

Republika ng Pilipinas
(Republic of the Philippines)
KAGANARAN NG EDUKASYON, KULTURA AT ISPORTS
(DEPARTMENT OF EDUCATION, CULTURE AND SPORTS)
Manila

August 17, 1990

DECS O R D E R
No. 91, s. 1990

DELEGATION OF AUTHORITY TO REGIONAL DIRECTORS TO GRANT PERMIT
TO DECS EMPLOYEES TO THE BOARD OF DIRECTORS
OF ELECTRIC COOPERATIVES

To: Undersecretaries
Assistant Secretaries
Bureau Directors/Cultural Agency Directors
Directors of Services/Centers and Heads of Units
Regional Directors
School Superintendents
Vocational School Superintendents/Administrators

1. To facilitate the filing of candidacy of DECS employees who would like to run for election as members of the Board of Directors of Electric Cooperatives, Regional Directors are hereby authorized to grant the necessary permit for this purpose. Inclosed is a copy of the letter of the Honorable Chairman, Civil Service Commission, dated 7 May 1990 addressed to Mr. Rommel Manikan, Deputy Administrator, Cooperative Development and Special Projects, National Electrification Administration, D & E Building, Queson Avenue, Queson City, which is self-explanatory.
2. This authorization shall take effect immediately.

(SGD.) ISIDRO D. CARINO
Secretary

Incl.:
As stated

Reference:
None

Allotment: 1-2-3--(M.O. 1-87)

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

AUTHORITY
PERMIT
OFFICIALS

(Inclosure to DECS Order No. 91, s- 1990)

Republika ng Pilipinas
KOMISYON NG SERBIDYO SIBIL
(Civil Service Commission)
Quezon City

MANIKAN, Rommel L.
Re: Proper Authority to Grant
Permission to Engage in
Outside Activity

X-----X

7 May 1990

Mr. Rommel Manikan
Deputy Administrator
Cooperative Development and
Special Projects
National Electrification Administration
D & E Building, Quezon Avenue
Quezon City

Dear Deputy Administrator Manikan:

This refers to your request for opinion on whether the permit or authority obtained by government employees from their respective Regional or Provincial Head of Office in order to run for election as members of the Board of Directors of the electric cooperatives is sufficient compliance with the provision of Section 12, Rule XVII of the Revised Civil Service Rules.

As backgrounder, the National Electrification Administration (NEA), through its Board of Administrators had adopted a new Election Code dated January 22, 1990, governing the conduct of district elections for the Board of Directors of all electric cooperatives. One of the salient features of the said Election Code requires that government employees who are prospective candidates for members of the Board of Directors must secure a permit from their respective Department Secretary.

The provision of Memorandum Circular No. 17, Office of the President (OP) dated September 4, 1985, adopted in toto the provision of Section 12, Rule XVII of the Revised Civil Service Rules, which provides:

"Section 12. No officer or employee shall engage directly in any private business, vocation, or profession or be connected with any commercial,

MANIKAN, Rommel

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credit, agricultural, or industrial undertaking without a written permission from the head of Department: Provided, That this prohibition will be absolute in the case of, those officers and employees whose duties and responsibilities require that their entire time be at the disposal of the Government: Provided, further, That if an employee is granted permission to engage in outside activities, the time so devoted outside of office hours should be fixed by the chief of the agency to the end that it will not impair in any way the efficiency of the officer or employee: And Provided, Finally, That no permission is necessary in the case of investments, made by an officer or employee, which do not involve any real or apparent conflict between his private interests and public duties, or in any way influence him in the discharge of his duties, and he shall not take part in the management of the enterprise or become an officer or member of the board of directors."

Generally, in the light of the foregoing provisions, it is the Head of the Department or Agency who should grant said permission to engage in outside activities, including running for an office in private entities like electric cooperatives.

Thus and considering that membership in the Board of Directors of an electric cooperative involves employment in a private firm of the government officer or employee concerned, the Commission is of the view and so holds that it should be the Head of the Agency (Department Secretary or Agency Head) who should grant the required permit under the aforestated OP Memorandum Circular unless this authority has been properly delegated to another official. Said employment, however, is subject to the provisions of Republic Act No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officers and Employees, among others.

Please be advised accordingly.

Very truly yours,

(SGD.) PATRICIA A. STO. TOMAS
Chairman

A true copy