



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF EDUCATION, CULTURE AND SPORTS
Manila, August 30, 1997

OFFICE OF THE SECRETARY

December 15, 1997

DECS ORDER
No. 102, s. 1997

COMELEC RESOLUTION NO. 2956, S. 1997

To: Undersecretaries
Assistant Secretaries
Regional Directors
Schools Superintendents
District Supervisors
Private Elementary and Secondary School Principals

1. Inclosed are reproduced copies of COMELEC Resolution No. 2956 promulgated 4 December 1997, entitled: "DEPUTATION OF LAW ENFORCEMENT AGENCIES AND INSTRUMENTALITIES OF THE GOVERNMENT INCLUDING THE ARMED FORCES OF THE PHILIPPINES PRESCRIBING THEIR DUTIES AND FUNCTIONS AS DEPUTIES OF THE COMMISSION ON ELECTIONS IN CONNECTION WITH THE MAY 11, 1998 SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS," for information and guidance.
2. Particular attention is invited to the specific duties of the DECS relative to the conduct of the elections, for strict compliance.
3. Everyone is enjoined to support the Commission in ensuring an honest, credible and peaceful elections.
4. Widest dissemination of this Order is requested.


RICARDO T. GLORIA
Secretary

Incl.:

As stated

Reference:

None

Allotment: 1-34(D.O. 50-97)

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

ELECTIONS

OFFICIALS

RULES & REGULATIONS

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

COMMISSION ON ELECTIONS
OFFICE OF THE SECRETARY

RECORDED
DEC 4 - 1997
INDEXED

TIME: 6:00 PM
BY: [Signature]
CE-1297-205

IN RE: DEPUTATION OF LAW ENFORCEMENT AGENCIES AND INSTRUMENTALITIES OF THE GOVERNMENT, INCLUDING THE ARMED FORCES OF THE PHILIPPINES, PRESCRIBING THEIR DUTIES AND FUNCTIONS AS DEPUTIES OF THE COMMISSION ON ELECTIONS IN CONNECTION WITH THE MAY 11, 1998 SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS.

PRESENT:

PARDO, B. P.	Chairman
MAAMBONG, R. E.	Commissioner
BERNANDO, R. S.	Commissioner
GOROSPE, M. B.	Commissioner
DESAMITO, J. W.	Commissioner
FLORES, Teresita D.L.	Commissioner
GUIANI, Japal M.	Commissioner

PROMULGATED 4 December 1997

RESOLUTION NO. 2956

WHEREAS, pursuant to the Constitution, the Omnibus Election Code, Republic Act Nos. 6646 and 7166, and other election laws, the Commission on Elections may deputize law enforcement agencies and instrumentalities of the government, including the Armed Forces of the Philippines, and exercise direct supervision and control over such agencies required by law to perform duties relative to the conduct of elections;

WHEREAS, there is need to deputize, with the concurrence of the President of the Philippines, such law enforcement agencies and instrumentalities of the government, including the Armed Forces of the Philippines and to prescribe their duties and functions to ensure the holding of free, orderly, honest, peaceful and credible national and local elections on May 11, 1998;

NOW, THEREFORE, the Commission on Elections, by virtue of the powers vested in it by the Constitution, the Omnibus Election Code, Republic Act Nos. 6646 and 7166, and other related election laws, has RESOLVED as it hereby RESOLVES, to deputize the following law enforcement agencies and instrumentalities of the government, including the Armed Forces of the Philippines, to perform specific duties relative to the conduct of the elections, as follows:

I. THE DEPARTMENT OF EDUCATION,
CULTURE AND SPORTS

1.1 The Department of Education, Culture and Sports and the Secretary of Education, Culture and Sports are hereby designated deputies of the Commission; the undersecretaries, assistant secretaries, regional directors, assistant regional directors, the provincial/city superintendents of schools or officers-in-charge thereof, are hereby designated deputies of the

Commission, and the district school supervisors, school principals, or officers-in-charge thereof, are hereby appointed assistants to the provincial/city election supervisors.

