



M.C. No. 02, s. 1992

MEMORANDUM CIRCULAR

TO : ALL HEADS OF DEPARTMENT, BUREAUS AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS INCLUDING GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : PROHIBITION AGAINST PARTISAN POLITICAL ACTIVITY/CAMPAIGN

To ensure the holding of free, orderly, honest, peaceful and credible registration of voters on February 1, 1992 and the national and local elections on May 11, 1992, the Commission on Elections, in its Resolution No. 2331 promulgated on January 2, 1992, deputized the Civil Service Commission, through the Chairman and other officials, among others, to enforce and implement the prohibition against electioneering or partisan political activity/campaign specifically provided in paragraph 4, Section 2(b), Article IX-B of the 1987 Constitution which reads, thus:

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

In relation thereto, Section 55, Chapter 8, Subtitle A, Book V of Executive Order No. 292 (Administrative Code of 1987), reads:

"Section 55. **Political Activities.** - No officer or employee in the civil service including members of the Armed Forces, shall engage directly or indirectly in any partisan political activity or take part in any election except to vote nor shall he use his official authority or influence to coerce the political activity of any other person or body. Nothing herein provided shall be understood to prevent any officer from expressing his views on current political problems or issues, or from mentioning the names of candidates for public office whom he supports: Provided, That

public officers and employees holding political offices may take part in political and electoral activities but it shall be unlawful for them to solicit contributions from their subordinates or subject them to any of the acts involving subordinates prohibited in the Election Code."

The aforementioned constitutional and legal provisions prohibit government officers and employees from engaging in any electioneering or in partisan political activities or campaign.

As defined under Section 79, Article X of the Omnibus Election Code of the Philippines (BP 881), the term "election campaign" and "partisan political activity" refers to an "act designed to promote the election or defeat of a particular candidate or candidates to a public office which shall include:

- (1) Forming organizations, associations, clubs, committees or other groups of persons for the purpose of soliciting votes and/or undertaking any campaign for or against a candidate;
- (2) Holding political caucuses, conferences, meetings, rallies, parades, or other similar assemblies, for the purpose of soliciting votes and/or undertaking any campaign or propaganda for or against a candidate;
- (3) Making speeches, announcements or commentaries or holding interviews for or against the election of any candidate for public office;
- (4) Publishing or distributing campaign literature or materials designed to support or oppose the election of any candidate; or
- (5) Directly or indirectly soliciting votes, pledges or support for or against a candidate."

In addition, the following specific acts are likewise considered partisan political activities and are grounds for disciplinary action, to wit:

1. Being a delegate to any political convention or member of any political committee or directorate or an officer of any political club or other similar political organization.

2. Making speeches or publications to draw political support in behalf of any particular party or candidate for public office.
3. Soliciting or receiving contribution for political purposes, either directly or indirectly.
4. Becoming publicly identified with the success or failure of any candidate or candidates.

It may be further stressed that the rationale behind this policy of the aforementioned provisions of law is to ensure that civil servants maintain strict neutrality based on considerations that such officers and employees should primarily concern themselves with the efficient administration of the affairs of the government and politics should be left entirely to politicians. The principle of political neutrality for civil servants finds its justifications in the desire to secure discipline and efficiency in the public service by doing away with the spoils system. It may be mentioned that many government employees have been accustomed to work for the candidacy of particular persons to ensure security of tenure or to get reward in the form of appointments or promotions in government positions as spoils of victory. It is therefore the considered view that public service "would be more truly devoted to the public welfare if public servants were not over active politically. (De Leon, Textbook on the New Philippine Constitution, p. 374, citing United Public Workers vs. Mitchel, 330, US 100). Moreover, it may be stated that the purpose of the prohibition against partisan political activity is likewise aimed to prevent the members of the civil service from using the resources of the government for the benefit of their candidates and to insulate them from political retaliation from winning candidates whom they have opposed or not supported. (Cruz, Philippine Political Law, p. 279).

Furthermore, for practical reasons and in view of the nature of their positions and responsibility, the aforementioned inhibitions shall not be made to apply to government officials holding political offices, such as:

1. The President of the Philippines;
2. The Vice-President of the Philippines;

3. The Executive Secretary/Department Secretaries and other members of the Cabinet;
4. All other elective officials at all levels; and
5. Those in the personal and confidential staff of the above officials.

In addition, these prohibitive acts should be differentiated from the right of all citizens, including public officers and employees to express their views on current political problems or issues or to mention the names of candidates for public office whom they support or believe to have the best platform of government. However, while expression of opinion may not necessarily constitute a violation of law or rule against partisan political activity, there may be instances where the exercise of said right to express an opinion or view, by its tenor or term, may escalate into an offensive and emotional discourse as to invite criticisms or provoke hostile comments and disruptive reactions which actuations could be a ground for disciplinary action as "conduct prejudicial to the best interest of the service" under Section 46, paragraph (b)[27], Chapter 7, Subtitle A, Book V of Executive Order No. 292 (Administrative Code of 1987).

It is further informed that the offense of engaging directly or indirectly in partisan political activities by one holding non-political office is classified as a grave offense punishable by the penalty of DISMISSAL from the service pursuant to CSC MC No. 30, s. 1989 (Guidelines in the Application of Penalties in Administrative Cases).

For strict compliance.

This Memorandum shall take effect immediately.


SAMILO N. BARLONGAY
Acting Chairman

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