Republic of the Philippines
Department of Education
REGION VI – WESTERN VISAYAS
SCHOOLS DIVISION OFFICE OF AKLAN

August 30, 2023

DIVISION MEMORANDUM
No. 355 , s. 2023

REITERATION OF DEPED ORDER NO. 629, S. 2023 TITLED "GUIDANCE ON THE UPCOMING 2023 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS"

To: **OIC, Office of the Assistant Schools Division Superintendent**
Chief Education Supervisors
Education Program Supervisors
Public Schools District Supervisors
Principals-In-Charge of the District
Senior/Education Program Specialists
Heads of Public Elementary, Secondary and Integrated Schools
Unit Heads
All Others Concerned

1. Please find attached Regional Memorandum No. 629, s. 2023 titled Guidance on the Upcoming 2023 Barangay and Sangguniang Kabataan Elections.

2. Immediate dissemination of this Memorandum is desired

FELICIANO C. BUENAFE JR. CESO VI
Schools Division Superintendent

Enclosure/s: As Stated
Reference: As Stated
To be indicated in the Perpetual Index under the following subjects:

GUIDELINES POLICY

RFD

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Republic of the Philippines
Department of Education
REGION VI – WESTERN VISAYAS

REGIONAL MEMORANDUM
No. 629 s. 2023

AUG 2 3 2023

GUIDANCE ON THE UPCOMING 2023 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS

To: Schools Division Superintendents
All Others Concerned

1. Attached is DepED Memorandum OUOPS 2023-07-7356, dated August 09, 2023 from **Atty. Revsee A. Escobedo,** Undersecretary for Operations of the Department of Education, relative to the **upcoming 2023 Barangay and Sangguniang Kabataan Elections** scheduled on **October 30, 2023,** for information.

2. Immediate dissemination of this Memorandum is desired.

RAMIR B. UYTICO EdD, CESO III
Regional Director

Incl: As stated

To be indicated in the Perpetual Index
under the following subjects:

AMENDMENT	COMMITTEES	ELECTIONS
OFFICIALS	PROGRAMS	

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Republic of the Philippines
Department of Education
OPERATIONS

MEMORANDUM
OUOPS 2023 -07- 7356

TO	:	**Regional Directors** **Schools Division Superintendents** **Public School District Supervisors** **All Others**
FROM	:	**ATTY. REVSEE A. ESCOBEDO** *Undersecretary for Operations*
SUBJECT	:	**GUIDANCE ON THE UPCOMING 2023 BARANGAY AND SANGGUNIAN KABATAAN ELECTIONS**
DATE	:	August 9, 2023

This is in reference to the upcoming 2023 *Barangay and Sanggunian Kabataan* Elections scheduled on October 30, 2023.

The Commission on Elections issued Resolution No. 10902, or the *"Revised Calendar of Activities and Periods of Certain Prohibited Acts in Connection with October 30, 2023, Synchronized Barangay and Sangguniang Kabataan (SK) Elections,"* stating that the Election Period shall commence from August 28 to November 29, 2023.

Relatedly, this Office respectfully requests that the field offices take cognizance of the following schedule of activities:

Election Activity	Date
Filing of Certificate of Candidacy	August 28 to September 2, 2023
Election Period	July 3 to November 14, 2023
Constitution of the members of the Electoral Board and Barangay Board of Canvassers (BBOC)	August 1 to October 11, 2023
Gun Ban	August 28 to November 29, 2023
Transfer or detail of officers and employees in the civil service, including public school teachers[1]	August 28 to November 29, 2023
Release, disbursement, or expenditures of public funds[2]	October 19 to 28, 2023
Campaign Period	October 19-28, 2023

[1] Section 261 (h), Omnibus Election Code
[2] Section 261 (v), Omnibus Election Code

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Prohibition on the appointment or hiring of new employees, creation of new positions, filing of new positions, promotion or giving of salary increases, remuneration, or privilege in the barangay	October 20-29, 2023
Construction or maintenance of barangay funded roads and bridges[3]	October 20-29, 2023
Liquor Ban and Prohibition on Campaigning	October 29-30, 2023
Election Day for Barangay and Sangguniang Kabataan	October 30, 2023
Last day of submission of Statements of Contribution and Expenditures	November 29, 2023

Moreover, we request the submission of the names of the teachers assigned as members of the Electoral Board and Barangay Board of Canvassers (BBOC), through a consolidated report from the regional office, for easy reference.

In addition, as to procurement activities during an Election Period, this Office requests the observance of the attached GPPB Non-Policy Matter No. 003-2022 providing clarifications on the conduct of procurement activities in relation to the prohibition against the release, disbursement, or expenditure of public funds under Section 261(v) of Batas Pambansa Blg. 881 or the "Omnibus Election Code of the Philippines."

