or employee to be appointed or hired;
- ii. Position of said officer or employee to be appointed or hired;
- iii. The exact date when the position to be filled became vacant;
- iv. Cause of the vacancy; and
- v. All necessary data or information regarding the same.

d.2. In cases of transfers/details - within (3) days from the date of transfer/detail, stating therein:

- i. The office and place where the officer or employee came from and the office/place to which said officer or employee is transferred, detailed or otherwise moved;
- ii. Justifications or reasons for said transfer or designation; and
- iii. All necessary data or information regarding the same.

The written notice shall be sent to the Law Department via its e-mail at law@comelec.gov.ph as well as through registered mail/recognized courier service.

AUTHORITY OF THE COMMISSION ON ELECTIONS TO TRANSFER OR REASSIGN ITS PERSONNEL

SECTION 30. Basis of Authority. - There is an essential need to appoint, assign, reassign or transfer personnel of the Commission on Elections in order that it can effectively and efficiently carry out its constitutional mandate to conduct free, orderly, honest, peaceful and credible elections.

SECTION 31. Grant of Authority - The Commission on Elections is hereby authorized to appoint or hire new employees or fill new positions from **March 25, 2022, Friday until May 08, 2022, Sunday** and transfer or assign or reassign its personnel from **January 09, 2022, Sunday to June 08, 2022, Wednesday**.

COMMON PROVISIONS

SECTION 32. Request for Authority/Approval Filed with the Incorrect Office. - Any Request for Authority/Approval filed with the incorrect office shall be deemed as not filed and shall not be given due course.

SECTION 33. When to File Request for Authority. - Requests for Authority shall be filed with the pertinent office at least ten (10) days before the intended appointment, hiring, creation and filling of new position, transfer, detail, leave of absence, or start of suspension, as the case may be.

Any request filed after the implementation of any of the aforementioned acts shall not be accepted or acted upon except as provided under Section 8 of this Resolution.

For this purpose, the date of the receipt of the request through e-mail shall be considered as the date of filing.

SECTION 34. Effectivity. - This resolution shall take effect on the seventh day after its publication in two (2) daily newspapers of general circulation in the Philippines.

SECTION 35. Dissemination. - The Education and Information Department shall cause the publication of this resolution in two (2) daily

newspapers of general circulation, give this resolution the widest dissemination and furnish copies thereof to all concerned.

SO ORDERED.

SHERIFF M. ABAS

Chairman

MA. ROWENA AMELIA V. GUANZON

Commissioner

SOCORRO B. INTING

Commissioner

MARLON S. CASQUEJO

Commissioner

ANTONIO T. KHO, JR.

Commissioner

AIMEE P. FEROLINO

Commissioner

CERTIFICATION

APPROVED by the Commission *En Banc* during its special online meeting on 16 December 2021 pursuant to COMELEC Resolution No. 10671 entitled: "Supplemental Resolution to COMELEC Resolution No. 9366 Promulgated March 25, 2015, entitled, 'Rule on the Enactment and Promulgation of Executive or Administrative Resolutions' Providing for Other Format of Meetings to Include Online Meetings Applicable in Times of the COVID-19 Pandemic and the Imposition of Community Quarantines and Similar Emergency".



ATTY. CONSUELO B. DIOLA

Acting COMELEC Secretary

Instructions:

- 1. Please fill in the following details and submit the same to the Law Department or Office of the Regional Election Director concerned
- 2. Additional Sheets may be used.

**APPLICATION FOR REQUEST FOR EXEMPTION
FROM THE BAN ON APPOINTMENT**
(For the May 09, 2022 National and Local Elections)

Name of Personnel	Position and Salary Grade	Date of Appointment	Cause of Vacancy, if applicable	Name of Requesting Authority, Position and Name of Agency

CERTIFICATION

I, _____ of _____, hereby CERTIFY as follows:

- 1) that the request is essential to the proper functioning of the office and shall not in any manner influence the conduct of the May 09, 2022 National and Local Elections;
- 2) that the request shall not involve promotion or the giving of any increase of salary or remuneration or privilege during the prohibitive period before the May 09, 2022 National and Local Elections which is strictly prohibited without any exception whatsoever; and
- 3) that this authorization shall be prospective in application and without prejudice to the applicable Civil Service Law, rules and regulations on personnel actions/movements.

Prepared and Submitted by:

Position & Name of Agency _____

Date: _____

Instructions:

- 1. Please fill in the following details and submit the same to the Law Department or Office of the Regional Election Director concerned
- 2. Additional Sheets may be used.

**APPLICATION FOR REQUEST FOR EXEMPTION
FROM THE BAN ON CREATION OR FILLING OF NEW POSITIONS**
(For the May 09, 2022 National and Local Elections)

Name of Personnel	Position and Salary Grade	Date of Appointment	Cause of Vacancy, if applicable	Name of Requesting Authority, Position and Name of Agency

CERTIFICATION

I, _____ of _____, hereby CERTIFY as follows:

- 1) that the request is essential to the proper functioning of the office and shall not in any manner influence the conduct of the May 09, 2022 National and Local Elections;
- 2) that the request shall not involve promotion or the giving of any increase of salary or remuneration or privilege during the prohibitive period before the May 09, 2022 National and Local Elections which is strictly prohibited without any exception whatsoever; and
- 3) that this authorization shall be prospective in application and without prejudice to the applicable Civil Service Law, rules and regulations on personnel actions/movements.

