



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

**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 IN CONNECTION WITH THE MAY 11, 2020 BARANGAY AND SANGGUNIANG KABATAAN (SK) ELECTIONS**

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**CASQUEJO**, Marlon S.  
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Chairman  
Commissioner  
Commissioner  
Commissioner  
Commissioner  
Commissioner

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Promulgated: August 15, 2019

**RESOLUTION NO. 10574**  
*updated*

The Commission on Elections, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, and other election laws, **RESOLVES**, as it hereby **RESOLVED** to promulgate, the following rules to implement the provision of Section 261 subsections (h) and (x) of the Omnibus Election Code, and Section 5 of Republic Act No. 10923:

**RULE I**  
**GENERAL PROVISIONS AND DEFINITIONS OF TERMS**

**SECTION 1. Prohibited Acts. -**

a) Section 261 of the Omnibus Election Code of the Philippines provides:

*"SEC. 261. Prohibited Acts - The following shall be guilty of an election offense:*

*x x x*

*(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.*

*x x x*

*(x) Suspension of elective provincial, city, municipal or barangay officer. - The provisions of law to the contrary notwithstanding during the election period, any public official who suspends, without prior*

*approval of the Commission, any elective provincial, city, municipal or barangay officer, unless said suspension will be for purposes of applying the Anti-Graft and Corrupt Practices Act in relation to the suspension and removal of elective officials; in which case the provision of this section shall be inapplicable.”*

- b) Section 5 of Republic Act No. 10923, amending Section 261 subsection (g) of the Omnibus Election Code insofar as Barangay and Sangguniang Kabataan Elections are concerned, provides:

*“Section 5. Prohibition on Appointments of Government Officials and Employees - The appointment or hiring of new employees, creation of new position, promotion, or giving of salary increases, remuneration or privileges in the barangay shall be prohibited for a period of ten (10) days immediately preceding the election, the provisions of Section 261, paragraph (g) of the Omnibus Election Code to the contrary notwithstanding.”*

**SECTION 2. Definition of Terms.** - As used in this Resolution:

- a) Appointment is the selection, by the authority vested with the power, of an individual who is to exercise the functions of a given office. When completed, usually with its confirmation, the appointment results in security of tenure for the person chosen unless he is replaceable at pleasure because of the nature of his office.
- b) Designation connotes merely the imposition by law of additional duties of an incumbent official. It is considered only an acting or temporary appointment, which does not confer security of tenure on the person named.
- c) Detail is the movement of an employee from one department or agency which is temporary in nature, which does not involve a reduction in rank, status or salary and does not require the issuance of another appointment. It shall be allowed only for a limited period in the case of employees occupying professional, technical and scientific position.
- d) Giving of remuneration or privilege shall include giving of bonuses, other than the mandated 13th month pay and cash gift for government employees, incentives, Representation and Transportation Allowance (RATA) or other form of allowances regularly received, on top of their usual benefits and privileges.
- e) Increase of salary shall include adjustments in salaries as a result of increase in pay levels or upgrading of positions which do not involve a change in qualification requirements and do not require the issuance of a new appointment.
- f) Promotion is the advancement of an employee from one position to another with an increase in duties and responsibilities as authorized by law, and usually accompanied by an increase in salary. Promotion may be from one department or agency to

another or from one organizational unit to another in the same agency.

- g) Reassignment is the movement of an employee from one organizational unit to another in the same department or agency which does not involve a reduction in rank, status or salary and does not require the issuance of an appointment.
- h) Suspension is the temporary forced removal from the exercise of the office. It shall include both suspension as a penalty and preventive suspension.
- i) Transfer is a movement from one position to another which is of equivalent rank, level or salary without break in service involving the issuance of an appointment. The transfer may be from one department or agency to another or from one organizational unit to another in the same department or agency.

## **RULE II**

### **APPOINTMENT OF NEW EMPLOYEES, CREATION OF NEW POSITION, PROMOTION, OR GIVING SALARY INCREASES**

***SECTION 3. Total Ban on Appointment, Hiring of New Employees, Creation of New Position, Promotion or Giving of Salary Increases, Remuneration or Privileges in the Barangay.*** - From **May 1, 2020, Thursday until May 10, 2020, Sunday**, the appointment or hiring of new employees, creation of new position, promotion or giving of salary increases, remuneration or privileges in the barangay shall be strictly prohibited.

No request for authority for said prohibited actions shall be acted upon.

***SECTION 4. Designation not included.*** - The appointment referred herein shall not include designation as defined in Section 2 (b), Rule I hereof. Thus, designation of an incumbent official or employee in a committee or office which involves merely the imposition of additional duties is not included in the prohibition.