Further, please be informed that designated BBOCs shall undergo training on three (3) consecutive Saturdays in September 2023.

Enclosed are pertinent COMELEC Resolutions for clarity.

For your guidance.

Thank you very much.

[3] Section 3, Republic Act No. 6679, as amended by Section 4, RA No 10923, "An Act Postponing the October 2016 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as amended by Republic Act No. 9340 and Republic Act No. 10656, Prescribing Additional Rules Governing the Conduct of Barangay and Sangguniang Kabataan Elections and for Other Purposes," July 25, 2016.

COMELEC Resolution No. 10905

REVISED CALENDAR OF ACTIVITIES AND PERIODS OF CERTAIN PROHIBITED ACTS IN CONNECTION WITH THE OCTOBER 30, 2023 SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS (BSKE)

WHEREAS, the Commission on Elections (Commission) has promulgated on March 22, 2023 Resolution No. 10902 entitled "REVISED CALENDAR OF ACTIVITIES AND PERIODS OF CERTAIN PROHIBITED ACTS IN CONNECTION WITH THE OCTOBER 30, 2023 SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN (SK) ELECTIONS" prescribing the activities, periods and prohibited acts in connection with the October 30, 2023 Synchronized Barangay and Sangguniang Kabataan Elections (BSKE);

WHEREAS, under Resolution No. 10902, the period to constitute the members of the Electoral Board and Barangay Board of Canvassers (BBOC) is from August 1, 2023 (TUE) to October 11, 2023 (WED);

WHEREAS, there is a need to give ample time for the conduct of training of the members of the Electoral Board and Barangay Board of Canvassers (BBOC);

WHEREAS, Section 29 of Republic Act No. 6646 provides:

"SEC. 29. *Designation of Other Dates for Certain Pre-election Acts.* - If it should no longer be reasonably possible to observe the periods and dates prescribed by law for certain pre-election acts, the Commission shall fix other periods and dates in order to ensure accomplishment of the activities so voters shall not be deprived of their right of suffrage.";

NOW, THEREFORE, pursuant to the powers vested in it by the Constitution of the Republic of the Philippines, the Omnibus Election Code (B.P. Big. 881), Republic Act Nos. 6646 and other election laws, the Commission RESOLVED, as it hereby RESOLVES, to reset the last day for the constitution of the members of the

Electoral Board and Barangay Board of Canvassers (BBOC) from October 11, 2023 (WED) to September 9, 2023 (SAT), thereby revising Resolution No. 10902, as follows:

DATE/PERIOD	ACTIVITIES	PROHIBITED ACTS
December 12, 2022 (MON) to January 31, 2023(TUE)	Filing of: 1. Applications for registration of voters for the *barangay* elections; and 2. Applications for membership to the *Katipunan ng Kabataan* (KK). (Sec. 5, Resolution No. 10868 dated November 29, 2022)	
February 20, 2023 (MON)	Last day to post notice of hearing with list of applicants. (Minute Resolution No. 23-0074 dated February 8, 2023)	
February 27, 2023 (MON)	Last day to file opposition to the Applications for: 1. Registration as voters for *barangay* elections; and 2. Membership to the *Katipunan ng Kabataan.*	

	(Minute Resolution No. 23-0074 dated February 8, 2023)	
March 6, 2023 (MON)	Approval or disapproval of applications for: 1. Registration as voters for *barangay* elections; and 2. Membership to the *Katipunan ng Kabataan.* and hearing for the updating of registration records. (Minute Resolution No. 23-0074 dated February 8, 2023)	
March 11, 2023 (SAT)	Last day to post the list of approved and disapproved applications for: 1. Registration as voters for *barangay* elections; and 2. Membership to the *Katipunan ng Kabataan.* (Sec. 51, Resolution No. 10868 dated November 29,2022)	

July 16, 2023 (SUN)	Last day to file petition for inclusion of voters. (Sec. 34, R.A. 8189 as implemented by Sec. 59, Resolution No. 10868 dated November 29, 2022)	
July 21, 2023 (FRI)	Last day to file petition for exclusion of voters. (Sec. 35, R.A. 8189 as implemented by Sec. 60, Resolution No. 10868 dated November 29, 2022)	
July 27, 2023 (THU)	Last day for the Election Registration Board (ERB), Citizens' Arm and Civic Organizations to verify, certify and seal the List of Voters for *Barangay* and *Sangguniang Kabataan* Elections. (Sec. 61, Resolution No. 10868 dated November 29, 2022)	
August 1, 2023 (TUE)	Last day of posting of the *Barangay* and *Sangguniang Kabataan* certified and final Computerized Voters' Lists (CVL). (Sec. 30, R.A. 8189 as implemented by Sec. 62, Resolution No. 10868 dated November 29, 2022)	
August 1, 2023 (TUE) to September 9, 2023 (SAT).	*Period to constitute the members of the Electoral Board and Barangay Board of Canvassers (BBOC)*	
August 15, 2023 (TUE)	Last day to conduct inspection of Voting Centers/Polling Places. (Sec. 1, par. 2, Article I, Resolution No. 10884 dated Januanry 25, 2023)	

