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IMPLEMENTATION OF PERTINENT PROVISIONS OF THE CONSTITUTION AND THE OMNIBUS ELECTION CODE

CSC ANNOUNCEMENT, February 21, 1995

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The Commission on Elections (COMELEC) promulgated Resolution No. 2739 on January 3, 1995 which deputized the Civil Service Commission, for purposes of the May 8, 1995 elections, to enforce and implement the following:

Paragraphs 4, Section 2 (b), Article IX-B of the Constitution which reads as follows:

> "(4) No officer or employee in the Civil Service shall engage, directly or indirectly, in any (4 electioneering or partisan political campaign."

Paragraph G, H and I of Section 261 of the Omnibus Election Code (BP 881) which reads as follows:

> "SEC. 261. Prohibited Acts - The following shall be guilty of an election offense:
>
> "(g) Appointment of new employees, creation of new position, promotion, or giving salary increases - During the period of forty-five 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 and 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 the notice of the appointment shall be given to the Commission within 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 (Par. (f), Sec. 178, 1978 EC)
>
> "(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 (Par. (g), Id).
>
> (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 election campaign or engages in any partisan political activity, except to vote or to preserve public order, if he is a peace officer. [Par. (jjj), Id].

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Officers and employees of all government offices and agencies are hereby enjoined to observe the above quoted provisions of the Constitution and the Omnibus Election Code.

Adopted: 21 Feb. 1995

(SGD.) RAMON P. EREÑETA, JR.
Commissioner

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