



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

IN THE MATTER OF DEPUTIZING THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, THE ARMED FORCES OF THE PHILIPPINES, THE NATIONAL POLICE COMMISSION AND THE PHILIPPINE NATIONAL POLICE, FOR THE PURPOSE OF ENSURING FREE, ORDERLY, HONEST, PEACEFUL AND CREDIBLE CONDUCT OF THE NOVEMBER 1, 2008 PLEBISCITES TO RATIFY THE CREATION OF THE FOLLOWING: **(A)** BARANGAY KANGUAN OUT OF BARANGAY POBLACION, MUNICIPALITY OF DATU PIANG, PURSUANT TO MUSLIM MINDANAO AUTONOMY ACT (MMAA) NO. 232; **(B)** BARANGAY TANGUAPO OUT OF BARANGAY DUMABALAS, MUNICIPALITY OF DATU PIANG, PURSUANT TO MMAA NO. 105; **(C)** BARANGAY LINTUKAN OUT OF BARANGAY MAGASLUNG, MUNICIPALITY OF DATU PIANG, PURSUANT TO MMAA NO. 233 AND **(D)** BARANGAYS DATU BAKAL AND DATU KILAY OUT OF BARANGAYS TAPIKAN AND LEPOK, MUNICIPALITY OF SHARIFF AGUAK, PURSUANT TO MMAA NO. 236, ALL IN THE PROVINCE OF MAGUINDANAO

MELO, JOSE A.R., Chairman
SARMIENTO, Rene V., Commissioner
FERRER, NICODEMO T., Commissioner
MACARAMBON, MOSLEMEN T., Commissioner
LEONIDA, LEONARDO L., Commissioner
TAGLE, LUCENITO N., Commissioner

X ----- x

Promulgated : October 4, 2008

RESOLUTION NO. 8511

WHEREAS, Section 2, (4) C, Article IX, of the Constitution, has authorized the Commission on Elections to deputize instrumentalities of the government, and, with the concurrence of the President, law enforcement agencies including the Armed Forces of the Philippines, the Philippine National Police, for the purpose of ensuring free, orderly, honest, peaceful and credible elections, plebiscites and other electoral exercises.

NOW, THEREFORE, the Commission on Elections, by virtue of the powers vested in it by the Constitution, the Omnibus Election Code, the Local Government Code (Republic Act No. 7160), Republic Act No. 7166, and other election laws, **RESOLVED** to promulgate, as it hereby **RESOLVES** to promulgate, as follows:

SECTION 1. Deputation. - The Department of Education; Department of Public Works and Highways; Department of the Interior and Local Government, the Armed Forces of the Philippines, including the chief of staff, the Philippine National Police (PNP), including its Chief, and all the officers and men under him in the Autonomous Region in Muslim Mindanao (ARMM), are hereby deputized by the Commission on Elections (Commission) for the purpose of ensuring free,

orderly, honest, peaceful and credible conduct of the November 1, 2008 plebiscite to ratify the creation of the following:

- Barangay Kangan, to be taken from Barangay Poblacion, Municipality of Datu Piang, Maguindanao, pursuant to Muslim Mindanao Autonomy Act (MMAA) No. 232
- Barangay Tanguapo, to be taken from Barangay Dumabalas, Municipality of Datu Piang, Maguindanao, pursuant to Muslim Mindanao Autonomy Act (MMAA) No. 105.
- Barangay Lintukan, to be taken from Barangay Magaslung, Municipality of Datu Piang, Maguindanao, pursuant to Muslim Mindanao Autonomy Act (MMAA) No. 233.
- Barangays Datu Bakal and Datu Kilay, to be taken from Barangays Tapikan and Lepok, Municipality of Shariff Aguak, Maguindanao, pursuant to Muslim Mindanao Autonomy Act (MMAA) No. 236.

SEC. 2 . Duties and Functions. –

A. The Department Of Education (DepEd), as such deputy, shall:

1. Comply with and enforce all orders and instructions of the Commission relative to the plebiscite duties and functions of public school teachers, allow the use of all public school buildings designated as polling places and/or distribution/retrieval centers, and take such other measures as are necessary, in connection with the November 1, 2008 plebiscites to ratify the creation of Barangays Kangan, Tanguapo, and Lintukan, Municipality of Datu Piang and of Barangays Tapikan and Lepok, Municipality of Shariff Aguak, Province of Maguindanao;
2. Receive all communications from the Commission or its deputies and transmit them to the Plebiscite Committees;
3. Supervise public school teachers designated as chairmen and members of the Committees when such occasion arises in accordance with the instructions of the Commission;
4. Receive complaints against any chairman or member of the Committees and to transmit the same to the Commission or its representative for appropriate action; and
5. Adopt, jointly with the Election Officer (EO) and the Committees, adequate measures to safeguard plebiscite documents and paraphernalia.

No conference, seminar, or any school activity, which might interfere, restrict, or prevent the performance of plebiscite duties of district school supervisors, school principals and public school teachers, shall be held during the plebiscite period except upon prior written authority of the Commission.

The Superintendent of Schools, District Supervisor or School Principal shall immediately report to the EO any chairman or member of the Committee who may be committing any serious irregularity or misbehavior in the performance of his plebiscite duties. The EO shall relieve said chairman or member and appoint the corresponding substitute who shall be directed to immediately assume the duties of the relieved chairman/member. The action of the EO shall be promptly reported to the Commission.

Immediately after the plebiscite, the Commission and/or school officials concerned, shall file against the erring Committee chairman or member the appropriate criminal and/or

administrative charges, if any, in accordance with existing laws, rules and regulations of the Commission.