1.2 The Secretary of Education, Culture and Sports, the department undersecretaries, the regional directors, assistant regional directors, provincial superintendents of schools, city superintendents of schools, officers-in-charge as deputies and the district school supervisors, school principals or officers-in-charge, as assistants to the provincial/city election officers shall have the following duties and functions:

1.2.a The Secretary of Education, Culture and Sports, Undersecretaries, Regional Directors and Assistant Regional Directors:

a. Comply with and enforce all orders and instructions of Commission relative to the election duties and functions of public school teachers in connection with the synchronized elections on May 11, 1998, and perform such other measures as are necessary including the use of all public school buildings designated as polling places.

1.2.b The Provincial/City superintendents of schools, and officers-in-charge thereof:

a. Submit to the election officers, not later than December 29, 1997, the names of public school teachers whom they recommend for appointment as chairman and members of the boards of election inspectors.

b. Submit to the election officers the names of district supervisors and school principals whom they recommend for appointment as their assistants.

c. Comply strictly with the rules and regulations prescribed herein and such other resolutions as may be promulgated by the Commission.

1.2.c The District school supervisors, school principals or officers-in-charge:

a) Receive all communications from the Commission or its deputies and transmit them to the boards of election inspectors.

b) Supervise public school teachers designated to positions of chairman and members of the boards of election inspectors when such occasion arises in accordance with the instructions of the Commission.

c) Receive complaints against any chairman or member of the board and to transmit the same to the Commission or its representatives; and

d) Adopt, jointly with the election officer and the boards of election inspectors, adequate measures to safeguard election documents and paraphernalia.

1.3 The regional directors, assistant regional directors, provincial and city superintendents of schools, district supervisors, school principals or officers-in-charge thereof, and public school teachers shall not be transferred or assigned to other positions during the election period, without prior written authority from the Commission.

1.4 The following guidelines shall be observed in the appointment of teachers to the boards of election inspectors:

a) All public school teachers who had served as chairman and members of the boards of election inspectors in previous elections shall be given preference for appointment to the same precincts;

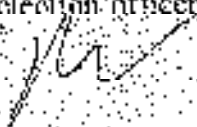
b) Where it is necessary to constitute new or additional board of election inspectors, preference for appointment shall be given to public school teachers who efficiently served as members of the boards of election inspectors in the 1997 barangay elections, and who are registered voters of the municipality;

c) The best qualified public school teachers on the basis of rank, position and salary shall be appointed chairmen;

d) In case of shortage of public school teachers in the city or municipality for appointment as chairmen and members of the boards of election inspectors, the city superintendent of schools and/or district supervisors shall immediately notify the election officer of such fact.

1.5 No conference, seminar, or any school activity, which might interfere, restrict, or prevent the performance of election duties of district school supervisors, school principals and public school teachers, shall be held during the election period except upon prior written authority of the Commission.

1.6 The superintendent of schools, district supervisor or school principal shall immediately report to the election officer any chairman or member of the board of election inspectors committing any serious irregularity or misbehavior in the performance of his election duties. The election officer shall relieve said chairman or



member and appoint the corresponding substitute who shall be immediately directed to take over.

Immediately after the elections, the Commission and/or school officials concerned, shall file against the erring chairman or member the appropriate criminal and/or administrative charges in accordance with existing laws, rules and regulations of the Commission.

2. THE DEPARTMENT OF FINANCE

The Department of Finance and the Secretary of Finance are hereby named deputies to enforce and perform the following duties and functions:

2.1 During the election periods, all Provincial, City and Municipal Treasurers shall remain in their assignments and shall not be transferred or detailed, whether temporarily or permanently, to another province, city or municipality, except upon written authority of the Commission.

