



RECEIVED

BY: J. Manay
DATE: 7/7/09 TIME: 4:45 pm

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 CONDUCT OF THE AUGUST 15, 2009 PLEBISCITE TO RATIFY THE CREATION OF A NEW BARANGAY TO BE SEGREGATED FROM BARANGAY MALANDAY, TO BE NAMED AS BARANGAY MALANDAY DOS, AND RENAMING THE MOTHER BARANGAY AS BARANGAY MALANDAY UNO, BOTH IN MARIKINA CITY, PURSUANT TO CITY ORDINANCE NO. 207, SERIES OF 2008, APPROVED ON DECEMBER 17, 2008 BY THE SANGGUNIANG PANLUNGSOD OF MARIKINA CITY.

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

CHAIRMAN
COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER

x-----x

Promulgated: July 7, 2009

Handwritten signature: R.M. Jankin

RESOLUTION NO. 8612

WHEREAS, the provisions of the Omnibus Election Code prohibits the construction or maintenance of city and barangay-funded roads and bridges for a period of twenty one (21) days immediately preceding the date of plebiscite;

NOW, therefore, the Commission on Elections, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, and other election laws, has RESOLVED as it hereby RESOLVES, to promulgate, the following rules and regulations to enforce the aforementioned provision of law;

Handwritten signature

SECTION 1. Prohibition against construction or maintenance of city and barangay funded roads and bridges. – Effective July 20, 2009 to August 18, 2009, the construction or maintenance of city and barangay-funded roads and bridges shall be prohibited in Barangay Malanday, Marikina City, the provisions of Section 261, paragraph (v) and (w) of the Omnibus Election Code to the contrary notwithstanding.

SECTION 2. Submission to the Commission of Lists of Authorized Public Works Projects. – On or before July 15, 2009, the city mayor and punong barangay of Barangay Malanday, Marikina City, in relation to city and barangay public works as the case may be, shall submit to the Commission On Elections in Manila thru the election officer concerned, certified lists of all on-going construction or maintenance of city and barangay-funded roads and bridges.

Section 3. Immediate payment of laborer required. – Any laborer who may have worked on the construction and maintenance of city and barangay funded roads and bridges which have to be suspended pursuant to the twenty-one (21) day ban shall be paid immediately his complete earned wage upon the suspension of said projects.

Section 4. 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 hereof.

The Election Officer of Marikina City is directed to monitor compliance with the requirements under Sec. 2 hereof by the local executive officer in his jurisdiction and submit immediately to the Commission a written report on any violation of said provisions.

Section 5. Penalty. – Any violation of the prohibitions under this Resolution shall, consistent with Sections 261 and 164 of the Omnibus Election Code, constitute an election offense and shall be punishable by imprisonment of not less than one (1) year but not more than six (6) years, among other penalties provided for by law.

Section 6. Effectivity. – This Resolution shall take effect on the seventh (7th) day after its publication in two (2) newspapers of general circulation in the Philippines and in one (1) newspaper of local circulation in Marikina City.

Section 7. Dissemination. - The Office of the Deputy Executive Director for Operations shall furnish the Regional Election Director of the National Capital Region (NCR), the City Election Officer of Marikina City and the City Mayor of Marikina City, with a copy of this Resolution.

SO ORDERED.



JOSE A.R. MELO
Chairman



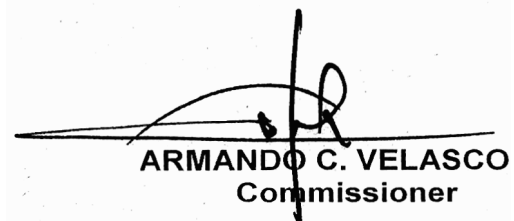
RENE V. SARMIENTO
Commissioner



NICODEMO T. FERRER
Commissioner



LUCENITO N. TAGLE
Commissioner



ARMANDO C. VELASCO
Commissioner