Prepared and Submitted by:

Position & Name of Agency _____
Date: _____

Instructions:

1. Please fill in the following details and submit the same to the Law Department or Office of the Regional Election Director concerned
2. Additional Sheets may be used.

**APPLICATION FOR REQUEST FOR EXEMPTION
FROM THE BAN ON TRANSFER**

(For the May 09, 2022 National and Local Elections)

Name of Personnel	Present Station	Transferred Station	Date of Effectivity of Transfer	Justification of Transfer	Name of Requesting Authority, Position and Name of Agency

CERTIFICATION

I, _____ of _____, hereby CERTIFY as follows:

- 1) that the request is essential to the proper functioning of the office and shall not in any manner influence the conduct of the May 09, 2022 National and Local Elections;
- 2) that the request shall not involve promotion or the giving of any increase of salary or remuneration or privilege during the prohibitive period before the May 09, 2022 National and Local Elections which is strictly prohibited without any exception whatsoever; and
- 3) that this authorization shall be prospective in application and without prejudice to the applicable Civil Service Law, rules and regulations on personnel actions/movements.

Prepared and Submitted by:

Position & Name of Agency _____

Date: _____

Instructions:

1. Please fill in the following details and submit the same to the Law Department.
2. Attach herein the following:
 - 1) Certified True Copy of the Formal Complaint executed under oath.
 - 2) Certified True Copy of the Decision or Resolution suspending the concerned elective local official.
3. Additional Sheets may be used.

**APPLICATION FOR REQUEST FOR EXEMPTION
FROM THE BAN ON SUSPENSION**
(For the May 09, 2022 National and Local Elections)

Name of Personnel	Position	Nature of Suspension (Preventive or as a Penalty)	Duration of Suspension	Name of Requesting Authority, Position and Name of Agency

CERTIFICATION

I, _____ of _____, hereby CERTIFY as follows:

- 1) that the request shall not in any manner influence the conduct of the May 09, 2022 National and Local Elections;
- 2) the case does not involve a violation of the Anti-Graft and Corrupt Practices Act.

Prepared and Submitted by:

Position & Name of Agency _____

Date: _____

Instructions:

- 1. Please fill in the following details and submit the same to the Law Department.
- 2. There is no need to attach herein the individual request submitted by the requesting Agency.
- 3. Additional Sheets may be used.

**REGIONAL REPORT ON APPROVED/DISAPPROVED APPLICATIONS
FOR APPROVAL OF LEAVE OF ABSENCE RECEIVED**
(For the May 09, 2022 National and Local Elections)

Requesting BLGF ¹	Name of Provincial, City or Municipal Treasurer	Provincial/City/ Municipal Office	Reason of the Leave of Absence	Period of the Requested Leave	Date of Approval/ Disapproval of Request

Prepared and Submitted by:

Regional Election Director, Region _____

¹ Regional Office of the Bureau of Local Government Finance

Instructions:

1. Please fill in the following details and submit the same to the Law Department,
- 2 There is no need to attach herein the individual reports submitted by the requesting Agency.
- 3, Additional Sheets may be used.

REGIONAL REPORTS ON APPROVED/DISAPPROVED REQUESTS FOR EXEMPTIONS FROM THE BAN ON APPOINTMENT AND TRANSFER

(For the May 09, 2022 National and Local Elections)

A. APPOINTMENT

Name of Personnel	Position and Salary	Date of Appointment	Name of Requesting Authority, Positions and Name of Agency	Date of Application for Exemption	Date of Approval/Disapproval of Request for Exemption

B. TRANSFER

Name of Personnel	Present Station	Transferred Station	Name of Requesting Authority, Position and Name of Agency	Date of Application for Exemption	Date of Approval/Disapproval of Request for Exemption

Prepared and Submitted by:

Position & Name of Agency _____

Date: _____

Instructions:

1. Please fill in the following details and submit the same to the Law Department or Office of the Regional Election Director concerned
2. Additional Sheets may be used.

APPLICATION FOR REQUEST FOR EXEMPTION FROM THE BAN ON APPOINTMENT

(For the May 09, 2022 National and Local Elections)

Name of Personnel	Position and Salary Grade	Date of Appointment	Cause of Vacancy, if applicable	Name of Requesting Authority, Position and Name of Agency

CERTIFICATION

I, _____ of _____, hereby CERTIFY as follows:

- 1) that the request is essential to the proper functioning of the office and shall not in any manner influence the conduct of the May 09, 2022 National and Local Elections;
- 2) that the request shall not involve promotion or the giving of any increase of salary or remuneration or privilege during the prohibitive period before the May 09, 2022 National and Local Elections which is strictly prohibited without any exception whatsoever; and
- 3) that this authorization shall be prospective in application and without prejudice to the applicable Civil Service Law, rules and regulations on personnel actions/movements.

