



Republic of the Philippines  
Department of Environment and Natural Resources  
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**MEMORANDUM**

**TO :** **All Heads of Offices**  
DENR Central Office

**Regional Executive Directors**  
DENR Regions 1-13, NCR, CAR

**Bureau Directors**  
FMB, LMB, ERDB, BMB, EMB, MGB

**Heads of Attached Agencies**  
NAMRIA, NWRB, PCSDS

**FROM :** **The Undersecretary**  
Finance, Information Systems and Climate Change

**SUBJECT :** **PROHIBITED ACTS DURING THE ELECTION PERIOD**

**DATE :** **JAN 18 2022**

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In connection with the May 9, 2022 synchronized National and Local Elections, the Commission on Election (COMELEC) issued Resolution No. 10747 dated December 16, 2021 to promulgate rules and regulations for the enforcement of prohibitions provided under Section 261, (v), (w) of the Omnibus Election Code as follows:

- v. Release, Disbursement, or Expenditures of Public Funds
- w. Construction of Public Works, Delivery of Materials for Public Works and Issuance of Treasury Warrants and Similar Devices

Relative to this, the Government Procurement Policy Board (GPPB) issued Resolution No. 20-2021 and Circular No. 03-2021 both dated December 2, 2021 which confirmed, adopted and approved the Guidelines on the Conduct of Procurement Activities of Government Agencies during the Election Period. The said Guidelines remind all Procuring Entities of the procurement activities that are prohibited starting **March 25, 2022 until May 8, 2022** in accordance with COMELEC Resolution No. 10695 dated February 10, 2021.

The aforementioned Resolutions and Circular can be downloaded from their respective websites.

For your guidance and strict compliance.

  
ATTY. ANALIZA REBUelta-TEH

cc:

Office of the Secretary

MEMO NO. 2022 - 31



Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
Intramuros, Manila

**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 TREASURY WARRANTS AND SIMILAR DEVICES (SECTION 261 (V), (W) OF THE OMNIBUS ELECTION CODE) IN CONNECTION WITH THE MAY 9, 2022 SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS**

Abas, S.M., *Chairman*  
Guanzon, M.R.A.V., *Commissioner*  
Inting, S.B., *Commissioner*  
Casquejo, M.S., *Commissioner*  
Kho, Jr., A.T., *Commissioner*  
Ferolino, A.P., *Commissioner*

*promulgated: December 16, 2021*

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**RESOLUTION NO. 10747**

The Commission on Elections (*hereinafter referred to as Commission for brevity*), 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 prohibitions provided under Section 261, subsections (v) and (w) of the Omnibus Election Code.

**SECTION 1. Public works defined-** Whenever used in this Resolution, "public works" refer to "infrastructure projects" built by the Government for public use and paid for by public fund. It encompasses fixed works constructed for public use or enjoyment financed and owned by the government.<sup>1</sup>

These include the construction, improvement, rehabilitation, demolition, repair, restoration, or maintenance of roads and

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<sup>1</sup> Guzman vs. COMELEC, G.R. No. 182380, 28 August 2009.

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, hospitals buildings, and other related construction projects of the government.<sup>2</sup>

**SECTION 2. Prohibition on Release, Disbursement or Expenditure of Public Funds.** - Effective March 25, 2022 until May 08, 2022, no public official or employee, including barangay officials, and those of government-owned or controlled corporations and their subsidiaries, shall release, disburse, or expend any public funds for:

- 1) Any and all kinds of public works, except the following:
  - a) Maintenance of existing and/or completed public works project. Provided, that not more than the average number of laborers or employees already employed therein during the six-month period immediately prior to March 25, 2022, shall be permitted to work during such time: Provided, further, that no additional laborers shall be employed for maintenance work starting March 25, 2022 until May 08, 2022;
  - b) Work undertaken by contract through public bidding held, or by negotiated contract awarded, before March 25, 2022: Provided, that for the purpose of this Section work under the so-called "takay" or "pakyaw" system shall not be considered as work by contract;
  - 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 March 25, 2022: Provided, that the number of such laborers shall not be increased over the number hired when the project or projects were commenced; and

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<sup>2</sup> Section 5 (k) of Republic Act No. 9184 (Government Procurement Reform Act)

- d) Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility.

No payment shall be made within five (5) days before the date of election to laborers who have rendered services in projects or works except those falling under subparagraphs (a), (b), (c), and (d), of this Section.

The prohibition shall not apply to on-going public works projects commenced before the campaign period or similar projects under foreign agreements. For purposes of this provision, it shall be the duty of the government officials or agencies concerned to report to the Commission the list of all such projects being undertaken by them as provided for under Sec. 3 of this Resolution.

- 2) The Department of Social Welfare and Development (DSWD) and any other office, agency, or bureau in other departments of the government performing functions similar to said department, except for salaries of personnel, and for such other routine and normal expenses, and for such other expenses as the Commission may authorize after due notice and hearing. Should a calamity or disaster occur, all releases normally or usually coursed through the said departments and offices of other departments shall be turned over to, and administered and disbursed by, the Philippine National Red Cross, subject to the supervision of the Commission on Audit (COA) or its representatives, and no candidate or his or her spouse or member of his family within the second civil degree of affinity or consanguinity shall participate, directly or indirectly, in the distribution of any relief or other goods to the victims of the calamity or disaster; and
- 3) The Department of Human Settlement and Urban Development (DHSUD) and any other office, agency, or bureau in any department of the government performing functions similar to said department, except for salaries of personnel and for such other necessary administrative or other expenses as the Commission may authorize after due notice and hearing.

