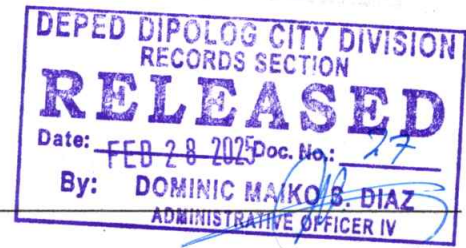




Republic of the Philippines  
**Department of Education**  
REGION IX – ZAMBOANGA PENINSULA  
SCHOOLS DIVISION OF DIPOLOG CITY



Division Advisory No. 37 s. 2025  
February 28, 2025

In compliance with DepEd Order (DO) No. 8, s. 2013  
this advisory is issued not for endorsement per DO 28, s. 2001,  
but only for the information of DepEd officials,  
personnel/staff, as well as the concerned public.  
(visit [www.deped.gov.ph](http://www.deped.gov.ph))

**PROHIBITION ON THE CONDUCT OF ELECTIONEERING AND  
PARTISAN POLITICAL ACTIVITY DURING END-OF-SCHOOL-  
YEAR RITES**

1. For the information and guidance of all concerned, attached is a copy of *Memorandum DM-OUOPS-2025-01-01052* together with the *Joint Circular from the Commission on Elections and the Civil Service Commission* pertaining to the above-mentioned subject.
2. Attention is hereby invited to paragraph 2 emphasizing the prohibitions in engaging in any electioneering and partisan political activity captured from the Omnibus Election Code and Administrative Code of 1987 which are considered an election offense punishable by law.
3. Widest dissemination of and strict compliance with this Memorandum is directed.

**ATTY. MA. CECILLE S. BASTASA-TANAGA**

Attorney III

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Republika ng Pilipinas  
**Department of Education**

OFFICE OF THE UNDERSECRETARY FOR OPERATIONS

**MEMORANDUM**  
**DM-OUOPS-2025-01-01052**

FOR : **ALL REGIONAL DIRECTORS**  
**ALL SCHOOLS DIVISION SUPERINTENDENTS**  
**ALL PUBLIC ELEMENTARY AND SECONDARY SCHOOL HEADS**  
**ALL OTHERS CONCERNED**

FROM :  **MALCOLM S. GARMA**  
Assistant Secretary, *Office-In-Charge,*  
*Office of the Undersecretary for Operations*

SUBJECT : **PROHIBITION ON THE CONDUCT OF ELECTIONEERING AND**  
**PARTISAN POLITICAL ACTIVITY DURING END-OF-SCHOOL-**  
**YEAR RITES**

DATE : February 27, 2025

In light of the upcoming National and Local Elections on May 12, 2025, this Office seeks to reiterate the policy that **electioneering and the conduct of partisan political activities during end-of-school-year rights (“EOSY rites”), such as moving up or graduating rites are strictly prohibited, and such events shall not be used as a political forum.**

The strict prohibition on electioneering and the conduct of partisan political activities during EOSY rights aligns with Department of Education Order No. 48, series of 2018 entitled “*Prohibition of Electioneering and Partisan Political Activity*”, which is attached in this Memorandum for ease of reference.

Relatedly, DepEd also released DepEd Order No. 9, series of 2023 which provides

Moving up or graduating rites shall be conducted in an appropriate solemn ceremony befitting the graduating students and their family and shall not be used as a political forum, in strict compliance with DO No. 48, s. 2018 entitled Prohibition of Electioneering and Partisan Political Activity.

In this regard, this Office reminds all concerned personnel to continue adhering to the guidelines set forth in DO No. 48, Series of 2018 and Section IV.5(e) of DO No. 9, Series of 2023.

The school heads shall ensure that EOSY rights are celebrated through a solemn ceremony, principally aimed at recognizing the hard work, growth, and academic achievements of our graduates/completers, while also commemorating the

collective efforts of the entire school community in fulfilling the mandate of providing quality basic education to Filipino learners.

Complaints that may arise in relation to allegations of electioneering and partisan political activity during EOSY rites shall be promptly resolved at appropriate governance level.

Violations of the prohibited acts committed by DepEd officials or personnel as stated in DO No. 48, Series of 2018 will be dealt with in accordance with DepEd Order No. 49, series of 2006 or the Revised Rules of Procedure of the Department of Education in Administrative Cases), the Revised Rules on Administrative Cases in the Civil Service, and the Omnibus Election Code.

Immediate dissemination of and strict compliance with this Memorandum is directed.



