



M.C. No. 09, 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 : SPECIFIC ACTS WHICH PUBLIC OFFICERS AND EMPLOYEES IN THE CAREER AND NON-CAREER SERVICE NOT HOLDING POLITICAL OFFICES CAN DO AND NOT DO RELATIVE TO THE PROHIBITION AGAINST ELECTIONEERING IN ADDITION TO THOSE PRESCRIBED IN MC 2, SERIES OF 1992

It may be recalled that this Commission issued CSC MC 2, s. 1992 on January 28, 1992 (Prohibition on government officials and employees against partisan political activity/campaign) in response to COMELEC Resolution No. 2331 promulgated on January 2, 1992, which deputized the Civil Service Commission, through the Chairman and other officials, among others, to enforce and implement the prohibition of public officials and employees from engaging in electioneering or partisan political activity/campaign pursuant to paragraph 4, Section 2(b), Article IX-B of the 1987 Constitution and Section 55, Chapter 8, Subtitle A, Book V of EO 292 (Administrative Code of 1987).

In response to several inquiries seeking clarification on this matter and to further ensure observance by officers and employees in the civil service of this prohibition, the following additional guidelines are hereby promulgated, viz:

1. The prohibition against partisan political activity/campaign includes all officers and employees belonging to the career or non-career service who are not holding political offices in the government.

2. Only the following government officials listed hereunder are deemed holding political offices and are only those exempted from the prohibition while all other public officials and employees are considered not holding political offices, thus:
 - (a) The President and Vice-President of the Philippines;
 - (b) The Executive Secretary/Department Secretaries and other members of the Cabinet;
 - (c) All other elective officials at all levels; and
 - (d) those in the personal and confidential staff of the above officials such as private secretary, technical assistant, confidential agent, confidential assistant, confidential staff assistant, confidential aide, and personal driver and other positions as may be duly identified therein.

The aforelisted officials are not however, allowed to use their official authority or influence to coerce the political activities of their subordinates or any other person or body. It shall be unlawful for them to use government properties, supplies, materials and equipments for political purposes. They are likewise prohibited from soliciting contributions from their subordinates or subject them to any of the acts prohibited under the Omnibus Election Code.

3. An employee on approved vacation leave of absence shall likewise not be exempted from the prohibition against electioneering as he remains an employee of the government. The approval of an employee's application for vacation leave of absence shall be discretionary on the proper approving authority depending on the needs of the service. However, this shall be without prejudice to administrative disciplinary sanctions against the employee concerned if it is proven that he has engaged himself in partisan political activities while he was on approved vacation leave.

4. Career officers while holding political offices in an acting capacity are likewise not considered exempt from this prohibition.
5. The following are some of the specific acts of public officers and employees, subject of this prohibition, which are considered DONT'S in connection thereto:
 - (a) Using government vehicles in attending political caucuses, conferences, meetings, rallies, parades, or other similar assemblies/activities conducted by a political party or candidates;
 - (b) Posting and distributing of campaign materials/leaflets/ banners/stickers designed to support or oppose the election of any candidate;
 - (c) Wearing of T-shirts or pins, caps or any other similar election paraphernalia bearing the names of the candidates and/or political party except as authorized by the Commission on Elections;
 - (d) Registering as a member of any political club/party or any other political organization;
 - (e) Being a watcher for a political party or candidate during the election;
 - (f) Consistent presence in political rallies, caucuses of, and continuous companionship with certain political candidates and/or political party in said political activities, causing an employee to be closely identified with such candidate and or with political party;
 - (g) Giving personal financial or other monetary contribution, supplies, equipments and materials for the benefit of a candidate and/or political party;
 - (h) Utilizing properties, supplies, materials and equipments of the government for political purposes;
 - (i) Any other circumstances that may be considered analogous with that of the aforementioned;

6. With respect to public officials and employees not holding political offices, they shall not be prevented from expressing their views on any current political problem or issue nor are they prohibited from mentioning the names of the candidate/s for public office whom they support, pursuant to Section 55, Chapter 8, Subtitle A, Book V of Executive Order No. 292 (Administrative Code of 1987).

For strict compliance.


PATRICIA A. STO. TOMAS
Chairman

March 30, 1992

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