**SECTION 3. *Prohibition Against Construction of Public Works, Delivery of Materials for Public Works and Issuance of Treasury Warrants and Similar Devices.*** - Effective March 25, 2022 until May 08, 2022, no person shall:

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- 1) Undertake the construction of any public works, except for projects or works exempted in the preceding Section;  
or
- 2) Issue, use or avail of treasury warrants or any device undertaking future delivery of money, goods, or other things of value chargeable against public funds.

**SECTION 4. *Submission to the Commission of lists of authorized public works projects.*** - The Department Secretary, Head of National Agency (including government owned and controlled corporations, government financing institutions and state universities and colleges) concerned, and Chief Executive in relation to national or local public works as the case may be, shall submit to the Commission, thru the Campaign Finance Office (*hereinafter referred to as CFO*), a certified list of the following:

- a) All on-going public works projects commenced before March 25, 2022;
- b) All on-going public works projects under foreign agreements commenced before March 25, 2022;
- c) All public works undertaken by contract through public bidding held, or by negotiated contract awarded, before March 25, 2022.

Provided that for local public works, the concerned local chief executive shall, in addition to its submission to CFO, furnish the nearest COMELEC Field Office a hard copy of all the certified true copy of its request and attachments.

Any public works not included in the above list and which are not among the exceptions under Sec. 261, subsection (v) of the Omnibus Election Code (OEC) shall be considered as falling under the public works ban.

**SECTION 5. *Immediate payment of laborers required.*** - Any laborer who may have worked on public works projects which have to be suspended pursuant to the forty-five (45) day ban on public works shall be paid immediately his complete earned wage upon the suspension of the public works projects. In no case shall the earned wage or any portion thereof be retained to be paid only within five (5) days before or on the day of the election. Likewise, any laborer who may worked in public works projects authorized under any of subparagraphs (a) to (d) of Sec.2 hereof, shall be paid his complete earned wage every regular pay and in no case shall said wage or any part thereof be retained or its payment deferred.

**SECTION 6. *Documentary requirements for issuance of Certificate of Exception.*** - For exceptions described in the

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preceding sections, the following documentary requirements shall be submitted by the requesting party:

1. Maintenance of existing and/or completed public works project;

- (a) Certified true copy of the letter of acceptance of the public works project; or
- (b) Certified true copy of the contract covering the maintenance work being done on the existing/completed public works project; or
- (c) A notarized or sworn undertaking or commitment not to allow, hire or employ more than or additional number of employees/laborers to work during March 25, 2022 to May 08, 2022;

In the case of maintenance of completed public works, the requesting party must, in addition to any of the abovementioned, submit a certified true copy of the certificate of completion of the public works project.

2. Public works projects undertaken by contract through public bidding or by negotiated contract awarded;

- (a) Certified true copy of the Notice of Award (NOA) of contract; or
- (b) Certified true copy of the Notice to Proceed (NTP) with the public works project; or
- (c) Certified true copy of the duly executed contract agreement.

3. Payment for the usual cost of preparation of public works project for working drawings, specifications, bills of materials, and estimates, purchase of materials and equipment, and other procedures preparatory to actual construction, and all incidental expenses for wages of watchmen and other laborers employed for such work in the central office and field storehouses;

- a. The statement of account, billing or collection invoice showing the amount and date due evidencing the payment required to be released during the period covering the bar; and
  - b. A sworn or notarized undertaking or commitment not to hire or employ more laborers than the number of laborers at commencement date of the
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project/s. A template of said undertaking is hereto attached as Annex "A".

4. Emergency work necessitated by the occurrence of a public calamity limited to the restoration of the damaged facility;
  - (a) A certified true copy of the Executive Order or the Local Sanggunian Resolution declaring a state of calamity in the disaster-stricken area; and
  - (b) Documentation showing the scope of the emergency work needed, which must be limited to the restoration of the damaged facility (including but not limited to a copy of the Local Disaster Risk Reduction and Management Plan (LDRRMP), Local Sanggunian Resolution and approved local budget).
5. Ongoing public works projects commenced before the campaign period under foreign agreements.
  - (a) Certified true copy of the foreign agreement/contract; and
  - (b) List of works covered by the foreign agreement/contract.
6. Ongoing public works projects and other similar projects commenced before the campaign period undertaken or carried out by its own personnel of the concerned agency<sup>3</sup>
  - (a) Documents showing that the project was being undertaken using its own personnel (e.g. program of work, purchase order for materials, pakyaw agreement); and
  - (b) Documentation or proof, such as but not limited to photographs, plans, progress billing, among others, showing that the infrastructure project already commenced before the campaign period.

In the event that any of the abovementioned requirements for each public works project cannot be submitted, the party seeking to request for a Certificate of Exception shall, in lieu of the said documentary requirements submit a Certification under oath, signed by the head of department or agency or local chief executive, stating that the said project/s fall among those excepted mentioned above and the fact of and reason for non-submission of the

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<sup>3</sup> Where the implementation of an infrastructure project is carried out under the administration and supervision of the concerned agency through its own personnel (Section 2.1, Appendix 1, Revised IRR of RA 9184).

abovementioned requirements. A template Certification is hereto attached as Annex "B".

**SECTION 7. Modes of Filing of Request for a Certificate of Exception.** - All requests for the issuance of Certificate of Exception shall be submitted to the CFO by electronic means, personal submission, or through courier accompanied by the documentary requirements enumerated in the immediately preceding section and proof of payment.