COMMISSION ON ELECTIONS  
and  
CIVIL SERVICE COMMISSION

Joint Circular No. 001, Series of 2016

TO : All Officers and Employees of the Government of the Republic of the Philippines, including Any of Its Agencies, Subdivisions, and Instrumentalities

SUBJECT : JOINT COMELEC-CSC ADVISORY ON ELECTIONEERING & PARTISAN POLITICAL ACTIVITIES

DATE : 29 MAR 2016

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POLICY STATEMENT

1. The Commission on Elections, an independent constitutional commission tasked to enforce and administer all laws and regulations relative to the conduct of Philippine elections, and the Civil Service Commission, an independent constitutional commission that serves as the central personnel agency of the Philippine Government, aim to accomplish the following:
- a) To ensure that members of the civil service and the armed forces shall remain focused on the efficient discharge of their duties and functions;
  - b) To do away with the "spoils system" which is anathema to the principles of meritocracy at the heart of the Philippine civil service system and military service; and
  - c) To shield officers and employees of the civil service and the armed forces from the vagaries of politics.

PURPOSE

2. This Joint Circular is issued to advise and remind all officers and employees of the Philippine Government, including any of its agencies, subdivisions, and instrumentalities, of the constitutional, statutory, and other regulatory prohibitions against engaging in any electioneering or partisan political activities.

## CONSTITUTIONAL PROHIBITIONS


3. Article IX(B), Section 2, Paragraph 4 of the 1987 Constitution provides that: **"No officer or employee in the civil service shall engage, directly or indirectly, in any electioneering or partisan political campaign."** (Emphases supplied)
4. Also, Article XVI, Section 5, Paragraph 3 of the 1987 Constitution provides that: **"The armed forces shall be insulated from partisan politics. No member of the military shall engage, directly or indirectly, in any partisan political activity, except to vote."** (Emphases supplied)

## STATUTORY PROHIBITIONS

5. Section 261(i) of Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code, penalizes as election offenses the electioneering and partisan political activities committed by members of the civil service and the military:

*"Intervention of public officers and employees. - Any officer or employee in the civil service, except those holding political offices; any officer, employee, or member of the Armed Forces of the Philippines, or any police force, special forces, home defense forces, barangay self-defense units and all other para-military units that now exist or which may hereafter be organized who, directly or indirectly, intervenes in any election campaign or engages in any partisan political activity, except to vote or to preserve public order, if he is a peace officer."* (Emphases supplied)

6. Book V, Title I(A), Chapter 8, Section 55 of Executive Order No. 292, otherwise known as the Administrative Code of 1987, reiterates the said prohibition:



*"Political Activity. - 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 or employee 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."* (Emphases supplied)

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7. Section 93 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, also reiterates the prohibition:

*"Partisan Political Activity.* – No local official or employee in the career civil service shall engage **directly or indirectly** in any partisan political activity or take part in any election, initiative, referendum, plebiscite, or recall, except to vote, nor shall he use his official authority or influence to cause the performance of any political activity by any person or body. **He may, however, express his views on current issues, or mention the names of certain candidates for public office whom he supports.** Elective local officials may take part in partisan political and electoral activities, but it shall be unlawful for them to solicit contributions from their subordinates or subject these subordinates to any of the prohibited acts under the Omnibus Election Code." (Emphases supplied)

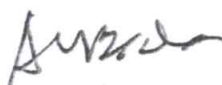
#### COVERED ACTIVITIES

8. In accordance with Section 1, Paragraph 4 of COMELEC Resolution No. 10049 (promulgated 01 February 2016),<sup>1</sup> an "election campaign" or "partisan political activity" refers to **any act designed to promote the election or defeat of a particular candidate/s or party/ies to public office**, which includes any of the following:
- a) 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/party;
  - b) Holding political caucuses, conferences, meetings, rallies, parades, or other similar assemblies for the purpose of soliciting votes and/or undertaking any campaign for or against a candidate/party;
  - c) Making speeches, announcements, or commentaries, or holding interviews for or against the election of any candidate or party for public office;
  - d) Publishing, displaying, or distributing campaign literature, or materials designed to support or oppose the election of any candidate or party;
  - e) Directly or indirectly soliciting votes, pledges, or support for or against any candidate or party;
9. CSC Memorandum Circular No. 30 (s. 2009),<sup>2</sup> citing CSC Memorandum Circular No. 40 (s. 1998),<sup>3</sup> adds the following acts to the abovementioned enumeration:

<sup>1</sup> Entitled: "Rules and Regulations Implementing Republic Act No. 9006, otherwise known as the Fair Elections Act, in connection with the 09 May 2016 National and Local Elections."

