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Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

DOCUMENT NO. 22 - 0010
(LAW - 21-10514)

Law Department

*with the
reference to
Bulacan*

**RECOMMENDATION ON THE REQUEST FOR
THE GRANTING OF CONTINUING AUTHORITY
TO APPOINT, HIRE NEW EMPLOYEES, AND
TRANSFER OR DETAIL OF PERSONNEL IN THE
DEPARTMENT OF EDUCATION (DepEd)
DURING THE ELECTION PERIOD OF THE 2022
NATIONAL AND LOCAL ELECTIONS**

DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY
JAN 25 2022
Received Doc# 952552

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NOTICE

SEC. LEONOR MAGTOLIS BRIONES
Department of Education
DepEd Complex, Meralco Ave.
Pasig City 1600

GREETINGS:

For your information and guidance, attached is a copy of the approval from the Office of the Chairman, this Commission in the above-entitled matter.

Thank you very much.

January 03, 2022

Maria Norina S. Tangaro-Castinal
ATTY. MARIA NORINA S. TANGARO-CASTINGAL
Director IV

Encl.: a/s

origie: 1 Imple-21-7634 (LAW-21-10514) Briones (Deped) Continuing



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

LAW DEPARTMENT

MEMORANDUM No. 21-1634
(LAW-21-10514)

FOR : SHERIFF M. ABAS
Chairman

SUBJECT : RECOMMENDATION ON THE REQUEST FOR
THE GRANTING OF CONTINUING
AUTHORITY TO APPOINT, HIRE NEW
EMPLOYEES, AND TRANSFER OR DETAIL OF
PERSONNEL IN THE DEPARTMENT OF
EDUCATION (DepEd) DURING THE ELECTION
PERIOD OF THE 2022 NATIONAL AND LOCAL
ELECTIONS

DATE : DECEMBER 23, 2022

This has reference to the attached October 25, 2021 letter of Sec. Leonor Magtolis Briones of the Department of Education (DepEd), which was received by this Department on November 17, 2021, seeking for continuing authority to appoint, and hire new employees from March 25, 2022 to May 8, 2022, and to transfer/detail DepEd employees from January 9, 2022 to June 8, 2022. Pertinent portion of the letter reads:

"This has reference to the prohibitions stated in COMELEC Resolution No. 10695, titled "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," in accordance with the Omnibus Election Code. Specifically, the Department of Education would like to request a blanket exemption on the following prohibited activities as stated in the aforementioned COMELEC Resolution:

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1. Transfer of movement of officers and employees in the Civil Service (Article 261 (h) of the Omnibus Election Code) during the Election Period from January 09, 2022 to June 08, 2022; and
2. Appointment or hiring of new employees, creation or filling up of new positions; promotion or giving of salary increases, remuneration or privileges (Section 261 (g) of the Omnibus Election Code) during the Campaign Period from March 25, 2022 to May 08, 2022.

The Department of Education (DepEd) humbly posits that this is again possible similar to the blanket authority you have given to the undersigned last 2019 National and Local Elections. We have stated that the Omnibus Election Code specifically provides for an exemption wherein a new employee may be appointed during the election ban. These are 1) in case of urgent need, and 2) that the notice of the appointment shall be given to the Commission within three days from the date of the appointment. Since the hiring of teachers is one of the priority projects of the current administration to address its urgent need in the K to 12 program, and the fact that there is available budget for such teacher items, DepEd appeals for its exclusion from the hiring ban."

In addition to the President of the Philippines, the Supreme Court of the Philippines, Court of Appeals, Sandiganbayan, Court of Tax Appeals and other lower courts, including the Senate and Presidential Electoral Tribunals, other agencies of the government may be granted continuing authority to appoint or hire new employees from March 25, 2022 until May 8, 2022, and to transfer or detail their officers and employees from January 9, 2022 to June 8, 2022, in view of the nature of their functions under Sections 28 and 29 of Resolution No. 10742.¹

Upon evaluation, we find the letter-request of Sec. Briones, in compliance with the aforementioned Resolution and justified in view of the nature of their functions.

However, the request for promotion, grant of salary increase and/ or privileges in favor of DepEd personnel may not be granted as the same are strictly prohibited from March 25, 2022 until May 8, 2022 under Section 9 of Resolution No. 10742.

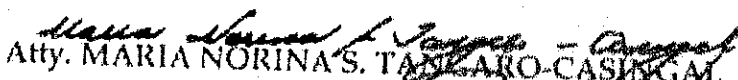
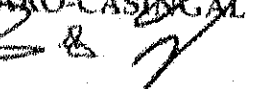
IN LIGHT OF THE FOREGOING, this Department **RECOMMENDS** the **APPROVAL** of the request of Sec. Briones, insofar as the continuing

¹ In the Matter of the Enforcement of the Prohibition Against Appointment or Hiring of New Employees; Creation or Filling Up of New Positions; Giving Salary Increases; Transfer or Detail of Civil Service Employees; and Suspension of Elective Local Officials; and Filing of Leave of Absences of Local Treasurers in connection with the May 09, 2022 National and Local Elections. 16 December 2021.

authority to appoint, hire new employees, transfer or detail whatever of any officers and employees of the DepEd is concerned, provided:

1. That this authorization shall be limited to orders to appoint, hire new employees, and to transfer or detail whatever of DepEd officers and employees, signed and issued by Sec. Briones;
2. That the said appointment, hiring, and transfer or detail is essential to the proper functioning of the office and shall not in any manner influence the conduct of the May 9, 2022 National and Local Elections;
3. That the same shall not involve promotion or the giving of any increase of salary or remuneration or privilege which is strictly prohibited during the forty-five (45) day period before the May 9, 2022 Elections, without any exception whatsoever;
4. That this authorization shall be prospective in application and without prejudice to the applicable Civil Service Law, rules and regulations on personnel actions/movements; and
5. That the proper notices prescribed and required under Section 29 (d) of Resolution No. 10742 shall be promptly sent to this Commission through this Department.

Respectfully submitted for Your Honor's consideration.


Atty. MARIA NORINA S. TANLARO-CASINAL
Director IV 

By virtue of the authority granted upon me under COMELEC Resolution No. 10742, promulgated on 16 December 2022, the recommendation of the Law Department is hereby APPROVED.

For the Commission:


SHERIFF M. ABAS
Chairman

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Continuing Authority/DepEd/ AW-21-10514