**SECTION 8. Procedure for Filing Requests-** The following procedure shall govern the filing and the processing of requests:

**(a) Electronic filing.**

1. The requesting party shall go to and access the official website of the Commission on Elections at [www.comelec.gov.ph](http://www.comelec.gov.ph) and click the Public Works Ban link to proceed to the *Public Works Ban* page.
  2. At the *Public Works Ban* page, the requesting party will find a step-by-step application process for each mode of filing. Click on the tab *Electronic Filing*, which proceeds to the following links: (a) The *Attachments to Request Forms*, which contains all the required attachments to the request in downloadable .pdf and .xls formats; and (b) The *Microsoft (MS) Forms* link to an online form that will serve as the first step for the submission of the request for Certificate of Exception.
  3. The requesting party shall click the *Attachments to Request* link then download the required attachments.
  4. For those paying through cash or postal money order, download and print the *Order of Payment* and follow the procedure in Section 10 hereof.
  5. Download the *Project Compliance Checklist Forms* and completely fill up each project category worksheet to correspond to the projects being requested to be exempted from the application of the ban on public works. Save the file into .xls or .xlsx file format. Refer to Section 6 for guidance on project categories. The *Notice and Consent Form* shall
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be duly accomplished, signed, notarized and thereafter digitally scanned and/or converted into .pdf file format. The request letter/cover letter, supporting documentary requirements and the proof of payment of filing fee provided for under Sections 6 and 9 hereof shall be scanned and/or converted into .pdf file format.

6. All the files mentioned above shall be compressed into a password-protected .zip or .rar format.
  7. Using an online file storage and synchronization service application or any cloud-based storage solution, the requesting party shall upload the file and grant access (read and download access) to [publicworks@comelec.gov.ph](mailto:publicworks@comelec.gov.ph) the compressed or zip file containing all the documents mentioned above and generate an online link thereof.
  8. Enter [bit.ly/publicworks2022](http://bit.ly/publicworks2022) into any browser to proceed to the MS Forms page.
  9. Requesting party must then accomplish online the MS Forms, completely providing and filling-out correctly all the required data/information, uploading the specified documents, checking all the appropriate tick boxes, and ensuring to have provided the following:
    - (i) correct link to the online media storage application where the compressed/zip file containing the duly accomplished *Project Compliance Checklist Form*, and the scanned copies of the *Request Letter/Cover Letter*, *Notice and Consent Form* and supporting documentary requirements are uploaded and made accessible to the CFO;
    - (ii) a valid and active electronic mail (email) address of the requesting party; and
    - (iii) correct password to access the compressed/zip file containing all abovementioned documentary requirements.
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Any error of fault in the processes, notifications, certificates, correspondences and communications attributable to incomplete, incorrect, misspelled data or information, including inaccessible, corrupted and non-working links or files provided shall be on the requesting party's account.

10. After reviewing that all the information entered are true and correct, requesting party must signify consent to the collection and processing of the required personal data/information and then click *Submit* which will direct to an *Acknowledgement* page.
11. Upon verification of the completeness and accessibility of the documentary requirements submitted, the requesting party will receive an email from the CFO of their Request Number and the turn-around time for the issuance of the Certificate of Exception.

***(b) Personal submission or through courier***

1. Requesting party intending to submit their Request for a Certificate of Exception personally or through a courier shall go to and access the official website of the Commission on Elections at [www.comelec.gov.ph](http://www.comelec.gov.ph) and click the *Public Works - Certificate of Exception* link to proceed to the *Public Works - Certificate of Exception* page.
  2. At the *Public Works - Certificate of Exception* page, the requesting party will find a step-by-step application process for each mode of filing. Click on the tab *Personal Submission/Submission through courier*, which proceeds to the following links: (a) *The Attachments to Request*, which contains all the required attachments to the request in downloadable .pdf and .xls formats; and (b) *The Microsoft (MS) Forms* link to an online form that will serve as the first step for the submission of the request for Certificate of Exception.
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3. The requesting party shall click the *Attachments to Request* link then download the required attachments.
4. For those paying through cash or postal money order, download and print the *Order of Payment* and follow the procedure in Section 10 hereof.
5. Download the *Project Compliance Checklist Forms* and completely fill up each project category worksheet to correspond to the projects being requested to be exempted from the application of the ban on public works. Save the file into .xls or .xlsx file format. Refer to Section 6 for guidance on project categories. The *Notice and Consent Form* shall be duly accomplished, signed, notarized and thereafter digitally scanned and/or converted into .pdf file format. The request letter/cover letter, supporting documentary requirements and the proof of payment of filing fee provided for under Sections 6 and 9 hereof shall be scanned and/or converted into .pdf file format and saved into a portable storage device.
6. On the COMELEC website, click on the *MS Forms* link or enter [bit.ly/publicworks2022](http://bit.ly/publicworks2022) in any browser to proceed to the MS Forms page.
7. Requesting party must then accomplish online the MS Forms, completely providing and filling-out correctly all the required data/information, uploading the specified documents, checking all the appropriate tick boxes, and ensuring to have provided a valid and active electronic mail (email) address.

Any error of fault in the processes, notifications, certificates, correspondences and communications attributable to incomplete, incorrect, misspelled data or information, including inaccessible, unreadable and corrupted files provided shall be on the requesting party's account.

8. After reviewing that all the information entered are true and correct, requesting party must signify consent to the collection and
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processing of the required personal data/information by checking the Consent tick box and click *Submit*, which will direct to an *Acknowledgement* page. Print this Acknowledgment page.

9. On the date of submission indicated in the *MS Forms*, requesting party must personally submit or send through registered mail or courier the printed copy of the *MS Forms Acknowledgment* page, the hard copy of the request letter/cover letter and proof of payment and the portable storage media device containing all the soft copies and scanned copies of the above-mentioned documents.