B. The Department of Public Works and Highways shall:

1. Place at the disposal of the Commission their motor vehicles, such as trucks, jeeps, vans, cars and the like and communication facilities, as the Commission may need from time to time especially those presently assigned to ARMM;

Said vehicles shall be used to ferry the personnel of the Commission and of its deputized agencies in the performance of their plebiscite duties, and to transport plebiscite forms, supplies and materials to their places of destination particularly in the areas with inadequate means of transportation.

2. Provide the Commission with a list of available vehicles, together with the drivers assigned to said vehicles.

These vehicles shall be at the disposal of the Commission immediately at the start and until the end of the plebiscite period.

C. The Department of the Interior and Local Government, Armed Forces of the Philippines, National Police Commission and the Philippine National Police, as deputies, are hereby placed under the direct control and supervision of the Commission on Elections (Commission), and directed to:

1. Effect no changes, during the plebiscite period, in the assignments of regional, district, city, station and unit commanders and all the PNP personnel under their command in the Autonomous Region in Muslim Mindanao (ARMM), without prior written permission of the Commission.
2. Bring to the attention of each and every member of the PNP in the Autonomous Region in Muslim Mindanao (ARMM), the following basic considerations:
 - a) The conduct of the plebiscite is purely a civilian process which, however, requires the cooperation of the PNP, regional, district, city or municipal police forces and agencies; and
 - b) Orders issued by the Commission in connection with the plebiscite, shall take precedence over and above the orders and directives issued by any other office or agency of the government; Provided, That, nothing herein contained shall be construed as in any manner affecting or constituting an impairment of the constitutional powers of the President of the Philippines to conduct and direct the general peace-keeping functions of the PNP.
3. The PNP Chief and the officers and enlisted personnel in the ARMM, under his command are directed to perform the following duties and functions:
 - a) Provide security to the Election Officers, polling places, the members of the plebiscite committees and the voters whenever the need therefore arises, or whenever the Commission through its EO or plebiscite law enforcement teams so require;
 - b) Provide security to personnel and representatives of the Commission performing duties and functions in connection with the plebiscite whenever a request is made or when required by the Commission;

- c) Take steps to protect voters from threats, intimidation, coercion, harassment or reprisal;
- d) Enforce the provisions of Section 261 of the Omnibus Election Code on the following prohibited acts:
 - (1) Paragraph (m) on appointment or use of special policemen, special agents, confidential agents or the like;
 - (2) Paragraph (p) on possession of deadly weapons;
 - (3) Paragraph (q) on carrying of firearms outside residence or place of business.
 - (4) Paragraph (r) on the use of armored, land-water or aircraft;
 - (5) Paragraph (s), as amended by Section 32 of Republic Act No. 7166, on wearing of uniforms and bearing of arms;
 - (6) Paragraph (t), as amended by Section 33 of Republic Act No. 7166, on policemen and provincial guards acting as bodyguards or security guards;
 - (7) Paragraph (u) on reaction, strike forces or similar forces; and
 - (8) Ban on dispensing, selling and taking intoxicating liquor.
- e) Take effective measures to prevent members of civilian vigilante units and *barangay tanods* from engaging in partisan political activities or any act of terrorism, intimidation, coercion, harassment, or reprisal;
- f) Take steps to prevent private security agencies from acting as private armies of campaigners for terroristic or violent acts against persons in connection with the plebiscite;
- g) Enforce specific orders of the Commission to confiscate or tear down prohibited plebiscite propaganda or advertisement; and
- h) Perform such other functions and duties or implement such other directives as the Commission may issue.

The PNP Chief shall submit a report of actions taken in accordance with this deputation seven (7) days after the plebiscite.

D. The Armed Forces of the Philippines shall have the following duties and functions as deputies of the Commission:

- 1) Provide security to polling place and to members of the plebiscite committees;
- 2) Provide security to the personnel of the Commission and other employees of the government performing plebiscite duties;
- 3) Deploy at the least time possible, troops for election duty in coordination with the ARMM Regional Election Director, Provincial Election Supervisor, Election Officer, as the case may be.

- 4) Make available certain facilities, such as land and air, transportation, communications systems and other equipment, in connection with the delivery and retrieval of plebiscite documents, supplies, forms, paraphernalia and equipment;
- 5) Look into the existence of any armed group organized to commit, or which is committing or about to commit, acts of terrorism or threats to intimidate or coerce any person to vote for or against the ratification of the creation of Barangays Kanguan, Tanguapo, and Lintukan, Municipality of Datu Piang and of Barangays Datu Bakal and Datu Kilay, Municipality of Shariff Aguak, Province of Maguindanao, and to suppress or prevent said acts of terrorism or threats;
- 6) Assist the Commission in implementing more effectively plebiscite laws and/or rules and regulations, particularly the laws governing the use of armored vehicles, and the prohibition on bearing, carrying, or transporting firearms and other deadly weapons in public places;
- 7) Conduct a weekly assessment of the peace and order condition in critical areas and recommend measures which may be adopted by the Commission in the interest of free, orderly, honest, peaceful and credible plebiscite; and
- 8) Comply with and/or implement directives or resolutions which the Commission may issue or promulgate from time to time.

SEC. 3. Effectivity. – This Resolution shall take effect upon its promulgation.

SEC. 4. Dissemination. - The Executive Director shall furnish copies of this Resolution to the Office of the President and Secretaries of the Departments/Agencies herein deputized. The Deputy Executive Director for Operations shall coordinate with the above departments and agencies for effective implementation hereof. The Education and Information Department shall give this Resolution the widest publicity possible.

SO ORDERED.

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

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

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

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

(Sgd.)**LEONARDO L. LEONIDA**
Commissioner

(Sgd.)**LUCENITO N. TAGLE**
Commissioner