August 28, 2023 (MON) to November 29, 2023 (WED)	ELECTION PERIOD (Sec. 3, OEC, in relation to Sec. 29, R.A 6646)	Bearing, carrying or transporting firearms or other deadly weapons in public places, including any building, street, park, private vehicle or public conveyance, or even if licensed to possess or carry the same, unless authorized in writing by the Commission. (Sec. 261 (p), (q), OEC as amended by Sec. 32 of R.A. No. 7166); Use of security personnel or bodyguards by candidates. (Sec. 33, R.A. No. 7166); Alteration of territory of a precinct or establishment of a new precinct. (Sec. 5, R.A. No. 8189); Raising of funds thru dances, lotteries,

		cockfights, etc. (Sec. 97, OEC); Vote-buying and vote-selling. (Sec. 261 (a), OEC) Wagering upon result of election. (Sec. 261 (c), OEC); Transfer or detail of officers and employees in the civil service, including public school teachers. (Sec. 261 (h), OEC); Coercing, threatening, intimidating or terrorizing any election official or employee in the performance of his election functions or duties. [Sec 261 (l), OEC]; (Note: Prohibited until proclamalion of winning candidates) Illegal release of prisoners before and after elections. (Sec. 261 (n), OEC in relation

		to Sec. 29, R.A. No. 6646); Organization or maintenance of reaction forces, strike forces or similar forces. (Sec. 261 (u), OEC); and Suspension of local elective officials. (Sec. 261 (x), OEC).
August 28, 2023 (MON) to September 2, 2023 (SAT)	Filing of Certilicate of Candidacy. (Sec. 39, OEC in relation to Sec. 7, R.A. No. 6679 and Sec. 29. R.A. 6646)	
September 3, 2023 (SUN) to October 18, 2023 (WED)		Campaigning. (Sec. 80, OEC);
September 15, 2023 (FRI)	Last day to file requests/petitions for transfer/change/correction of name/address of voting centers/polling places. (Sec. 11, par. 2, Article I, Resolution No. 10884 dated January 25, 2023)	
October 19, 2023 (THU) to October 28, 2023 (SAT)	CAMPAIGN PERIOD (Sec. 7, R.A. No. 6679 in relation to par. 3, Sec. 3 of the OEC.) Holding	Removing, destroying, obliterating, defacing, tampering or preventing distribution of lawful election propaganda. (Sec. 83, OEC);

	of *barangay* assemblies and candidates' *fora* (Sec. 47, OEC)	Posting, displaying, distributing and using illegal campaign materials. (Sec. 85, OEC) Making any donation or gift in cash or in kind. (Sec. 104, OEC) *(Note: Also prohibited on the day before election and on eleclion day)*; Appointing or using special policemen, special/confidential agents or the like. (Sec. 261 (m), OEC) *(Note: Also prohibited on the day before election and on election day)*; Using armored land, water or air craft. (Sec 261 (r), OEC) *(Note: Also prohibited on the day before election and on election day)*; Policemen and provincial guards acting as bodyguards of public

		officials or candidates. (Sec. 261 (t), OEC) *(Note: Also prohibited on the day before election and on election day)*; Release, disbursment or expenditures of public funds (Sec. 261 (v), OEC);
October 20, 2023 (FRI) to October 29, 2023 (SUN)		Construction or maintenance of *barangay* funded roads and bridges. (Sec. 3, R.A. No. 6679, as amended by Sec. 4, R.A. No. 10923); Appointment or hiring of new employees, creation of new positions, filling of new positions, promotion or giving of salary increases, remuneration or privileges in the barangay. (Sec. 5, R.A. No. 10923).

October 29, 2023 (SUN)	EVE OF ELECTION DAY	Campaigning. (Sec. 80, OEC); Giving, accepting free transportation, foods, drinks, and things of value. (Sec. 89, OEC); Selling, furnishing, offering, buying, serving or taking intoxicating liquor. (Sec. 261 (dd), (1), OEC). *(Note: Acts mentioned in the three preceding paragraphs are prohibited until election day).*
October 30, 2023 (MON)	ELECTION DAY Casting of votes (From 7:00 o'clock a.m. to 3:00 o'clock p.m.)(Sec. 190, OEC) Counting and canvassing of votes and proclamation of winning candidates immediately after closing of polls.	Campaigning. (Sec. 80, OEC); Giving and/or accepting free transportation, food, drinks and things of value. (Sec. 89, OEC); Using voter's affidavit of another for the purpose of voting, whether or not actually succeeds in

		voting. (Sec. 261 (y) (10), OEC); Voting more than once or in substitution of another. (Sec. 261 (z) (2) and (3) OEC); Destroying, substituting, or taking away from the possession of those having legal custody thereof, or from the place where they are legally deposited, any election from or document or ballot box which contains official ballots or other documents used in the election. (Sec. 261 (z) (12), OEC); Soliciting votes or undertaking any propaganda for or against any candidate within the polling place or within thirty (30) meters thereof. (Sec. 261 (cc) (6), OEC);