10. Upon verification of the completeness and accessibility of the documentary requirements submitted, the requesting party will receive an email from the CFO of their Request Number and the turn-around time for the issuance of the Certificate of Exception.

Only those projects excepted by law and with complete submission of documentary requirements in accordance with these rules shall be issued with a Certificate of Exception.

**SECTION 9. *Payment of Fees.*** - Requesting party shall pay a non-refundable fee of **Five Hundred (P500.00) Pesos**. It shall be paid directly to CFO or to the appropriate COMELEC Field Office. It can also be paid either in cash, postal money order, or check.

For payments made at the field office, the Provincial Election Supervisor or Election Officer, as the case maybe, shall issue the appropriate official receipt as proof of payment in accordance with the succeeding section.

**Section 10. *Procedure for Payment.*** - Before submitting a request for Certificate of Exception, the requesting party shall download, accomplish and print the Order of Payment. Thereafter, bring the duly accomplished Order of Payment and proceed to CFO or to the nearest Comelec field office for payment.

The requesting party may also choose to pay through the following means:

a. Cash

Cash payments must be made in person by the requesting party or their duly authorized representative at

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the Cash Division of the Commission on Elections - Intramuros or at the nearest COMELEC field office.

b. Postal Money Order

- 1) The postal money order must contain the following details:

Pay to: COMMISSION ON ELECTIONS  
Address: Intramuros, Manila  
From: Name of Requesting Party

- 2) It must have the name and signature of the local postmaster or any personnel of the local PhilPost office duly authorized to issue and sign postal money orders.
- 3) It must contain the stamp or seal of the local PhilPost Office reflecting the date of purchase of the postal money order.
- 4) The amount of the postal money order must be exact or the same as the amount provided in the Order of Payment, excluding service fees and charges, which shall be shouldered by the requesting party. No change shall be given in case the amount provided in the postal money order is greater than the amount provided in the Order of Payment.
- 5) Postal money orders that do not conform to the aforementioned guidelines **SHALL NOT BE ACCEPTED** and will be returned to the sender.

c. Manager's or Cashier's Check

- 1) Manager's or Cashier's Check can be purchased by any person from any bank duly accredited by the Bangko Sentral ng Pilipinas (BSP), subject to the said bank's internal policies on the issuance of manager's or cashier's checks.
  - 2) Manager's or Cashier's Check must be made payable to the "COMMISSION ON ELECTIONS".
  - 3) The amount provided in the manager's or cashier's check must be exact or the same as the amount provided in the Order of Payment, excluding service fees and charges. No change shall be given in case the amount provided in the manager's or cashier's check is greater than the amount provided in the Order of Payment.
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- 4) Personal checks, or checks drawn against the funds of a person with a current or checking account, **SHALL NOT BE ACCEPTED** and will be returned to the sender.

Official receipt issued by the Cash Division, COMELEC or any of its appropriate field office shall be attached as proof of cash payment. For those paying through postal money order or check, the postal money order check or manager's or cashier's check shall be submitted. Requests submitted without attached proof of payment of required filing fee shall not be acted upon by the CFO.

**SECTION 11. *Use of prescribed forms.*** - Requesting party shall ensure that forms to be submitted are readable and with the proper file formats. Electronic copies of the prescribed forms shall be made available through the COMELEC Website in Excel and PDF file formats.

The Program Compliance Checklist Form shall be submitted in either .xls or .xlsx file format. For all other forms and attachments, only PDF (.pdf) file formats will be accepted.

**SECTION 12. *Effects of non-compliance of rules; incomplete or incorrect documents submitted.*** - Non-compliance with any of the requirements in this Resolution, or that the document submitted is incomplete or incorrect shall either cause for denial of request or exclusion of any specific project affected by incompleteness or incorrectness thereof.

**SECTION 13. *Projects, activities, and programs pertaining to social welfare projects and services (non-infrastructure projects).*** - For social welfare projects and services, a petition for issuance of Certificate of Exception shall be filed before the Clerk of the Commission for due notice and hearing.

**SECTION 14. *Projects and programs entailing the use of other state/public funds not covered under Section 261 (v) of the OEC.*** - The release, disbursement or expenditures of other state funds are allowed subject to the following conditions:

- a) The projects/programs/activities ("PPAs") sought to be implemented during the prohibited period of March 25, 2022 to May 08, 2022 were established before the said period and duly reported to the Commission on Audit pursuant to Item 2.1 of its Circular No. 2013-004 dated 30 January 2013;<sup>4</sup>

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<sup>4</sup>Commission on Audit Circular No. 2013-004 dated 30 January 2013 re "Information and Publicity on Programs/Projects/Activities of Government Agencies".

- b) The public awareness and information dissemination activities pertaining to these PPAs must conform to the guidelines provided under the said COA Circular.
- c) In no instance shall the implementation of PPAs be used as an opportunity by any candidate, his or her spouse, family member within the second civil degree of affinity or consanguinity, political parties, party-list organizations and their nominees to further their candidacy through their personal appearance in such events, the posting, exhibition or distribution of any form of election propaganda, or any material containing their names, logos, initials, mottos, slogans, images, and other forms of representation attributable to them.
- d) Support for or endorsement of candidates, party-list organizations and political parties shall not be made as a condition for the entitlement of the benefits from the PPAs.
- e) Candidates, party-list nominees, their spouses, and members of their family within the second civil degree of affinity or consanguinity are strictly prohibited from participating, directly or indirectly, in the distribution of cash, goods or merchandise for scholarships, assistance for burial, healthcare, calamity and other similar programs. A violation of this condition shall subject the candidates or their representatives to liability under Section 261 (o) of the OEC.

