



Republic of the Philippines
Department of Education

DepEd MEMORANDUM
No. **023**, s. 2019

26 FEB 2019

**DISSEMINATION OF THE COMMISSION ON ELECTIONS-LAW DEPARTMENT
MEMORANDUM NO. 19-0250 (LAW 19-00224)**

(Recommendation on the Request for the Grant of Continuing Authority to Appoint, Hire New Employees, and Transfer or Detail of Personnel in the Department of Education (DepEd) During the Election Period of the 2019 National and Local Elections)

To: Undersecretaries
Assistant Secretaries
Bureau and Service Directors
Regional Directors
Schools Division Superintendents
Public Elementary and Secondary School Heads
Chiefs of Divisions
All Others Concerned

1. For the information and guidance of all concerned, enclosed is a copy of Memorandum No. 19-0250 (Law 19-00224) dated January 16, 2019 from the Commission on Elections-Law Department entitled **Recommendation on the Request for the Grant of Continuing Authority to Appoint, Hire New Employees, and Transfer or Detail of Personnel in the Department of Education (DepEd) During the Election Period of the 2019 National and Local Elections.**
2. Immediate dissemination of this Memorandum is desired.


LEONOR MAGTOLIS BRIONES
Secretary

Encl.: As stated
Reference: N o n e
To be indicated in the Perpetual Index
under the following subjects:

APPOINTMENT
AUTHORITY
BUREAUS AND OFFICES
ELECTIONS

EMPLOYEES
HIRING
LEGISLATIONS
RULES AND REGULATIONS

SMMA-DM-Dissemination of Memorandum No. 19-0265 (Law 19-00224)
0085-January 31, 2019



**Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila**

LAW DEPARTMENT

MEMORANDUM No. 19-0250 (LAW 19-00224)

FOR : **SHERIFF M. ABAS**
Chairman

SUBJECT : **RECOMMENDATION ON THE REQUEST FOR
THE GRANT OF CONTINUING AUTHORITY TO
APPOINT, HIRE NEW EMPLOYEES, AND
TRANSFER OR DETAIL OF PERSONNEL IN
THE DEPARTMENT OF EDUCATION (DepEd)
DURING THE ELECTION PERIOD OF THE
2019 NATIONAL AND LOCAL ELECTIONS**

DATE : **16 JANUARY 2019**

This has reference to the attached letter-request of Sec. Leonor Magtolis Briones (Sec. Briones) of the Department of Education (DepEd) dated 19 December 2018 which was received by this Department on 10 January 2019, seeking for continuing authority to appoint, and hire new employees from 29 March 2019 to 12 May 2019, and to transfer/detail DepEd employees from 13 January 2019 to 12 June 2019. Pertinent portion of the Letter-Request reads:

"This has reference to the the prohibitions in COMELEC Resolution No. 10429, entitled "In the Matter of Prescribing The Calendar of Activities and Periods of Certain Prohibited Acts in Connection with the may 13, 2019 National and Local Elections," in accordance with the Omnibus Election Code. Specifically, the Department of Education would like to request for a blanket exemption on the following prohibited activities as stated in the aforementioned COMELEC Resolution:

- 1. Transfer or movement of officers and employees in the Civil Service (Article 261(h) of the Omnibus*

Election Code) during the Election Period from January 13, 2019 to June 12, 2019; and

2. Appointment or hiring of new employees, creation or filling up of new positions; promotion or giving of salary increase, remuneration or privileges (Section 261(g) of the Omnibus Election Code during the Campaign Period from March 29, 2019 to May 12, 2019.

In the exigency of the service, exemption to the transfer or movement of officials and employees of the Department of Education (DepEd) is hereby respectfully requested so as not to hamper the regular functions and operations of its field offices and public schools nationwide during the election period. It seeks to prevent any issues or concerns that may arise if there are officials whose retirement will take effect during the said period. With the exemption, unhampered delivery of educational services will be secured which would be beneficial to the public in general."

In addition to the President of the Philippines, the Supreme Court of the Philippines, Court of Appeals, Sandiganbayan, Court of Tax Appeals and other lower courts, including the Senate and Presidential Electoral Tribunals, other agencies of the government may be granted continuing authority to appoint or hire new employees from **29 March 2019** until **12 May 2019**, and to transfer or detail their officers and employees from **13 January 2019** to **12 June 2019**, in view of the nature of their functions under Sections 28 and 29 of Resolution No. 10475.¹

Upon evaluation, we find the letter-request of the Sec. Briones in compliance with the aforementioned Resolution and justified in view of the nature of the DepEd's functions.

However, the request for promotion, grant of salary increase and/or privileges in favor of DepEd personnel may not be granted as the same are strictly prohibited under Section 9 of COMELEC Resolution No. 10475, from **March 29, 2019** to **May 12, 2019**.

IN LIGHT OF THE FOREGOING, this Department **RECOMMENDS** the **APPROVAL** of the request of the Sec. Briones, insofar as the continuing authority to appoint, hire new employees, transfer or detail of any officers and employees of the DepEd is concerned, provided:

1. That this authorization shall be limited to orders to appoint, hire new employees, and to transfer or detail whatever of

¹ 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; and Suspension of Elective Local Officials; and Filing of Leave of Absences of Local Trasurers in connection with the May 13, 2019 National and Local Elections. Promulgated by the Honorable Commission *En Banc* on 07 January 2019. *J.*

DepEd officers and employees, signed and issued by Sec. Briones;

2. That the said appointment, hiring, and transfer or detail is essential to the proper functioning of the office and shall not in any manner influence the conduct of the May 13, 2019 National and Local Elections;
3. That the same **shall not involve promotion** or the **giving of any increase of salary or remuneration or privilege** which is **strictly prohibited** during the forty-five (45) day period before the May 13, 2019 Elections, without any exception whatsoever;
4. 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
5. That the proper notices prescribed and required under Section 29 (d), of Resolution No. 10475 shall be promptly sent to this Commission through this Department.

Respectfully submitted for Your Honor's consideration.

Maria Norina S. Tangaro - Casingal
Atty. **MARIA NORINA S. TANGARO-CASINGAL**
Director IV *mp*

By virtue of the authority granted upon me under COMELEC Resolution No. 10475, promulgated on 07 January 2019, the recommendation of the Law Department is hereby **APPROVED**.

For the Commission:

Sheriff M. Abas
C000150221
SHERIFF M. ABAS
Chairman

Encl: As stated

LAW-19-00224