***SECTION 5. Injunction.*** - The Civil Service Commission (CSC), including all its field offices is hereby enjoined not to approve the appointment of new employees within the ten-day period of prohibition.

The Department of Budget and Management (DBM) and the Commission on Audit (COA), including all their field offices, shall not release or authorize the release of any appropriation, or pass in audit, payments or expenditures of public funds that may be directly used in violation of the foregoing prohibition.

All field offices of the CSC are directed to submit immediately to the Commission through the Law Department a written report on any violation of said provision of the law.

**RULE III**  
**TRANSFER OF OFFICERS AND EMPLOYEES IN THE CIVIL SERVICE**

**SECTION 6. Prohibited Act and Period of Prohibition.** - From March 12, 2020 to May 18, 2020, no public official shall, except upon prior written authority of the Commission, make or cause any transfer or detail whatsoever of any officer or employee in the civil service, including public school teachers.

The phrase "transfer or detail" shall be construed in general terms. Any movement of personnel from one station to another, whether or not in the same office or agency, during the election is covered by the prohibition.

Transfer incidental to promotion, as well as that incidental to appointment, is within the purview of the prohibition against transfers during the election period.

**SECTION 7. Request for Authority of the Commission on Transfer or Detail, Where and How to File.** - Requests for authority to make or cause any transfer or detail shall be:

- a) in writing;
- b) indicating the (1) office and place to which the officer or employee is proposed to be transferred or detailed or otherwise moved;
- c) stating the reasons therefor;
- d) in two (2) original copies; and
- e) accompanied with the soft copy of the request in MS WORD format and saved in USB or CD form.

**SECTION 8. Filing of Requests with the Law Department.** - Requests for authority to make or cause any transfer or detail of any officer or employee in the civil service shall be filed with the Law Department, when:

- a) The official station is in the central/main offices of national agencies and government-owned or controlled corporations;
- b) The requests for transfer or detail involve Provincial, City/Municipal Treasurers and Schools Division Superintendents and Assistant Superintendents;
- c) The transfer or detail is inter-regional.

**SECTION 9. Filing of Requests with the Office of the Regional Election Director.** - Requests for authority to make or cause any transfer or detail of any officer or employee in the civil service shall be filed with the Office of the Regional Election Director where the employee/s sought to be transferred or detailed is stationed, when:

- a) It involves government officers or employees with official stations in the field offices including the National Capital Region;
- b) All other officers and employees not indicated in Section 8 Rule III hereof.

A sample copy of the application for request for exemption from the ban on transfer is hereto attached as Annex "A".

**RULE IV**  
**SUSPENSION OF ELECTIVE PROVINCIAL, CITY, MUNICIPAL OR**  
**BARANGAY OFFICER**

**SECTION 10. Prohibited Acts.** - From March 12, 2020 to May 18, 2020, the provisions of law to the contrary notwithstanding, no public official shall, except upon prior written approval of the Commission, suspend any elective provincial, city, municipal or barangay officer.

No prior approval is required if the suspension will be for purposes of applying the Anti-Graft and Corrupt Practices Act in relation to the suspension and removal of elective officials.

**SECTION 11. Request for Authority of the Commission to Suspend any Elective Provincial, City, Municipal or Barangay Officer, unless Suspension will be for Purposes of Applying the Anti-Graft and Corrupt Practices Act: Where and How to file.** - Requests for authority to suspend an elective provincial, city, municipal or barangay officer shall be submitted to the Law Department of the Commission, supported by:

- a) a certified true copy of the formal complaint executed under oath and containing the specific charges or in the absence thereof, a Certification from the requesting agency or local government unit stating that the agency or local government unit that promulgated the decision or resolution did not furnish them a copy of the said formal complaint; and
- b) a certified true copy of the Decision or Resolution suspending the concerned elective local official.

A sample copy of the application for request for exemption from the ban on suspension is hereto attached as Annex "B".

**SECTION 12. When Request for Authority is Not Necessary.** - Request for authority to suspend elective local officials shall not be necessary:

- a) if the offense involved is punishable under the Anti-Graft and Corrupt Practices Act; and
- b) those that were already implemented before the start of the election period but is continuously served during or even after the expiration of the election period.

**SECTION 13. Effect of the Onset of the Election Period.** - The onset of the election period will not have the effect of lifting any suspension that is already being served.



**RULE V**  
**AUTHORITY OF THE CHAIRMAN TO APPROVE/DISAPPROVE REQUESTS**  
**AND THE PROCEDURE ON THE REQUEST**

**SECTION 14. Authority of the Chairman to Approve/Disapprove Recommendations from the Law Department.** - The Chairman of the Commission is authorized to approve/disapprove recommendations of the Law Department on requests for exemption from the coverage of the ban involved in this Resolution.