**SECTION 15. *Public-Private Partnership and Build-Operate-Transfer Projects.*** - Public works contracted under the Public-Private Partnership (PPP) and Build-Operate-Transfer (BOT) are not covered by the ban on public works.

**SECTION 16. *Irrigation Projects.*** - The repair, maintenance and rehabilitation of irrigation facilities as well as BOT irrigation projects shall be exempted from the scope of the ban on public works.<sup>5</sup>

**SECTION 17. *Maintenance and other operating expenses, defined.*** - Maintenance and Other Operating Expenses (MOOE)

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<sup>5</sup> Sec. 37 of Republic Act No. 8435, entitled "An Act Prescribing Urgent Related Measures to Modernize the Agriculture and Fisheries Sectors of the Country in order to Enhance their Profitability, and prepare said Sectors for the Challenges of Globalization through an Adequate, Focused and Rational Delivery of Necessary Support Services, Appropriating Funds therefor and for other Purposes"

refer to an expenditure category/expense class for support to the operations of government agencies such as expenses for supplies and materials; transportation and travel; utilities (water, power, etc.) and the repairs, among others.<sup>6</sup>

MOOE are considered normal and routine expenses incurred through its day-to-day operations and are not covered by the prohibition against release, disbursement or expenditure of public funds.

**SECTION 18. *Payment of Salaries of government personnel.*** Payments for salaries of personnel in the government service is excepted from the prohibition of Section 261 (v) (w) of the OEC.

**SECTION 19. *The Commission is not estopped from implementing Section 261 (o) of the OEC.*** - In cases where the prohibited acts as described in Section 261 (o) of the OEC occur, the Certificate of Exception issued by the CFO shall not bar the Commission or other prosecuting arms of the Government to conduct preliminary investigation of election offenses punishable under the OEC, pursuant to its prosecutorial powers under Section 254 thereof, as amended by Section 43 of Republic Act No. 9369.

**SECTION 20. *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 contained in Sec. 261, sub-sections (v) and (w) of the OEC or Sections 2 and 3 hereof.

All field offices of the Commission, including those of its deputized agencies and citizens arms, are directed to monitor compliance in their respective jurisdictions and submit immediately to the Commission a written report on any violation of said provisions of the Omnibus Election Code.

**SECTION 21. *Penalty.*** - Any violation of the provisions of this Resolution shall, consistent with Sections 261 and 264 of the OEC, 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 22. *Effectivity.*** - This Resolution shall take effect on the seventh day after its publication in two (2) daily newspapers of general circulation.

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<sup>6</sup> Glossary of Terms, Department of Management and Budget



**SECTION 23. Dissemination.** - The Education and Information Department shall cause the publication of this resolution in two (2) daily newspapers of general circulation, immediately after promulgation hereof, and shall furnish copies hereof to the Executive Secretary, the Chairman of the Commission on Audit, heads of all departments, and national offices, provincial governors, city/municipal mayors, punong barangays, and other agencies of the government, including government - owned or controlled corporations, all registered political parties, and all field offices of the Commission.

**SO ORDERED.**

**SHERIFF M. ABAS**  
*Chairman*

**MA. ROWENA AMELIA V. GUANZON**  
*Commissioner*

**SOCORRO B. INTING**  
*Commissioner*

**MARLON S. CASQUEJO**  
*Commissioner*

**ANTONIO T. KHO, JR.**  
*Commissioner*

**AIMEE P. FEROLINO**  
*Commissioner*

#### **CERTIFICATION**

APPROVED by the Commission *En Banc* during its special online meeting on 16 December 2021 pursuant to COMELEC Resolution No. 10671 entitled: "Supplemental Resolution to COMELEC Resolution No. 9366 Promulgated March 25, 2015, entitled, 'Rule on the Enactment and Promulgation of Executive or Administrative Resolutions' Providing for Other Format of Meetings to Include Online Meetings Applicable in Times of the COVID-19 Pandemic and the Imposition of Community Quarantines and Similar Emergency".

  
**ATTY. CONSUELO B. DIOLA**  
Acting COMELEC Secretary

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# Campaign Finance Office

## NOTICE AND CONSENT FORM

By filling up this form, and submitting and providing personal data and other required documents, I attest that I am the head of the national government agency, GOCC, government financing institution, state university or college, or local government unit stated below.

I authorize the Campaign Finance Office (CFO) and its employee analysts to evaluate and process this request for the issuance of Certificate of Exception from the Ban on Public Works.

I acknowledge that the evaluation and processing for the issuance of appropriate Certificate of Exception will be based on the implementing resolution of the Commission on Elections governing the ban on public works and release, disbursement and expenditures of public funds, construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices in connection with the May 9, 2022 National and Local Elections, the contents of which I fully understand.

I give my consent to the CFO to collect, store, and process any personal

data that I will be submitting herewith in relation to the request of my agency, department, bureau, office, corporation, university, college or government unit, and to keep and secure the same in accordance with the implementing resolution and Data Privacy Management Program of the Commission on Elections, and other existing laws and rules on the matter.

I understand that my consent does not preclude the existence of other criteria for lawful processing of personal data, and does not waive any of my rights under the Data Privacy Act of 2012 and other applicable laws.

IN WITNESS WHEREOF, I have hereunto affixed my signature and seal of my office on this \_\_\_\_ day of \_\_\_\_\_ 2022, in the \_\_\_\_\_, Philippines.