		Selling, furnishing, offering, buying, serving or taking intoxicating liquor. (Sec.261 (dd), (1), OEC). Opening of booths or stalls for the sale, etc., of wares, merchandise or refreshments, within thirty (30) meters radius from the polling place. (Sec. 261 (dd) (2), OEC); and Holding of fairs, cockfights, boxing, horse races or similar sports. (Sec. 261 (dd) (3), OEC).
November 29, 2023 (WED)	Last day to file Statements of Contributions and Expenditures (SOCE). (Sec. 14, R.A. 7166)	

The Education and Information Department shall disseminate copies of this Resolution, and shall cause its publication in two (2) daily newspapers of general circulation in the Philippines.

The Information and Technology Department shall likewise post a copy of this Resolution in the COMELEC website.

The Office of the Deputy Executive Director for Operations shall implement this Resolution.

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

SO ORDERED.

- GARCIA, GEORGE ERWIN M., Chairman
- INTING, SOCORRO B., Commissioner
- CASQUEJO, MARLON S., Commissioner
- FEROLINO, AIMEE P., Commissioner
- BULAY, REY E., Commissioner
- MACEDA, ERNESTO FERDINAND P. JR., Commissioner
- CELIS, NELSON J., Commissioner

CERTIFICATION

APPROVED by the Commission En Banc during its regular meeting on May 3, 2023, pursuant to COMELEC RESOLUTION NO. 10671, promulgated June 9, 2020 entitled: "Supplemental Resolution to COMELEC Resolution 9936 Promulgated March 25, 2015, Rule on the Enactment and Promulgation of Executive Administrative Resolutions providing for other format of meetings to include online meeting applicable in times of COVID-19 pandemic and the imposition of Community Quarantines and similar emergency situations.

COMELEC Resolution No. 10899

CALENDAR OF ACTIVITIES AND PERIODS OF CERTAIN PROHIBITED ACTS IN CONNECTION WITH THE OCTOBER 30, 2023 SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN (SK) ELECTIONS

WHEREAS, the Commission on Elections (Commission) has promulgated on August 10, 2022 COMELEC Resolution No. 10831 entitled: "CALENDAR OF ACTIVITIES AND PERIODS OF CERTAIN PROHIBITED ACTS IN CONNECTION WITH THE DECEMBER 5, 2022 SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS (BSKE)" prescribing the activities, periods and prohibited acts in connection with the **December 5, 2022** Synchronized Barangay and Sangguniang Kabataan Eiections (BSKE);

WHEREAS, COMELEC Resolution No. 10831 was revised by COMELEC Resolution No. 10846 promulgated on September 21, 2022 entitled: "REVISED CALENDAR OF ACTIVITIES AND PERIODS OF CERTAIN PROHIBITED ACTS IN CONNECTION WITH THE DECEMBER 5, 2022 SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS (BSKE)";

WHEREAS, there is a need to promulgate a **new** Calendar of Activities and Periods of Certain Prohibited Acts for the Synchronized Barangay and Sangguniang Kabataan Elections (BSKE) with the enactment of **Republic Act. No. 11935** entitled "AN ACT POSTPONING THE DECEMBER 2022 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, AS AMENDED, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES" which was approved on October 10, 2022 by President Ferdinand R. Marcos, Jr., postponing the Barangay and Sangguniang Kabataan Elections (BSKE) to **October 30, 2023**;

WHEREAS, Section 29 of Republic Act No. 6646 provides:

"SEC. 29. *Designation of Other Dates for Certain Pre-election Acts.* - If it should no longer be reasonably possible to observe the periods and dates prescribed by law for

certain pre-election acts, the Commission shall fix other periods and dates in order to ensure accomplishment of the activities so voters shall not be deprived of their right of suffrage.";

NOW, THEREFORE, pursuant to the powers vested in it by the Constitution of the Republic of the Philippines, the Omnibus Election Code (B.P. Blg. 881), Republic Act Nos. 6646, 8189, 9164, 9340, 10632, 10656, 10742, 10923, 10952, 11935 and other election laws, the Commission on Elections **RESOLVED** to prescribe the following Calendar of Activities and Periods of Certain Prohibited Acts in connection with the October 30, 2023 Synchronized Barangay and Sangguniang Kabataan Elections (BSKE):

