



REPUBLIC OF THE PHILIPPINES
 COMMISSION ON ELECTIONS
 EDUCATION AND CULTURE DEPARTMENT
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 BY: J. Manly
 DATE: 11/12/08 TIME: 12:05

Republic of the Philippines
 COMMISSION ON ELECTIONS
 Manila

AUTHORITY OF THE COMMISSION ON ELECTIONS TO APPOINT, FILL-UP POSITIONS AND TRANSFER OR REASSIGN ITS PERSONNEL IN CONNECTION WITH THE DECEMBER 13, 2008 PLEBISCITE TO RATIFY THE CREATION OF QUEZON DEL SUR AND THE RENAMING OF THE MOTHER PROVINCE INTO QUEZON DEL NORTE PURSUANT TO REPUBLIC ACT 9495.

MELO, JOSE ARMANDO R.,
 SARMIENTO, RENE V.,
 FERRER, NICODEMO T.,
 LEONIDA, LEONARDO L.,
 TAGLE, LUCENITO N.,
 VELASCO, ARMANDO C.

Chairman
 Commissioner
 Commissioner
 Commissioner
 Commissioner

x ----- x Promulgated : **November 12, 2008**

RESOLUTION NO. 8539

WHEREAS, Sections 56 and 261 (g), and (h) of the Omnibus Election Code of the Philippines provide that:

“SEC. 56. *Changes in the composition, distribution or assignment of field offices.* – The Commission may make changes in the composition, distribution and assignment of field offices, as well as its personnel, whenever the exigencies of the service and the interest of free, orderly, and honest election so require: *Provided*, That such changes shall be effective and enforceable only for the duration of the election period concerned and shall not affect the tenure of office of the incumbents of positions affected and shall not constitute a demotion, either in rank or salary, nor result in a change of status: and *Provided, further*, That there shall be no changes in the composition, distribution or assignment within thirty (30) days before election, except for cause and after due notice and hearing, and that in no case shall a regional or assistant regional director be assigned to a region; a provincial election supervisor to a province; or a city or municipal election registrar to a city or municipality, where he and/or his spouse are related to any candidate within the fourth civil degree of consanguinity or affinity as the case may be.”

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

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"(g) *Appointment of new employees, creation of new position, promotion, or giving salary increases.* – During the period of forty-five (45) days before a regular election and thirty (30) days before a special election, (1) any head, official or appointing officer of a government office, agency or instrumentality, whether national or local, including government-owned or controlled corporations, who appoints or hires any new employee, whether provisional, temporary or casual, or creates and fills any new positions, except upon prior authority of the Commission. The Commission shall not grant the authority sought unless, it is satisfied that the position to be filled is essential to the proper functioning of the office or agency concerned, and that the position shall not be filled in a manner that may influence the election.

"As an exception to the foregoing provisions, a new employee may be appointed in case of urgent need: *Provided, however,* that notice of the appointment shall be given to the Commission within three days from the date of the appointment. Any appointment or hiring in violation of this provision shall be null and void.

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"(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 approval of the Commission."

xxx xxx xxx

WHEREAS, the above-quoted provisions apply to the December 13, 2008 Plebiscite in Quezon Province.

WHEREAS, there is an essential need to appoint, assign, reassign or transfer personnel of the Commission on Elections in the Province of Quezon during the prohibited period in order that it can effectively and efficiently carry out its constitutional mandate to conduct free, orderly, honest, peaceful and credible elections.

NOW, THEREFORE, the Commission on Elections by the virtue of the powers conferred upon it by the Constitution, the Omnibus Election Code and other election laws, as an exception to the foregoing prohibitions, has **RESOLVED**, as it hereby **RESOLVES**, to appoint, hire new employees or fill new positions and transfer or assign or reassign its personnel in Quezon Province, when necessary, in the effective performance of its mandated functions during the prohibited period, provided that no change in the assignment of its field personnel shall be effected within the period of thirty (30) days before election day, except for cause and after due notice and hearing.



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

Let copies hereof be furnished the Civil Service Commission (CSC) for its information and guidance.

SO ORDERED.


JOSE ARMANDO R. MELO
Chairman


RENE V. SARMIENTO
Commissioner


NICODEMO T. FERRER
Commissioner


LEONARDO L. LEONIDA
Commissioner


LUCENITO N. TAGLE
Commissioner


ARMANDO C. VELASCO
Commissioner