\_\_\_\_\_  
(Signature above printed name)

\_\_\_\_\_  
(Designation - Name of Agency)

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_ 2022 at \_\_\_\_\_ Philippines.

DOC NO. \_\_\_\_  
PAGE NO. \_\_\_\_  
BOOK NO. \_\_\_\_  
SERIES OF 2022.

REPUBLIC OF THE PHILIPPINES )  
\_\_\_\_\_ )

**SWORN STATEMENT OF UNDERTAKING**

By the Authority vested in me by the       ( Name of NGA,GOCC,LGU,GFI,SUC)       as (Designation/Position) , I hereby commit to ensure implementation of (Name of Public Works Project) as the following:

- a. Not to allow or permit more than the current number of employees/laborers to work during March 25, 2022 to May 8, 2022; and
- b. Not to hire or employ additional laborers/employees that would exceed the current number from March 25, 2022 to May 8, 2022.

That I execute this sworn statement to establish the truth of the foregoing in relation to our request for issuance of Certificate of Exception from public works ban in connection with the May 9, 2022 National and Local Elections.

IN WITNESS WHEREOF, I have hereunto affixed my signature and seal of my office on this        day of       , 20  , in the City/Municipality of       , Philippines.

\_\_\_\_\_  
(Name and Signature)  
(Position/Designation)  
(Name of Agency, Department, Bureau, GOCC, GFI, SUC or LGU)

SUBSCRIBED AND SWORN TO BEFORE me this        day of        20  ,  
in the City/Municipality of       , Republic of the Philippines,  
affiant personally appeared before me        with Identification No.  
       issued by        on        in       .

**Notary Public/Administering Officer**

Document No.: \_\_\_\_\_  
Page No.: \_\_\_\_\_  
Book No.: \_\_\_\_\_  
Series of 20 \_\_\_\_\_

CERTIFICATION

I, \_\_\_\_\_ of legal age, Filipino, and with office address \_\_\_\_\_ located \_\_\_\_\_ at \_\_\_\_\_

after having been duly sworn to in accordance with law, do hereby undertake that:

- 1. I am presently the \_\_\_\_\_ of the \_\_\_\_\_; (Position) (Agency/Department/Bureau/GOCC/SUC/GFI/LGU)
2. That the \_\_\_\_\_ is requesting for Certificate of Exception under COMELEC Resolution No. \_\_\_\_\_, for its public works project/s (Please use Annex B-1 for details);
3. In addition, the requirements for the issuance of the Certificate of Exception for the above-mentioned public works project/s, as set forth by COMELEC Resolution No. \_\_\_\_\_ cannot be submitted and/or complied with (Please see Annex B-2 for reason/s for non-submission);
4. The statements stated herein are all willingly, freely and voluntarily executed, according to the best of my knowledge and/or based on existing records, to attest to the truth of the foregoing facts for whatever purpose it may serve.

IN WITNESS WHEREOF, I have hereunto affixed my signature and seal of my office on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, in the City/Municipality of \_\_\_\_\_, Philippines.

(Name and Signature)

Republic of the Philippines) City/Municipality of \_\_\_\_\_)S.S.

SUBSCRIBED AND SWORN TO BEFORE me this \_\_\_ day of \_\_\_\_\_ 20\_\_\_ in the City/Municipality of \_\_\_\_\_, Republic of the Philippines, affiant personally appeared before me \_\_\_\_\_ with Identification No. \_\_\_\_\_ issued by \_\_\_\_\_ on \_\_\_\_\_ in \_\_\_\_\_.

Notary Public/Administering Officer

Document No.: \_\_\_\_\_ Page No.: \_\_\_\_\_ Book No.: \_\_\_\_\_ Series of 2022







**GUIDELINES ON THE CONDUCT OF PROCUREMENT ACTIVITIES DURING THE ELECTION PERIOD FOR THE 09 MAY 2022 NATIONAL AND LOCAL ELECTIONS**

**WHEREAS**, the synchronized national and local elections are scheduled to take place on 09 May 2022 in accordance with Section 2 of Republic Act (RA) No. 7166;<sup>1</sup>

**WHEREAS**, Paragraph (v) of Section 261 of *Batas Pambansa* No. 8812<sup>2</sup> or the Omnibus Election Code of the Philippines (OEC) proscribes the release, disbursement, or expenditure of public funds by any public official or employee including barangay officials and those of government-owned and controlled corporations and their subsidiaries, subject to certain exceptions;

**WHEREAS**, Paragraph (b) of Section 94 of the OEC defines expenditure to include: "the payment or delivery of money of anything of value, or a contract, promise or agreement to make an expenditure, for the purpose of influencing the results of the election. It shall also include the use of facilities personally owned by the candidate, the money value of the use of which can be assessed based on the rates prevailing in the area;"

**WHEREAS**, Paragraph (w) of Section 261 of the OEC prohibits the construction of public works, delivery of materials for public works, and issuance of treasury warrants and similar devices forty-five (45) days before the date of the election, except for projects or works exempted under Section 261 (v) of the OEC;

**WHEREAS**, the Commission on Elections (COMELEC) issued Resolution No. 10695 dated 10 February 2021, providing for the calendar of activities and periods of prohibited acts in connection with the 09 May 2022 national and local elections;

**WHEREAS**, in previous elections, the Government Procurement Policy Board (GPPB) issued the following resolutions and circulars to guide Procuring Entities (PEs) in complying with the election ban guidelines:

- a. GPPB Resolution No. 12-2009 dated 27 November 2009 (May 2010 National and Local Elections);<sup>3</sup>
- b. Annex A of GPPB Resolution No. 12-2009 entitled Guidelines on the Conduct of Procurement Activities from March 26 to May 10, 2010;<sup>4</sup>
- c. GPPB Circular No. 04-2012 dated 23 November 2012 (May 2013 National and Local Elections);<sup>5</sup>
- d. GPPB Resolution No. 21-2015 dated 18 August 2015 (May 2016 National and Local Elections);<sup>6</sup>
- e. GPPB Circular No. 08-2015 dated August 18, 2015 (May 2016 National and Local Elections);<sup>7</sup>

<sup>1</sup> An Act Providing for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations Therefor, and for Other Purposes. Dated 26 November 1991.