DATE/PERIOD	ACTIVITIES	PROHIBITED ACTS
December 12, 2022 (MON) to January 31, 2023(TUE)	Filing of: 1. Applications for registration of voters for the *barangay* elections; and 2. Applications for membership to the *Katipunan ng Kabataan* (KK). (Sec. 5, Resolution No. 10868 dated November 29, 2022)	
February 20, 2023 (MON)	Last day to post notice of hearing with list of applicants.	
February 27, 2023 (MON)	Last day to file opposition to the Applications for:	

1. Registration as voters for *barangay* elections; and

2. Membership to the *Katipunan ng Kabataan.*

March 6, 2023 (MON) — Approval or disapproval of applications for:

1. Registration as voters for *barangay* elections; and

2. Membership to the *Katipunan ng Kabataan.*

and hearing for the updating of registration records.

March 11, 2023 (SAT) — Last day to post the list of approved and disapproved applications for:

1. Registration as voters for *barangay* elections; and

2. Membership to the *Katipunan ng Kabataan.*

(Sec. 51, Resolution No. 10868 dated November 29,2022)

July 3, 2023 (MON) to July 7, 2023 (FRI)	Filing of Certificate of Candidacy. (Sec. 39, OEC in relation to Sec. 7, R.A. No. 6679 and Sec. 29, R.A. 6646)	
July 3, 2023 (MON) to November 14, 2023 (TUE)	**ELECTION PERIOD** (Sec. 3, OEC, in relation to Sec. 29, R.A. 6646)	Bearing, carrying or transporting firearms or other deadly weapons in public places, including any building, street, park, private vehicle or public conveyance, or even if licensed to prossess or carry the same, unless authorized in writing by the Commission. (Sec. 261 (p), (q), OEC as amended by Sec. 32 of R.A. No. 7166); Use of security personnel or bodyguards by candidates. (Sec. 33, R.A. No. 7166); Alteration of territory of a precinct or establishment of a new precinct. (Sec. 5, R.A. No. 8189); Raising of funds thru dances, lotteries, cockfights, etc. (Sec. 97, OEC);

Vote-buying and vote-selling. (Sec. 261 (a) OEC);

Wagering upon result of election. (Sec. 261 (c), OEC)

Transfer or detail of officers and employees in the civil service, including public school teachers. (Sec. 261 (h), OEC)

Coercing, threatening, intimidating or terrorizing any election official or employee in the performance of his election functions or duties. [Sec 261 (l), OEC]; ***(Note: Prohibited until proclamation of winning candidates)***

Illegal release of prisoners before and after elections. (Sec. 261 (n), OEC in relation to Sec. 29, R.A. No. 6646);

		Organizing or maintenance of reaction forces, strike forces or similar forces. (Sec. 261 (u), OEC); and Suspension of local elective officials. (Sec. 261 (x), OEC).
July 8, 2023 (SAT) to October 18, 2023 (WED)		Campaigning (Sec. 80, OEC)
July 16, 2023 (SUN)	Last day to file petition for inclusion of voters. (Sec. 34, R.A. 8189 as implemented by Sec. 59, Resolution No. 10868 dated November 29, 2022)	
July 21, 2023 (FRI)	Last day to file petition for exclusion of voters. (Sec. 35, R.A. 8189 as implemented by Sec. 60, Resolution No. 10868 dated November 29, 2022)	
July 27, 2023 (THU)	Last day for the Election Registration Board (ERB), Citizens' Arm and Civic Organizations to verif), certify and seal the List of Voters for *Barangay* and *Sangguniang Kabataan* Elections. (Sec. 61, Resolution No. 10868 dated November 29, 2022)	
August 1, 2023 (TUE)	Last day of posting of the *Barangay* and *Sangguniang*	

	Kabataan certified and final Computerized Voters' Lists (CVL). (Sec. 30, R.A. 8189 as implemented by Sec. 62, Resolution No. 10868 dated November 29, 2022)	
August 1, 2023 (TUE) to October 11, 2023 (WED)	Period to constitute the members of the Electoral Board and Barangay Board of Canvassers (BBOC).	
August 15, 2023 (TUE)	Last day to conduct inspection of Voting Centers/Polling Places. (Sec. 1, par. 2, Article I, Resolution No. 10884 dated Januanry 25, 2023)	
September 15, 2023 (FRI)	Last day to file requests/petitions for transfer/change/correction of name/address of voting centers/polling places. (Sec. 11, par. 2, Article I, Resolution No. 10884 dated January 25, 2023)	
October 19, 2023 (THU) to October 28, 2023 (SAT)	**CAMPAIGN PERIOD** (Sec. 7, R.A. No. 6679) Holding of *barangay* assemblies and candidates' *fora* (Sec. 47, OEC)	Removing, destroying, obliterating, defacing, tampering or preventing distribution of lawful election propaganda. (Sec. 83, OEC); Posting, displaying, distributing and using illegal campaign materials. (Sec. 85, OEC)

