



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

**RULES AND REGULATIONS
GOVERNING PUBLIC WORKS
BAN AND RELEASE,
DISBURSEMENT AND
EXPENDITURES OF PUBLIC
FUNDS IN CONNECTION
WITH THE AUGUST 11, 2008
ELECTION OF REGIONAL
OFFICIALS IN THE
AUTONOMOUS REGION IN
MUSLIM MINDANAO (ARMM).**
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Jose A. R. Melo	Chairman
Romeo A. Brawner	Commissioner
Rene V. Sarmiento	Commissioner
Nicodemo T. Ferrer.	Commissioner
Moslemen T. Macarambon	Commissioner

Promulgated: 20 May 2008

RESOLUTION NO. 8459

The Commission on Elections, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, and other election laws, has **RESOLVED** to promulgate, as it hereby promulgates, the following rules and regulations to enforce Section 261, subsections (v) and (w) of the Omnibus Election Code.

SECTION. 1. Prohibition on release, disbursement or expenditure of public funds. – Effective June 27, 2008 to August 11, 2008, no public official or employee including barangay officials and those of government-owned or controlled corporations and their subsidiaries in the Autonomous Region in Muslim Mindanao (ARMM) shall release, disburse or expend any public funds for:

- (1) Any and all kind 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 before June 27, 2008, shall be permitted to work during such time: *Provided, further*, That no additional laborers shall be employed for maintenance work within the prohibited period;
 - (b) Work undertaken by contract through public bidding held or by negotiated contract awarded, before the prohibited period: *Provided*, That for the purpose for this Section work undertaken under 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 (5) 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 Section.

The 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 as provided for under Sec. 3. of this Resolution.

- (2) The Department of Social Welfare and Development and any other office in other departments of the government performing function 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 authorized 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 (COA) or its representatives, 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 June 27, 2008 until August 11, 2008, 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 project. – On or before **June 27, 2008**, the Secretary of Public Works and Highways, the Regional Governor of the ARMM, the Provincial Governors, City/Municipal Mayors and Punong Barangays in the ARMM in relation to regional, provincial, city/municipal and barangay public works as the case may be, shall submit to the Commission in Manila thru the Regional Election Director/Provincial Election Supervisors/Election Officers concerned certified lists of (a) all on-going public work projects commenced before **June 23, 2008**; (b) similar projects under foreign arrangements; and (c) all public works undertaken by contract through public bidding held, or by negotiated contract awarded, before **June 23, 2008** 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 regional governor, provincial governors, city/municipal mayors, and punong barangays in the ARMM, which are not among the exceptions under Sec. 261, subsection (v) of the Omnibus Election Code 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 (45) day ban on public works shall be paid immediately his complete earned wage upon the suspension of said projects. In no case shall the earned wage or any portion thereof be retained to be paid only within five (5) days before or on the day of the election. Likewise, any laborer who may worked in public works projects authorized under any subparagraphs (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 the Budget and Management and the COA, including all its field offices in the ARMM, 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, subsections (v) and (w) of the Omnibus Election Code or Sections 1 and 2 hereof.

All field offices of the Commission in the ARMM, including those of its deputized agencies and citizens arm, 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. Penalty. – Any violation of the provisions of this Resolution shall, consistent with Sections 261 and 264 of the Omnibus Election Code, constitute an election offense and shall be punishable by imprisonment of not less than one year but not more than six years, among other penalties provided for by law.

Sec. 7. Effectivity. – This Resolution shall take effect on the seventh (7th) day after its publication in two (2) daily newspapers of general circulation in the Philippines.

SEC. 8. Dissemination. – The Education and Information Department shall cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines and shall furnish copies hereof to the Executive Secretary, the Chairman of the Commission on Audit, the Governor of the ARMM, the heads of regional offices, provincial governors, city/municipal mayors and punong barangays and other agencies of the government, including government-owned or controlled corporations in the ARMM, all registered political parties and all field offices of the Commission in the ARMM.

(Sgd.) **JOSE A. R. MELO**
Chairman

(Sgd.) **ROMEO A. BRAWNER**
Commissioner

(Sgd.) **RENE V. SARMIENTO**
Commissioner

(Sgd.) **NICODEMO T. FERRER**
Commissioner

(Sgd.) **MOSLEMEN T. MACARAMBON**
Commissioner