<sup>2</sup> Dated 03 December 1985.

<sup>3</sup> GPPB Resolution No. 12-2009 may be accessed in the following link: <https://www.gppb.gov.ph/issuances/Resolutions/12-2009.pdf>

<sup>4</sup> The Guidelines on the Conduct of Procurement Activities from March 26 to May 10, 2010 may be accessed in the following link: <https://www.gppb.gov.ph/issuances/Resolutions/12-2009.pdf>

<sup>5</sup> Clarification on Conduct of Procurement Activities in relation to the May 13, 2013 National and Local Elections. The said guidelines may be accessed in the following link: <https://www.gppb.gov.ph/issuances/Circulars/04-2012.pdf>

<sup>6</sup> GPPB Resolution No. 21-2015 may be accessed in the following link: <https://www.gppb.gov.ph/issuances/Resolutions/GPPB%20Resolution%20No.%2021-2015.pdf>

<sup>7</sup> Guidelines on the Conduct of Procurement Activities in relation to the May 9, 2016 National and Local Elections. The said guidelines may be accessed in the following link: <https://www.gppb.gov.ph/issuances/Circulars/GPPB%20Circular%20No.%2008-2015.pdf>

- f. GPPB Resolution No. 03-2019 dated 07 February 2019 (May 2019 National and Local Elections);<sup>8</sup>
- g. GPPB Circular No. 01-2019 dated February 07, 2019 (May 2019 National, and Local Elections).<sup>9</sup>

**WHEREAS**, during the 4<sup>th</sup> Inter-Agency Technical Working Group (IATWG) Meeting held on 18 November 2021, the GPPB-Technical Support Office (GPPB-TSO) proposed to the IATWG to recommend to the GPPB the issuance of a Circular reminding PEs of the procurement activities that are prohibited starting 25 March 2022 until 08 May 2022 in accordance with COMELEC Resolution No. 10695, as well as procurement activities that are allowed during the said period. It was further recommended that any request for exemption from the coverage of the prohibited activities be referred to the COMELEC similar to what was provided in GPPB Circular No. 01-2019;

**WHEREAS**, in the same meeting, the IATWG discussed the concerns on the conduct of procurement during the election period, one of which is the clarification on the possible exemption of COVID-19 related procurement from the election ban. Following this, the GPPB-TSO clarified that questions on interpretation and requests for exemptions relating to the conduct of activities during the election period shall be directed to the COMELEC, being the agency mandated to implement the provisions of the OEC and COMELEC Resolution No. 10695;

**WHEREAS**, the IATWG adopted the proposal of the GPPB-TSO to recommend to the GPPB the issuance of a Circular reminding PEs of the procurement activities that are prohibited starting 25 March 2022 until 08 May 2022 in accordance with COMELEC Resolution No. 10695, including the clarification that any request for exemptions from the prohibition shall be directly referred to the COMELEC;

**WHEREAS**, during the 10<sup>th</sup> GPPB Meeting held on 02 December 2021, after the GPPB-TSO discussed and presented the proposed Circular adopted by the IATWG, which reiterates procurement activities that are prohibited during the election ban pursuant to COMELEC Resolution No. 10695 and also clarifies procurement activities allowed to be undertaken coupled with the recommendation that any query or request for exemption from the said prohibition shall be referred to the COMELEC;

**WHEREAS**, after careful review and due deliberation, the GPPB resolved to adopt the recommendation of the IATWG to issue the said Circular reminding PEs of the procurement activities that are prohibited starting 25 March 2022 until 08 May 2022 in accordance with COMELEC Resolution No. 10695;

**NOW, THEREFORE**, for and in consideration of the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **Us** by law, hereby **RESOLVE** to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and approve to issue a Circular reiterating the Guidelines on the Conduct of Procurement Activities of Government Agencies during the Election Period, pursuant to the Resolution on the Calendar of Prohibited Activities issued by COMELEC, a copy of which is attached as **Annex "A"**.

This resolution shall take effect immediately.

**APPROVED** this 2<sup>nd</sup> day of December 2021 at Pasig City, Philippines

<sup>8</sup> GPPB Resolution No. 03-2019 may be accessed in the following link:

<https://www.gppb.gov.ph/issuances/Resolutions/GPPB%20Resolution%20No.%2003-2019.pdf>

<sup>9</sup> Clarification on the Conduct of Procurement Activities in relation to the 13 May 2019 National and Local Elections. The said guidelines may be accessed in the following link: <https://www.gppb.gov.ph/issuances/Circulars/GPPB%20Circular%20NO.%2001-2019.pdf>



Sgd.

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**TINA ROSE MARIE L. CANDA**  
*GPPB, Chairperson*  
**DEPARTMENT OF BUDGET AND  
MANAGEMENT**

Sgd.

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**ROLANDO U. TOLEDO**  
*Alternate to the Chairperson*  
**DEPARTMENT OF BUDGET AND  
MANAGEMENT**

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**NATIONAL ECONOMIC AND  
DEVELOPMENT AUTHORITY**

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**DEPARTMENT OF EDUCATION**

Sgd.