Making any donation or gift in cash or in kind. (Sec. 104, OEC) ***(Note: Also prohibited on the day before election and on eleclion day)***;

Appointing or using special policemen, special/confidential agents or the like. (Sec. 261 (m), OEC) ***(Note: Also prohibited on the day before election and on election day)***;

Using armored land, water or air craft. (Sec 261 (r), OEC) ***(Note: Also prohibited on the day before election and on election day)***;

Policemen and provincial guards acting as bodyguards of public officials or candidates. (Sec. 261 (t), OEC) ***(Note: Also prohibited on the day before election and on election day)***;

		Release, disbursment or expenditures of public funds (Sec. 261 (v), OEC); Contruction or maintenance of *barangay* funded roads and bridges. (Sec. 3, R.A. No. 6679, as amended by Sec. 4, R.A. No. 10923); Appointment or hiring of new employees, creation of new positions, filling of new positions, promotion or giving of salary increases, remuneration or privileges in the barangay. (Sec. 5, R.A. No. 10923).
October 29, 2023 (SUN)	**EVE OF ELECTION DAY**	Campaigning. (Sec. 80, OEC); Giving, accepting free transportation, foods, drinks, and things of value. (Sec. 89, OEC);

		Selling, furnishing, offering, buying, serving or taking intoxicating liquor. (Sec. 261 (dd), (1), OEC). ***(Note: Acts mentioned in the three preceding paragraphs are prohibited until election day).***
October 30, 2023 (MON)	**ELECTION DAY** Casting of votes (From 7:00 o'clock a.m. to 3:00 o'clock p.m.)(Sec. 190, OEC) Counting and canvassing of votes and proclamation of winning candidates immediately after closing of polls.	Campaigning. (Sec. 80, OEC); Giving and/or accepting free transportation, food, drinks and things of value. (Sec. 89, OEC); Using voter's affidavit of another for the purpose of voting, whether or not actually succeeds in voting. (Sec. 261 (y) (10), OEC); Voting more than once or in substitution of another. (Sec. 261 (z) (2) and (3) OEC);

Destroying, substituting, or taking away from the possession of those having legal custody thereof, or from the place where they are legally deposited, any election from or document or ballot box which contains official ballots or other documents used in the electioon. (Sec. 261 (z) (12), OEC);

Soliciting votes or undertaking any propaganda for or against any candidate within the polling place or within thirty (30) meters thereof. (Sec. 261 (cc) (6), OEC);

Selling, fumishing, offering, buying, serving or taking intoxicating liquor. (Sec.261 (dd), (1), OEC).

	Opening of booths or stalls for the sale, etc., of wares, merchandise or refreshments, within thirty (30) meters radius from the polling place. (Sec. 261 (dd) (2), OEC); and Holding of fairs, cockfights, boxing, horse races or similar sports. (Sec. 261 (dd) (3), OEC).
November 29, 2023 (WED)	Last day to file Statements of Contributions and Expenditures (SOCE). (Sec. 14, R.A. 7166)

The Education and Information Department shall disseminate copies of this Resolution, and shall cause its publication in two (2) daily newspapers of general circulation in the Philippines. The Information and Technology Department shall likewise post a copy of this Resolution in the COMELEC website.

The Office of the Deputy Executive Director for Operations shall implement this Resolution.

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

SO ORDERED.

- **GARCIA**, GEORGE ERWIN M., Chairman

- **INTING**, SOCORRO B., Commissioner
- **CASQUEJO**, MARLON S., Commissioner
- **FEROLINO**, AIMEE P., Commissioner
- **BULAY**, REY E., Commissioner
- **MACEDA**, ERNESTO FERDINAND P. JR., Commissioner
- **CELIS**, NELSON J., Commissioner

CERTIFICATION

APPROVED by the Commission En Banc during its regular meeting on **February 22, 2023**, pursuant to COMELEC RESOLUTION NO. 10671, promulgated June 9, 2020 entitled: "Supplemental Resolution to COMELEC Resolution 9936 Promulgated March 25, 2015, Rule on the Enactment and Promulgation of Executive Administrative Resolutions providing for other format of meetings to include online meeting applicable in times of COVID-19 pandemic and the imposition of Community Quarantines and similar emergency situations.

NPM No. 003 - 2022

06 April 2022

HEAD OF PROCURING ENTITIES

Re: Procurement Activities During an Election Period

Dear Sir/ Madam:

Further to the guidance provided under **Government Procurement Policy Board (GPPB) Resolution No. 20-2021**[1] and **Circular No. 03-2021**,[2] the GPPB – Technical Support Office (GPPB-TSO) is issuing this opinion in anticipation of requests for clarifications from Procuring Entities (PEs) in the conduct of procurement activities in relation to the prohibition against the release, disbursement, or expenditure of public funds under Section 261(v) of the Batas Pambansa Bilang 881, otherwise known as the Omnibus Election Code of the Philippines (OEC).

