

Republika ng Pilipinas
(Republic of the Philippines)
KAGAWARAN NG EDUKASYON, KULTURA AT ISPORTS
(DEPARTMENT OF EDUCATION, CULTURE AND SPORTS)
UL Complex, Pasig, Metro Manila

January 21, 1992

DECS O R D E R
No. 9, s. 1992

PROHIBITIONS UNDER COMELEC RESOLUTION NO. 2333 IN CONNECTION
WITH THE NATIONAL AND LOCAL ELECTIONS ON MAY 11, 1992

To: Undersecretaries
Assistant Secretaries
Bureau Directors/Cultural Agency Directors
Directors of Services/Centers and Heads of Units
School Superintendents
Presidents, State Colleges and Universities
Vocational School Superintendents/Administrators

1. Inclosed is a copy of Resolution No. 2333 promulgated on January 2, 1992 by the Commission on Elections which is self-explanatory.
2. It is desired that this Order be disseminated to all concerned for their information and guidance.
3. Strict compliance is requested.

(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:

BUREAUS & OFFICES
ELECTIONS
EMPLOYEES
LEGISLATION

OFFICIALS
RULES & REGULATIONS
TEACHERS

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

RE: RULES ON THE PUBLIC WORKS
RAN DURING THE PERIOD
PRECEDING THE NATIONAL
AND LOCAL ELECTIONS ON
MAY 11, 1992.

P R E S E N T :

MONSON, Christian S., Chairman
ARIBIG, Alfredo E., Jr., Commissioner
YOPAC, Haydee B., Commissioner
PAMA, Dario C., Commissioner
DIMAAMPAG, Magdara B., Commissioner
MAAMBONG, Regalado E., Commissioner

Promulgated: 02 January 1992

RESOLUTION NO. 2332

WHEREAS, Section 261, subsection (v) and (w) of the Omnibus Election Code of the Philippines prohibits the release, disbursement or expenditure of public funds in certain cases; construction of public works, delivery of materials for public works and the issuance of treasury warrants and similar devices;

WHEREAS, said prohibitions are intended to prevent the spending of public funds for political advantage and/or corrupt election practices;

NOW, THEREFORE, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, Republic Acts No. 6646 and 7166 and other election laws, the Commission on Elections has RESOLVED to promulgate, as it hereby promulgates, the following rules to implement the prohibitions provided under Sec. 261, subsections (v) and (w) of the Omnibus Election Code.

SECTION 1. Prohibition on release, disbursement or expenditure of public funds. - Effective March 27, 1992 until May 11, 1992, 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 the beginning of the forty-five day period before election day shall be permitted to work during such time: Provided, further, That no additional laborers shall be employed for maintenance work within the said period of forty-five days;

(b) Work undertaken by contract through public bidding held, or by negotiated contract awarded, before the forty-five day period before election: Provided, That work for the purpose of this section undertaken under the so-called "takay" or "paquiao" 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 the beginning of such period: Provided, That the number of such laborers shall not be increased over the number hired when the project or projects were commenced; and

(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 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 paragraph.

This prohibition shall not apply to ongoing 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 such projects being undertaken by them.

(2) The Department of Social Welfare and Development and any other office 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 or its representative, 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 Human and Urban Development Coordinating Council and any other office in any other 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.

SEC. 2. Prohibition against construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices. - Effective March 27, 1992, 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.

SEC. 3. Submission to the Commission of lists of authorized public works projects. - On March 27, 1992, the Secretary of Public Works and Highways, the Provincial Governors, City and Municipal Mayors, in relation to national, provincial, city or municipal public works as the case may be, shall submit to the Commission in Manila certified lists of (a) all on-going public works projects commenced before March 27, 1992, (b) similar projects under foreign agreements, and (c) all public works undertaken by contract through public bidding held or negotiated contract awarded before March 27, 1992 together with a copy of each of said contracts.

Any public works not included in the list herein required to be submitted by the Secretary of Public Works and Highways, the Provincial Governors, City and Municipal Mayors, and not among the exceptions under Sec. 261, subsection (v), shall be considered as falling under the public works ban.

SEC. 4. 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 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 days before or on the day of the election. Likewise, any laborer who may have worked in public works projects authorized under any of sub-paragraphs (a) to (d) of Sec. 1 hereof shall be paid his complete earned wage every regular pay day and in no case shall said wage or any part thereof be retained or its payment deferred.

SEC. 5. 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 Omnibus Election Code or Sections 1 and 2 hereof.

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All field officers of the Commission, including those of its deputized agencies and citizens arms, are directed to monitor compliance with the requirements under Sec. 3 hereof by the local executive officers in their respective jurisdictions and submit immediately to the Commission a written report on any violation of said provisions of the Omnibus Election Code.

SEC. 6. Effectivity. - This resolution shall take effect on the seventh day after its publication in two (2) newspapers of general circulation in the Philippines.

SEC. 7. 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 the Executive Secretary, the Chairman of the Commission on Audit, heads of all Departments, and national Offices, Provincial Governors, City and Municipal Mayors and other agencies of the government, including government-owned or controlled corporations, all registered political parties and all field offices of the Commission copies hereof.

SO ORDERED.

(Sgd) CHRISTIAN S. MONSOD
Chairman

ALFREDO E. ABUEG, JR.
Commissioner

(Sgd) HAYDÉE B. YODAC
Commissioner

(Sgd) DARIO C. RAMA
Commissioner

(Sgd) MAGDARA B. DIMAAMDAD
Commissioner

(Sgd) REGALADO E. MAAMBONG
Commissioner

MRITO/sid:B:1-1492