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**DEPARTMENT OF ENERGY**

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**DEPARTMENT OF FINANCE**

Sgd.

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**DEPARTMENT OF HEALTH**

Sgd.

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**DEPARTMENT OF THE INTERIOR AND  
LOCAL GOVERNMENT**

Sgd.

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**DEPARTMENT OF NATIONAL  
DEFENSE**

Sgd.

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**DEPARTMENT OF PUBLIC WORKS AND  
HIGHWAYS**

Sgd.

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**DEPARTMENT OF SCIENCE AND  
TECHNOLOGY**

Sgd.

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**DEPARTMENT OF TRADE AND INDUSTRY**

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**DEPARTMENT OF TRANSPORTATION**

Sgd.

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**DEPARTMENT OF INFORMATION AND  
COMMUNICATIONS TECHNOLOGY**

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**PHILIPPINE SPACE AGENCY**

Sgd.

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**PRIVATE SECTOR REPRESENTATIVE**



## ANNEX "A"

Unit 2504 Raffles Corporate Center,  
F. Ortigas Jr. Road, Ortigas Center,  
Pasig City, Philippines 1605

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### CIRCULAR NO. 03-2021 02 December 2021

**TO :** Heads of Departments, Bureaus, Offices, and Agencies of the National Government including State Universities and Colleges, Government-Owned and/or -Controlled Corporations, Government Financial Institutions and Local Government Units

**SUBJECT :** Guidelines on the Conduct of Procurement Activities in relation to the 09 May 2022 National and Local Elections

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#### 1.0 PURPOSE

- 1.1 This Circular is issued to clarify the Procurement Projects and activities that are prohibited starting **25 March 2022 to 08 May 2022**, pursuant to Commission on Elections (COMELEC) Resolution No. 10695 dated 10 February 2021.<sup>10</sup>
- 1.2 More importantly, this Circular is issued to remind agencies that the election ban is not designed to paralyze the operations of the government, but to insulate government procurement from political partisan activities, usually in the form of new projects, which are designed to influence the public during the upcoming 09 May 2022 National and Local Elections.

#### 2.0 SCOPE

All Departments, Bureaus, Offices, and Agencies of the National Government including State Universities and Colleges, Government-Owned and/or -Controlled Corporations, Government Financial Institutions and Local Government Units.

#### 3.0 DEFINITION OF TERMS

- 3.1 **Expenditure** - The term "expenditure" includes the payment or delivery of money of anything of value, or a **contract**, promise, or agreement to make an expenditure, for the purpose of influencing the results of the election. It shall also include the use of facilities personally owned by the candidate, the money value of the use of which can be assessed based on the rates prevailing in the area.<sup>11</sup>
- 3.2 **Public Works** – The term refers to "**infrastructure projects**" as defined under Section 5(k) of Republic Act No. 9184 or the Government Procurement Reform

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<sup>10</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>11</sup> Section 94, Article XI of Batas Pambansa Bilang 881 or the Omnibus Election Code of the Philippines.

Act. It shall refer to the construction, improvement, rehabilitation, repair, restoration, or maintenance of roads and bridges, railways, airports, seaports, communication facilities, 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, hospitals buildings, and other related construction projects of the government.

- 3.3 **Social Projects** – The term refers 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.
- 3.4 **Housing-Related Projects** – The term refers to activities or projects undertaken by the Housing and Urban Development Coordinating Council and any other office in any other departments of the government performing functions similar to the said department.
- 3.5 **Routine, Normal or Administrative Expenses** – The term refers to expenses required for the day-to-day operations of the agency, such as salaries, light, heat, and power.

#### 4.0 GENERAL CONSIDERATIONS

- 4.1 Procuring Entities (PEs) are allowed to proceed with the commencement and completion of procurement activities during the election period.

However, starting **25 March 2022 to 08 May 2022**, PEs are prohibited from issuing a Notice of Award for the following Procurement Projects.

- a. All kinds of Public Works, except those provided in Item 4.2.1 of this Circular;
- b. Social Projects, except those provided in Item 4.2.2 of this Circular; and
- c. Housing-related Projects, except those provided in Item 4.2.3 of this Circular.

- 4.2 The following Procurement Projects are exempted from the application of the prohibition provided in the second paragraph of Item 4.1 of this Circular, thus:

##### 4.2.1 For Public Works

- a. Maintenance of existing and/or completed public works where no additional laborers are employed;
- b. Work undertaken by contract through public bidding or negotiated contract awarded before 25 March 2022;
- c. 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;
- d. 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;

- e. Ongoing projects commenced before the campaign period and are listed as authorized public works or projects by the COMELEC; and
- f. Projects under foreign agreements or ongoing foreign-assisted projects submitted to the COMELEC.

4.2.2 For Social Projects

- a. Routing and Normal Expenses; and
- b. Such other expenses authorized by the COMELEC after due notice and hearing.

4.2.3 For Housing Related Projects

- a. Administrative Expenses; and
- b. Such other expenses authorized by the COMELEC after due notice and hearing.

**5.0 SUBMISSION OF DOCUMENTS AND REQUEST FOR EXEMPTION**

The submission of the list of exemptions to the COMELEC is subject to the latter's rules and regulations. Request for exemption from the coverage of the prohibited activities enumerated above shall likewise be directed to the COMELEC for resolution.

**6.0** For guidance and compliance.

**7.0** This Circular shall take effect immediately.

Sgd.  
**TINA ROSE MARIE L. CANDA**  
*Chairperson*