



Republic of the Philippines  
**OFFICE OF THE SECRETARY**  
Elliptical Road, Diliman  
1100 Quezon City

**MEMORANDUM CIRCULAR**

No. **27**

Series of 2021

**SUBJECT : PROHIBITED ACTS IN CONNECTION WITH THE FORTHCOMING 2022 NATIONAL AND LOCAL ELECTIONS PURSUANT TO THE OMNIBUS ELECTION CODE AND OTHER ELECTION-RELATED ISSUANCES AFFECTING PUBLIC OFFICES**

As the 2022 National and Local Elections draw near, many aspiring politicians including groups have already started going around the country. Likewise, a lot of our fellow Filipinos have already begun supporting and campaigning for their respective candidates, be it online or personal.

As such, as public employees and officials, we are again reminded of our duties and responsibilities in relation to the 1987 Philippine Constitution, Omnibus Election Code (Batas Pambansa Blg. 881), Civil Service Commission (CSC) Circulars and Commission on Election (COMELEC) Resolutions, particularly:

**1) Article IX (B), Section 2, Paragraph 4 of 1987 Philippine Constitution**

No officer or employee in the civil service shall engage, directly or indirectly, in any electioneering or partisan political campaign.

**2) Section 1, Paragraph 4 of COMELEC Resolution No. 10049<sup>1</sup> (promulgated 01 February 2016)**

Election campaign or partisan political activity refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office, and shall include any of the following:

- a) Forming organizations, associations, clubs, committees, or other groups of persons for the purpose of soliciting votes and/ or undertaking any campaign for or against a candidate;
- b) Holding political caucuses, conferences, meetings, rallies, parades, or other similar assemblies for the purpose of soliciting votes and/ or undertaking any campaign or propaganda for or against a candidate;
- c) Making speeches, announcements, or commentaries, or holding interviews for or against the election of any candidate for public office;
- d) Publishing, displaying, or distributing campaign literature, or materials

<sup>1</sup> Rules and Regulations Implementing Republic Act No. 9006, Otherwise Known as the "Fair Elections Act", in Connection with the 09 May 2016 National and Local Elections





designed to support or oppose the election of any candidate; or

e) Directly or indirectly soliciting votes, pledges, or support for or against any candidate;

**CSC Memorandum Circular No. 30, Series of 2009<sup>2</sup>, citing CSC Memorandum Circular No.40, Series of 1998**

The following specific acts are likewise considered partisan political activities:

- a) Being a delegate to any political convention, or a member of any political committee or directorate, or an officer of any political club or other similar political organizations;
- b) Receiving any contributions for political purposes, either directly or indirectly; and
- c) Becoming publicly identified with the success or failure of any candidate/s or party/ies.

**CSC Memorandum Circular No. 09 Series of 1992<sup>3</sup>**, includes the following prohibited acts:

- a) Wearing of t-shirts or pins, caps or any other similar election paraphernalia bearing the names of the candidates or political party except as authorized by the Commission on Elections;
- b) Being a watcher for a political party or candidate during the election;
- c) Consistent presence in political rallies, caucuses of and continuous companionship with certain political candidates and/ or political party in said political activities, causing the employee to be closely identified with such candidate and/ or with political party;
- d) Giving personal, financial or other monetary contribution, supplies, equipment and materials for the benefit of a candidate and/ or political party; and
- e) Utilizing government resources such as personnel including Job Orders or Contract of Service hires, time, and properties for political purposes.

<sup>2</sup> Reminder to all Government Officials and Employees Holding Non-Political Offices/Positions of the Prohibition from Engaging Directly or Indirectly in Any Partisan Political Activity

<sup>3</sup> Specific Acts which Public Officers and Employees in the Career and Non-Career Service not Holding Political Offices do and not do Relative to the Prohibition against Electioneering in Addition to those Prescribed in MC 2, Series of 1992





**The following acts are illustrative examples provided by jurisprudence:**

- a) Distributing handbill/ leaflets;
- b) Attendance at political meetings and caucuses; and
- c) Distribution of letters indicating intention to nm for public office.

**3) Section 261 (o) of Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code (OEC)**

Prohibition on the use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign.

4) <b><u>COMELEC</u></b> <b><u>Resolution No.</u></b> <b><u>10695<sup>4</sup></u></b> <b><u>(Promulgated</u></b> <b><u>February 10, 2021)</u></b>	Date/Period	Prohibited Acts
	January 9, 2022 to June 8, 2022	Transfer or movement of officers and employees in the civil service. <sup>5</sup>
	March 25, 2022 to May 8, 2022	Appointment or hiring of new employees, creation or filling up of new positions; promotion or giving salary increases, remuneration or privilege. <sup>6</sup>  Construction of public works, delivery of materials for public works, except for projects or works enumerated below (a-d) and issuance of treasury warrant or similar devices for a future undertaking chargeable against public funds. <sup>7</sup>  Release, disbursement or expenditures of public funds of any and all kinds of public works, except the following:  a. Maintenance of existing and/or completed public works project:

<sup>4</sup> In the Matter of Prescribing the Calendar of Activities and Periods of Certain Prohibited Acts in Connection with the May 09, 2022 National and Local Elections

<sup>5</sup> Section 261 (h), OEC

<sup>6</sup> Section 261 (g), OEC

<sup>7</sup> Section 261 (w), OEC





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		<p>Provided, that not more than the average number of laborers or employees already employed therein during the six-month period immediately prior to the beginning of the forty-five day period before election day shall be permitted to work during such time: Provided, further, That no additional laborers shall be employed for maintenance work within the said period of forty-five days;</p> <p>b. Work undertaken by contract through public bidding held, or by negotiated contract awarded, before the forty-five day period before election: Provided, That work for the purpose of this section undertaken under the so-called "takay" or "paquiao" system shall not be considered as work by contract;</p> <p>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</p>
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Received : 12/06/2021 02:03 PM

		d. Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility. <sup>8</sup>
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Done this 18th day of December 2021.

  
**WILLIAM D. DAR, Ph.D.**  
Secretary



<sup>8</sup> Section 261 (v), OEC