2.2 Provincial, City and Municipal Treasurers shall not be 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. He shall at all times assign a responsible employee in his office to receive telegrams and instructions from the Commission relative to election matters to ensure immediate action thereon.

2.3 Duties and responsibilities of City/Municipal Treasurers:

- a) All city/municipal treasurers shall be subject to the direct orders of the election officer, who shall exercise supervision and control of the office of the treasurer in the preservation, custody and storage of election forms, ballot boxes, paraphernalia, supplies and materials as are entrusted to them and for any loss, destruction, impairment or damage thereof. In the discharge of his duties as deputy of the Commission, the city/municipal treasurer shall not be subject to the command, control or orders of the city mayor/municipal mayors or other executive officials.
- b) All city/municipal treasurers shall keep a record of the quantity and serial numbers of official ballots, election returns and ballot boxes allocated for distribution to the various precincts in their respective jurisdiction, and shall furnish legible copies of such records to the candidates, the election officer and the Election Records and Statistics Department, Commission on Elections, Manila, immediately after distribution.
- c) The official ballots, election returns and ballot boxes shall not be delivered to the boards of election inspectors earlier than the first hour on election day. However, the Commission, upon

the request of the city/municipal election officer, and upon the recommendation of the Deputy Executive Director for Operations or Director of the Election and Barangay Affairs Department, may authorize the city/municipal treasurers, for reasons such as, but not limited to, distance and weather condition in the locality and difficulty of transportation, number of precincts in a city or municipality, and prevailing peace and order, to deliver the official and sample official ballots, election returns, ballot boxes and other forms, materials and supplies to the boards of election inspectors of any particular precinct at an advance date but not earlier than three (3) days before election day with written notice to all the candidates concerned and the Commission on Elections.

IN EVERY CASE, THE CITY/MUNICIPAL ELECTION OFFICERS SHALL EXERCISE DIRECT SUPERVISION AND CONTROL OVER THE CITY/MUNICIPAL TREASURERS IN THE DISTRIBUTION OF OFFICIAL BALLOTS, ELECTION RETURNS AND OTHER FORMS AND BALLOT BOXES.

The Board of Election Inspectors shall issue the proper receipt stating clearly the date, the number of sets and the corresponding quantity and serial numbers of the official ballots, election returns and ballot boxes. The Election Officer and City/Municipal Treasurer shall submit a joint written report within five days after election day to the Election Records and Statistics Department, Commission on Elections, Manila, of the quantity and serial numbers of the issued official ballots, election returns and ballot boxes. A candidate may be furnished copy thereof upon written request.

d) The official ballots, election returns and ballot boxes, shall be distributed to the boards of election inspectors in the presence of duly designated watchers of registered political parties, if available.

e) Upon receipt thereof by the boards of election inspectors, the official ballots and election returns shall be placed inside the ballot boxes which shall be locked with three padlocks in the presence of the city/municipal treasurer. The chairman and the members of the board of election inspectors shall each keep one key to the padlocks.

2.4 The city/municipal treasurer shall submit to the election officer an official report on ballot boxes which were not returned to him by the boards of election inspectors immediately after its adjournment. The Election Records and Statistics Department, Commission on Elections, Manila, shall be furnished with a copy of said report.

3. THE DEPARTMENT OF NATIONAL DEFENSE

3.1 The Department of National Defense, the Secretary of National Defense, Undersecretaries of National Defense, and the

Chief of Staff, Armed Forces of the Philippines, the Commanding General of the Philippine Army, the Flag Officer-in-command of the Philippine Navy, the Commanding General of the Philippine Air Force, and all the officers and enlisted personnel under their respective commands are hereby deputized to ensure free, honest, orderly, peaceful and credible elections on May 17, 1998;

The Secretary of National Defense shall enforce the orders and instructions of the Commission relative to the election duties and functions of the officers and members of the Armed Forces of the Philippines.