Prepared and Submitted by:

Position & Name of Agency _____

Date: _____

Instructions:

1. Please fill in the following details and submit the same to the Law Department or Office of the Regional Election Director concerned
2. Additional Sheets may be used.

**APPLICATION FOR REQUEST FOR EXEMPTION
FROM THE BAN ON CREATION OR FILLING OF NEW POSITIONS**

(For the May 09, 2022 National and Local Elections)

Name of Personnel	Position and Salary Grade	Date of Appointment	Cause of Vacancy, if applicable	Name of Requesting Authority, Position and Name of Agency

CERTIFICATION

I, _____ of _____, hereby CERTIFY as follows:

- 1) that the request is essential to the proper functioning of the office and shall not in any manner influence the conduct of the May 09, 2022 National and Local Elections;
- 2) that the request shall not involve promotion or the giving of any increase of salary or remuneration or privilege during the prohibitive period before the May 09, 2022 National and Local Elections which is strictly prohibited without any exception whatsoever; and
- 3) that this authorization shall be prospective in application and without prejudice to the applicable Civil Service Law, rules and regulations on personnel actions/movements.

Prepared and Submitted by:

Position & Name of Agency _____

Date: _____

Instructions:

- 1. Please fill in the following details and submit the same to the Law Department or Office of the Regional Election Director concerned
- 2. Additional Sheets may be used.

**APPLICATION FOR REQUEST FOR EXEMPTION
FROM THE BAN ON TRANSFER**
(For the May 09, 2022 National and Local Elections)

Name of Personnel	Present Station	Transferred Station	Date of Effectivity of Transfer	Justification of Transfer	Name of Requesting Authority, Position and Name of Agency

CERTIFICATION

I, _____ of _____, hereby CERTIFY as follows:

- 1) that the request is essential to the proper functioning of the office and shall not in any manner influence the conduct of the May 09, 2022 National and Local Elections;
- 2) that the request shall not involve promotion or the giving of any increase of salary or remuneration or privilege during the prohibitive period before the May 09, 2022 National and Local Elections which is strictly prohibited without any exception whatsoever; and
- 3) that this authorization shall be prospective in application and without prejudice to the applicable Civil Service Law, rules and regulations on personnel actions/movements.

Prepared and Submitted by:

Position & Name of Agency _____

Date: _____

Instructions:

1. Please fill in the following details and submit the same to the Law Department.
2. Attach herein the following:
 - 1) Certified True Copy of the Formal Complaint executed under oath.
 - 2) Certified True Copy of the Decision or Resolution suspending the concerned elective local official.
3. Additional Sheets may be used.

**APPLICATION FOR REQUEST FOR EXEMPTION
FROM THE BAN ON SUSPENSION**
(For the May 09, 2022 National and Local Elections)

Name of Personnel	Position	Nature of Suspension (Preventive or as a Penalty)	Duration of Suspension	Name of Requesting Authority, Position and Name of Agency

CERTIFICATION

I, _____ of _____, hereby CERTIFY as follows:

- 1) that the request shall not in any manner influence the conduct of the May 09, 2022 National and Local Elections;
- 2) the case does not involve a violation of the Anti-Graft and Corrupt Practices Act.

Prepared and Submitted by: _____

Position & Name of Agency _____

Date: _____

Instructions:

1. Please fill in the following details and submit the same to the Law Department.
2. There is no need to attach herein the individual request submitted by the requesting Agency.
3. Additional Sheets may be used.

**REGIONAL REPORT ON APPROVED/DISAPPROVED APPLICATIONS
FOR APPROVAL OF LEAVE OF ABSENCE RECEIVED**
(For the May 09, 2022 National and Local Elections)

Requesting BLGF ¹	Name of Provincial, City or Municipal Treasurer	Provincial/City/ Municipal Office	Reason of the Leave of Absence	Period of the Requested Leave	Date of Approval/ Disapproval of Request

Prepared and Submitted by:

Regional Election Director, Region _____

¹ Regional Office of the Bureau of Local Government Finance

Instructions:

1. Please fill in the following details and submit the same to the Law Department,
- 2 There is no need to attach herein the individual reports submitted by the requesting Agency.
- 3, Additional Sheets may be used.

**REGIONAL REPORTS ON APPROVED/DISAPPROVED REQUESTS FOR EXEMPTIONS FROM
THE BAN ON APPOINTMENT AND TRANSFER**
(For the May 09, 2022 National and Local Elections)

A. APPOINTMENT

Name of Personnel	Position and Salary	Date of Appointment	Name of Requesting Authority, Positions and Name of Agency	Date of Application for Exemption	Date of Approval/Disapproval of Request for Exemption

B. TRANSFER

Name of Personnel	Present Station	Transferred Station	Name of Requesting Authority, Position and Name of Agency	Date of Application for Exemption	Date of Approval/Disapproval of Request for Exemption

Prepared and Submitted by:

Position &Name of Agency _____
Date: _____