**SECTION 15. Requests for Authority Submitted to the Law Department.** - The Law Department shall prepare its recommendation on all requests received by it and submit to the Chairman for approval or disapproval.

**SECTION 16. Requests for Authority Submitted to the Office of the Regional Election Director.** - The Offices of the Regional Election Director shall approve or disapprove all requests received by them and submit a report containing a list of all the requests acted upon to the Law Department, at the end of every week, by the fastest available means of communication. It may be sent in PDF format via electronic mail to **law@comelec.gov.ph**.

A sample copy of the Regional Report is hereto attached as Annex "C".

**SECTION 17. Report of the Law Department on All Actions on Requests for Exemption to the Commission En Banc.** - At the end of the election period, the Law Department shall make a Report of all the actions taken on the requests for exemption from the coverage of the ban involved in this Resolution, including actions of the Offices of the Regional Election Director.

All actions of the Chairman and of the Regional Election Directors granting the requests for exemptions from the coverage of the ban herein involved shall remain valid and effective, unless otherwise reversed or set aside by the Commission.

**RULE VI**  
**GRANT OF CONTINUING AUTHORITY**

**SECTION 18. Grant of Continuing Authority.** -The grant of continuing authority to transfer its personnel during the election period may be granted to government agencies, upon the submission to the Law Department of a written request justifying the reasons therefor.

**SECTION 19. Continuing Authority to Transfer Government Employees Granted to Certain Government Agencies.** -For purposes of the May 11, 2020 Barangay and SK Elections, the Commission hereby grants continuing authority to the following government agencies to transfer or detail their officers or employees from March 12, 2020 to May 18, 2020, in view of the nature of their functions:

- A. The President of the Philippines;
- B. Supreme Court of the Philippines, Court of Appeals, Sandiganbayan, Court of Tax Appeals and the lower courts, including the Senate and Presidential Electoral Tribunal, the House of Representatives and the House of the Representatives Electoral Tribunal.

**SECTION 20. Conditions for the Grant of Continuing Authority.** - The grant of continuing authority to government agencies to transfer officers or employees during the election period shall, however, be subject to the following conditions:

- a) that it is essential to the proper functioning of the office and shall not in any manner influence the conduct of the May 11, 2020 Synchronized Barangay and SK Elections;
- b) 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
- c) that they shall notify the Commission, in writing, within three (3) days from date of transfer/detail, through the Law Department, stating therein:
  - i. the office and place where the officer or employee came from and the office/place to which said officer or employee is transferred, detailed or otherwise moved;
  - ii. justifications or reasons for said transfer or designation; and
  - iii. all necessary data or information regarding the same.

**RULE VII  
AUTHORITY OF THE COMMISSION ON ELECTIONS TO TRANSFER OR  
REASSIGN ITS PERSONNEL**

**SECTION 21. Basis of Authority.** - There is an essential need to assign, reassign or transfer personnel of the Commission on Elections in order that it can effectively and efficiently carry out its constitutional mandate to conduct free, orderly, honest, peaceful and credible elections.

**SECTION 22. Exemption.** - The Commission on Elections is hereby exempted from the prohibition to transfer or assign or reassign its personnel from March 12, 2020 to May 18, 2020.

**RULE VIII  
COMMON PROVISIONS**

**SECTION 23. Effectivity.** - This resolution shall take effect on the seventh day after its publication in two (2) daily newspapers of general circulation in the Philippines.

**SECTION 24. Dissemination.** - The Education and Information Department shall cause the publication of this resolution in two (2) daily newspapers of general circulation, give this resolution the widest dissemination and furnish copies thereof to all concerned.

**SO ORDERED.**

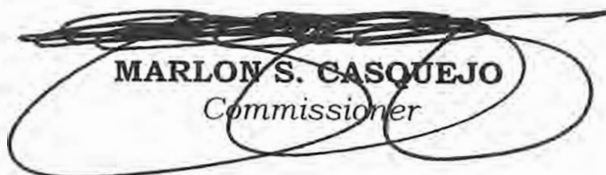
  
**SHERIFF M. ABAS**  
E090104263  
Chairman

  
**AL A. PARREÑO**  
Commissioner

  
**LUID TITO F. GUIA**  
Commissioner

  
**MA. ROWENA AMELIA V. GUANZON**  
Commissioner

  
**SOCORRO B. INTING**  
Commissioner

  
**MARLON S. CASQUEJO**  
Commissioner

  
**ANTONIO T. KHO, JR.**  
Commissioner