3.2 The above-named officers of the Armed Forces of the Philippines and their men shall have the following duties and functions as deputies of the Commission:

- 1) Provide security to polling places and to members of the boards of election inspectors;
- 2) Provide security to the personnel of the Commission and other employees of the government performing election duties;
- 3) Make available certain facilities, such as land-air and watercraft, communication systems and other equipment, in connection with the delivery and retrieval of election documents, supplies, forms, paraphernalia and equipment;
- 4) Look into the existence of any armed group organized to commit or which is committing or about to commit, acts of terrorism or threats to intimidate or coerce any person to vote for or against a candidate, and to suppress or prevent said acts of terrorism or threats;
- 5) Assist the Commission in implementing more effectively election laws and/or rules and regulations, particularly the laws governing prohibition against policemen and provincial guards acting as bodyguards or security guards, the use of armored vehicles and air or watercraft, and the prohibition on bearing, carrying or transporting firearms and other deadly weapons in public places;
- 6) Conduct a periodic assessment of the peace and order conditions in critical areas and recommend measures which may be adopted by the Commission in the interest of free, orderly, honest, peaceful and credible synchronized elections; and
- 7) Comply with and/or implement directives or resolutions which the Commission may issue or promulgate from time to time.

4. THE NATIONAL POLICE COMMISSION AND THE PHILIPPINE NATIONAL POLICE

4.1 The Secretary of the Interior and Local Government, as Chairman, National Police Commission, the Philippine National Police and the Director General, Philippine National Police, are hereby deputized in connection with the May 11, 1998 elections, and as such shall:

- 1) Effect no changes, during the election period, in the assignments of regional, district, provincial, city and station unit commanders and all PNP personnel under his command without the prior written permission of the Commission.
- 2) Bring to the attention of each and every member of the Philippine National Police, the following basic considerations:
 - a) The conduct of the elections is a purely civil process and an absolutely civilian affair which, however, requires the cooperation of the armed forces, provincial, district, city or municipal police forces and agencies; and
 - b) Orders issued by the Commission in connection with the May 11, 1998, elections shall take precedence over and above the orders and directives issued by any other office or agency of the government. Provided, That, nothing herein contained shall be construed as in any manner affecting or constituting an impairment of the constitutional powers of the President of the Philippines to conduct and direct the general peace-keeping functions of the Philippine National Police.
- 3) To direct the officers and enlisted personnel under his command to strictly observe the following duties and functions:
 - (a) Provide security to polling places, the members of the boards of election inspectors and the voters whenever the need therefor arises, or whenever the Commission through its election officers or election law enforcement teams so requires;
 - (b) Provide security toCOMELEC personnel and representatives performing duties and functions in connection with the registration of voters and the elections whenever a request to this effect is made or when required by the Commission;
 - (c) Take steps to protect voters from threats, intimidation, coercion, harassment or reprisal;
 - (d) Enforce the provisions of Section 261 of the Omnibus Election Code on the following prohibited acts:

a. Paragraph (m) on appointment or use of special policemen, special agents, confidential agents or the like;

b. Paragraph (p) on possession of deadly weapons;

c. Paragraph (q) on carrying of firearms outside residence or place of business;

d. Paragraph (r) on the use of armored land-water or aircraft;

e. Paragraph (s), as amended by Section 32 of Republic Act No. 7166 on wearing of uniforms and bearing of arms;

f. Paragraph (t), as amended by Section 33 of Republic Act No. 7166 on policemen and provincial guards acting as bodyguards or security guards;

g. Paragraph (u) on reaction, strike forces or similar forces; and

h. Ban on dispensing, selling and taking of intoxicating liquor;

(e) Take effective measures to prevent members of civilian vigilante units and barangay tanods from engaging in partisan political activities or any act of terrorism, intimidation, coercion, harassment, or reprisal;

(f) Take steps to prevent private security agencies from acting as private armies of any candidate, political party, organization, or coalition, campaigners for/terroristic or violent acts against persons in connection with the May 11, 1998, synchronized elections;

(g) Implement strictly the rules and regulations promulgated by the Commission in the provinces, cities and municipalities which may be placed under COMELEC control and to coordinate with the COMELEC Election Law Enforcement Team therein;

(h) Enforce specific orders of the Commission to confiscate or tear down prohibited election propaganda or advertisement;

(i) Perform such other functions and duties or implement such other directives as the Commission may issue from time to time; and

(j) Render periodic reports on actions taken in accordance with this deputation.

5. THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS

5.1 The Commission on Elections hereby designates the Department of Transportation and Communications, and the Secretary of Transportation and Communications, and all agencies/offices under him, as special deputies of the Commission with the following duties and functions:

(a) Circularize to all owners and operators of land and air transportation facilities and telecommunication services, holders of certificates of public convenience, franchises or other forms of authorization, the following acts constitute offenses under the Omnibus Election Code:

(1) Sec. 89 which prohibits any candidate, political party or organization or any person from giving or accepting, free of charge, directly or indirectly transportation 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 held 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, 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 year prior to the date of the election have been granted loans or other accommodations in excess of P 100,000.00 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, transportation from the commencement of the election period up to and including election day;

(4) Sec. 261 (c) 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, 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 or for any partisan political activity; and

(5) Sec. 261 (dd) (4) 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;

a) Direct its agents to apprehend violators of the aforesaid provisions of the Omnibus Election Code and refer such violations to the Commission;

b) Require all transportation companies engaged in the operation of transportation facilities to report within thirty (3) days following the day of the synchronized election the use, rental or hiring of their facilities by any candidate, political party, coalition of political parties, or groups/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, who in turn shall submit the same to the Election Records and Statistics Department of the Commission on Elections for the purpose of proper accounting and monitoring of expenses under Secs. 100 and 101, respectively, in relation to Sec. 112 of the Omnibus Election Code, and

c) Perform such other duties and functions which the Commission may hereafter direct.

6. THE NATIONAL BUREAU OF INVESTIGATION

6.1 The Commission on Elections hereby designates the National Bureau of Investigation, its Director and all agents under him as its deputies for purposes of the May 11, 1998, synchronized elections and directed to:

a) Deploy NBI agents to designated places in order to effectively carry out the objective of this resolution, furnishing the Commission with a list of said agents with their respective assignments;

b) Direct agents of the NBI to arrest any person who violates the provisions of the Omnibus Election Code and other pertinent

election laws and the Rules and Regulations promulgated by the Commission;

c) Report from time to time to the Commission actions taken by him or his agents pursuant to this resolution; and

d) Comply with the orders and directive of the Commission which shall be given priority over orders and directives from other sources, except the Supreme Court and those issued in habeas corpus proceedings.

**7. THE PHILIPPINE POSTAL SERVICES CORPORATION,
THE NATIONAL TELECOMMUNICATIONS COMMISSION, AND
THE TELECOMMUNICATIONS OFFICE**

7.1 The Commission on Elections hereby designates the Philippine Postal Services Corporation, and the Postmaster General, the National Telecommunications Commission, and the Commissioner and the Telecommunications Office, and the Director, as its deputies to 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 its deputies during the election period; and between and among the Commission's field offices, its deputies and other assisting agencies until after the proclamation of the winning candidates in the May 11, 1992 synchronized elections; and

b) Impress upon such personnel and management that non-compliance with the provisions of Sec. 9 of the Omnibus Election Code on preferential transmission 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 year but not more than six 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) Require sufficient number of personnel to receive, transmit and deliver election messages on the day before and on revision day, ten days before and on election day and ten days after election day; and

d) Make operational all its stations during the election period.