At the outset, it bears emphasis that PEs are allowed to proceed with the commencement and completion of their procurement activities from the Pre-Procurement Conference until Post-Qualification during the period of forty-five (45) days before a regular election and thirty (30) days before a special election ("Prohibited Period"). **PEs are, however, constrained from awarding a contract through the issuance of a Notice of Award during the same period**[3] **for** the following procurement projects: (i) all kinds of **Public Works**; (ii) **Social Projects**; and (iii) **Housing-related Projects** ("Prohibited Projects"). The rationale behind this is simple, the issuance of a Notice of Award will effectively result in the release, disbursement, or expenditure of public funds, which is expressly proscribed under the OEC.

In particular, Public Works shall refer to "construction, improvement, rehabilitation, demolition, repair, restoration or maintenance of roads and bridges, railways, airports, seaports, communication facilities, civil works components of information technology projects, irrigation, flood control and drainage, water supply, sanitation, sewerage and solid waste management systems, shore protection, energy/power and electrification facilities, national buildings, school buildings, hospital buildings and other related construction projects of the government."[4]

On the other hand, Social Projects refer to "activities or projects undertaken by the Department of Social Welfare and Development and any other office in any other department of the government performing functions similar to the said department."[5] While Housing-related Projects refer to "activities or projects undertaken by the Housing and Urban Development Coordinating Council and any other office in any other department of the government performing functions similar to the said department."[6]

Nonetheless, the following Prohibited Projects are exempted or allowed to be undertaken by the PEs during the Prohibited Period ("Exempted Projects"):

[1] Guidelines on the Conduct of Procurement Activities During the Election Period for the 09 May 2022 National and Local Elections
[2] Copies of GPPB Resolution No. 20-2021 and GPPB Circular No. 03-2021 may be accessed through this link: https://www.gppb.gov.ph/issuances/Resolutions/GPPB%20Resolution%20No.%2020-2021.pdf
[3] Section 261(v), Article XXII of OEC
[4] Section 5(k) of RA No. 9184
[5] Item 3.3 of the GPPB Circular No. 03-2021
[6] Item 3.4 of the GPPB Circular No. 03-2021

A. Public Works

1. Maintenance of existing and/or completed public works where no additional laborers are employed;
2. Work undertaken by contract through public bidding or negotiated contract awarded;
3. Preparatory works or the 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;
4. Emergency work necessitated by the occurrence of a public calamity, due to force majeure or any fortuitous event, but limited to the restoration of the damaged facility, unless the COMELEC authorized such other emergency work;
5. Ongoing projects commenced before the campaign period and are listed as authorized public works or projects by the COMELEC; and
6. Projects under foreign agreements or ongoing foreign-assisted projects submitted to the COMELEC.

B. Social Projects

1. Routine and Normal Expenses; and
2. Such other expenses authorized by the COMELEC after due notice and hearing.

C. Housing-Related Projects

1. Administrative Expenses; and
2. Such other expenses authorized by the COMELEC after due notice and hearing.

Moreover, should PEs need to award contracts for any of the Prohibited Projects, a request for exemption may be submitted to the Commission on Elections (COMELEC), pursuant to its authority under the OEC, and COMELEC Resolution No. 10747.[7]

FREQUENTLY ASKED QUESTIONS

For easy reference of PEs in the conduct of procurement activities during the upcoming National and Local Elections, we have prepared the following frequently asked questions:

1. Are PEs allowed to undertake procurement activities during the Prohibited Period?

As a rule, PEs are allowed to proceed with the commencement and completion of their procurement activities from the Pre-Procurement Conference until Post-Qualification during the Prohibited Period, which is the period of forty-five (45) days before a regular election and thirty (30) days before a special election.

***However, PEs are not allowed to issue a Notice of Award for the Prohibited Projects during the same period,* unless it falls under the Exempted Projects.**

[7] COMELEC Resolution No. 10747 (Rules and Regulations on Prohibition against Release, Disbursement, or Expenditures of Public Funds, and Construction of Public Works, Delivery of Materials for Public Works, and Issuance of Treasure Warrants and Similar Devices (Section 261(V), (W) of the OEC) in connection with the May 9, 2022, Synchronized National and Local Elections, which may be accessed using this link: https://comelec.gov.ph/php-tpls-attachments/2022NLE/Resolutions/com_res_10747.pdf

2. **Can the Head of Procuring Entity (HoPE) create a Bids and Awards Committee (BAC) during the Prohibited Period?**

Yes. The HoPE can establish the BAC/s during the Prohibited Period as it does not relate to any of the Prohibited Projects or any of the prohibited activities in connection with the May 09, 2022 National and Local Elections under COMELEC Resolution 10695.[8]

3. **Are PEs allowed to post its procurement activities during the Prohibited Period?**

Yes. PEs are allowed to post procurement activities until the recommendation of the award even during the Prohibited Period since it does not involve the release, disbursement, or expenditure of any public funds for Prohibited Projects or any of the prohibited activities in connection with the May 09, 2022 National and Local Elections under COMELEC Resolution 10695.[9]

4. **Are PEs allowed to extend the duration and effectivity of an ongoing contract during the Prohibited Period?**

Yes. The HoPE may extend the duration and effectivity of an ongoing contract during the Prohibited Period since ongoing contracts are not among the Prohibited Projects and the extension of contracts is not among the prohibited activities in connection with the May 09, 2022 National and Local Elections under COMELEC Resolution 10695.

5. **What are the Exempted Projects during the 2022 National and Local Elections or those Prohibited Projects that are nonetheless exempted or may still be undertaken by PEs during the Prohibited Period from 25 March 2022 to 08 May 2022?**

Section 261(v) (Election Offenses) of the OEC provides the list of public works, social projects, and housing-related projects which are exempt from the prohibition against release, disbursement, or expenditure of public funds:

A. For Public Works

1. Maintenance of existing and/or completed public works where no additional laborers are employed;
2. Work undertaken by contract through public bidding or negotiated contract awarded before 25 March 2022;
3. Preparatory works or the 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 before 25 March 2022;
4. Emergency work necessitated by the occurrence of a public calamity, due to force majeure or any fortuitous event, but limited to the restoration of the damaged facility, unless the COMELEC authorized such other emergency work;
5. Ongoing projects commenced before the campaign period and are listed as authorized public works or projects by the COMELEC; and
6. Projects under foreign agreements or ongoing foreign-assisted projects submitted to the COMELEC.

[8] 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.
[9] 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.

B. For Social Projects

1. Routine and Normal Expenses; and
2. Such other expenses authorized by the COMELEC after due notice and hearing.

C. For Housing Related Projects

1. Administrative Expenses; and
2. Such other expenses authorized by the COMELEC after due notice and hearing.

6. Are PEs allowed to award a contract during the Prohibited Period?

As a rule, PEs are not allowed to issue a Notice of Award for all Prohibited Projects during the Prohibited Period. However, PEs are allowed to issue a Notice of Award for Exempted Projects.

7. Does the prohibition to issue a Notice of Award cover ongoing public works projects which began before the campaign period?

No. Pursuant to Section 261(v)(1) of the OEC, this prohibition shall not apply to ongoing public works projects commenced before the campaign period[10] or similar projects under foreign agreements.

8. Will PEs violate the mandatory timelines under Republic Act No. 9184 if it does not award a contract during the Prohibited Period?

No. Since the issuance of the Notice of Award will effectively result in the release, disbursement, or expenditure of public funds which is proscribed under the OEC (unless it is otherwise exempted therein), the issuance of the Notice of Award is likewise proscribed to effectively implement the prohibition under the said law. Effectively, this legal prohibition under the OEC operates to suspend the counting of the mandatory timelines provided under RA No. 9184.

9. In case a PE was not able to award the contract by 24 March 2022, can the PE award the contract after the election day?

For Prohibited Projects, PEs may commence with the awarding of contracts on or after 09 May 2022. However, for Exempted Projects, PEs may award the contract even during the Prohibited Period or from 25 March 2022 to 08 May 2022, and ofcourse thereafter.

10. What is the recourse of PEs that wish to award Procurement Projects which are covered by the Prohibited Projects?

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[10] Section 3 of the OEC provides: Election and campaign periods. - Unless otherwise fixed in special cases by the Commission on Elections, which hereinafter shall be referred to as the Commission, the election period shall commence ninety days before the day of the election and shall end thirty days thereafter.
The period of campaign shall be as follows:
1. Presidential and Vice-Presidential Election - 90 days;
2. Election of Members of the Batasang Pambansa and Local Election - 45 days; and
3. Barangay Election - 15 days.
The campaign periods shall not include the day before and the day of the election.
However, in case of special elections under Article VIII, Section 5, Subsection (2) of the Constitution, the campaign period shall be forty-five days.

For PEs that wish to award Procurement Projects which are covered by the Prohibited Projects, they may direct their request for exemption to the COMELEC for resolution. Since the COMELEC has exclusive jurisdiction in implementing the OEC, pursuant to the powers vested upon it by law, it also follows that the COMELEC has sole authority to decide on any request for exemptions.

11. What if PEs would like to be clarified on specific issues on the application and interpretation of the prohibition against the release, disbursement, or expenditure of public funds during the Prohibited Period?

PEs may direct clarifications on the prohibition against release, disbursement, or expenditures of public funds to the Department of Budget and Management.

For the information and guidance of all.

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Executive Director V

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