8. THE BUREAU OF PENOLOGY AND JAIL MANAGEMENT

8.1 The Bureau of Penology and Jail Management, and the Director, are hereby designated deputies of the Commission to enforce the following provision of the Omnibus Election Code:

"SEC. 261 (a). Illegal release of prisoners before and after election. The Director of the Bureau of Prisons, any provincial warden, the keeper of the jail of the person or persons required by law to keep prisoners in their custody who illegally orders or allows any prisoner detained in the national penitentiary, or the provincial, city or municipal jail to leave the premises thereof sixty days before and thirty days after the election. The municipal or city warden, the provincial warden, the keeper of the jail or the person or persons required by law to keep prisoners in their custody shall post in three conspicuous public places a list of the prisoners or detention prisoners under their care. Detention prisoners must be categorized as such."

and to comply with all orders, directives and resolutions which the Commission may from time to time promulgate.

9. THE DEPARTMENT OF ENERGY AND ELECTRIC COOPERATIVES

9.1 The Commission on Elections hereby designates the Department of Energy and other agencies under it, and its Secretary, and electric cooperatives in the local areas as its deputies to enforce the following directives:

- a) To provide uninterrupted power supply on election day, until the termination/conclusion of the canvassing of the election returns and proclamation of the elected officials; and
- b) To perform such other functions that the Commission may prescribe from time to time.

COMMON PROVISIONS

THE COMMISSION ON ELECTIONS SHALL RECOMMEND TO THE PRESIDENT OF THE PHILIPPINES THE REMOVAL OF ANY OFFICER OR EMPLOYEE IT HAS DEPUTIZED, OR THE IMPOSITION OF ANY DISCIPLINARY ACTION, FOR VIOLATION OR DISREGARD OF, OR DISOBEDIENCE TO, ITS DIRECTIVES, ORDERS, OR DECISIONS: (PAR. (8), SEC. 2-C, ART. IX, CONSTITUTION OF THE PHILIPPINES)

THE COMMISSION MAY RELIEVE ANY OFFICER OR EMPLOYEE FROM THE PERFORMANCE OF HIS DUTIES RELATING TO ELECTORAL PROCESSES WHO VIOLATES THE ELECTION LAWS

OR FAILS TO COMPLY WITH ITS INSTRUCTIONS, ORDERS, DECISIONS, OR RULINGS, AND APPOINT HIS SUBSTITUTE. UPON RECOMMENDATION OF THE COMMISSION, THE PROPER AUTHORITY SHALL SUSPEND OR REMOVE FROM OFFICE ANY OR ALL OF SUCH OFFICERS OR EMPLOYEES WHO MAY, AFTER DUE PROCESS, BE FOUND GUILTY OF SUCH VIOLATION OR FAILURE (SECOND PARAGRAPH [LETTER A], SEC. 53, ART. VII, OMBUDS ELECTION CODE)

EFFECTIVITY

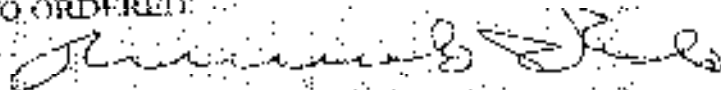
This resolution shall take effect seven (7) days following its publication in at least two (2) daily newspapers of general circulation in the Philippines.

DISSEMINATION

The Education and Information Department shall furnish all the above deputized officials and/or departments, offices, or agencies, through their respective heads, copies of this resolution pertinent to their agencies.

The Executive Director shall disseminate this resolution for the information of the public.


SO ORDERED:




BERNARDO P. PARDO
Chairman



REGALADO E. MARAMBA
Commissioner



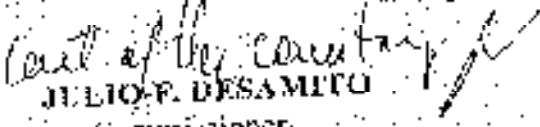
MANOLO B. GOROSPE
Commissioner



TERESITA DY-LIACCO FLORES
Commissioner



REMEDIOS A. SALAZAR-FERNANDO
Commissioner



JULIO P. DESAMITU
Commissioner



JACAL MAGUANI
Commissioner