<sup>2</sup> Entitled: "Reminder to All Government Officials and Employees Holding Non-Political Offices/Positions of the Prohibitions from Engaging Directly or Indirectly in Any Partisan Political Activity."

<sup>3</sup> Entitled: "Revised Omnibus Rules on Appointments and Other Personnel Actions."



- a) Being a delegate to any political convention, or a member of any political committee or directorate, or an officer of any political club or other similar political organizations;
  - b) Receiving any contributions for political purposes, either directly or indirectly; and
  - c) Becoming publicly identified with the success or failure of any candidate/s or party/ies.
10. CSC Memorandum Circular No. 09 (s. 1992),<sup>4</sup> includes the following prohibited acts:
- a) Wearing of t-shirts or pins, caps or any other similar election paraphernalia bearing the names of the candidates or political party except as authorized by the Commission on Elections;
  - b) Being a watcher for a political party or candidate during the election;
  - c) Consistent presence in political rallies, caucuses of, and continuous companionship with certain political candidates and/or political party in said political activities, causing the employee to be closely identified with such candidate and/or with political party;
  - d) Giving personal, financial or other monetary contribution, supplies, equipment and materials for the benefit of a candidate and/or political party;
  - e) Utilizing government resources such as personnel including job orders or contract of service hirees, time and properties for political purposes.
11. The following acts are illustrative examples provided by jurisprudence:
- a) Distributing handbills/leaflets;<sup>5</sup>
  - b) Attendance at political meetings and caucuses;<sup>6</sup>
  - c) Distribution of letters indicating intention to run for public office;<sup>7</sup>

 **EXCLUDED ACTIVITIES**

12. The following acts are deemed excluded from the coverage of electioneering and partisan political activity:
- a) Casting one's vote;<sup>8</sup>
  - b) Expressing one's views on current political problems or issues;<sup>9</sup>
  - c) Mentioning the names of candidates or parties whom one supports;<sup>10</sup>

<sup>4</sup> Entitled: "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 M.C. 2 Series of 1992."

<sup>5</sup> People vs. De Venecia, G.R. No. L-20808, 31 July 1965.

<sup>6</sup> Trinidad vs. Valle, A.M. No. 2258-CFI, 20 July 1981.

<sup>7</sup> Vistan vs. Nicolas, A.M. No. MTJ-87-79, 13 September 1991.

<sup>8</sup> Quinto vs. Commission on Elections, G.R. No. 189698, 22 February 2010.

<sup>9</sup> Id.

<sup>10</sup> Id. See also People vs. De Venecia, supra.

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- d) Letters (a) to (e) of Paragraph 8 of this Joint Circular, when performed for the purpose of enhancing the chances of aspirants for nomination for candidacy to public office by a political party or coalition;<sup>11</sup>
- e) Public expressions, opinions, or discussions of probable issues in a forthcoming election, or on attributes of or criticisms against probable candidates to be nominated in a forthcoming political party convention;<sup>12</sup>
- f) Social media functions such as "liking," commenting, "sharing," re-posting, or following a candidate's or party's account,<sup>13</sup> unless these are resorted to as a means to solicit support for or against a candidate or party during the campaign period.

### COVERED PERSONS

13. The following are persons prohibited from engaging in any electioneering or partisan political activities:

- a) Members of the Civil Service in all branches, subdivisions, instrumentalities, and agencies of the Philippine Government, including government-owned-or-controlled corporations with original charters, and state universities and colleges, whether their appointments are permanent, temporary, contractual, or even casual;
- b) Career officers holding political offices in an acting or officer-in-charge (OIC) capacity; and
- c) Uniformed and active members of the Armed Forces of the Philippines and the Philippine National Police.

An employee on leave of absence is still covered by the prohibition on electioneering or partisan political activities.

### EXCLUDED PERSONS

14. The following are persons excluded from the coverage of the prohibition against engaging in any electioneering or partisan political activities, **for as long as they do not solicit contributions from their subordinates or subject them to any of the acts prohibited in the Omnibus Election Code:**<sup>14</sup>

- a) The President and Vice President;
- b) Members of the Cabinet;<sup>15</sup>
- c) Other elective public officials<sup>16</sup> except barangay officials;
- d) Personal and confidential staff of the abovementioned officials;

<sup>11</sup> Omnibus Election Code, Section 79. See also *Señeres vs. Commission on Elections*, G.R. No. 178678, 16 April 2009.

<sup>12</sup> *Id.*

<sup>13</sup> See *Disini vs. Secretary of Justice*, G.R. No. 203335, 11 February 2014.

<sup>14</sup> See CSC Memorandum Circular No. 2 (s. 1992).

<sup>15</sup> *Santos vs. Yatco*, G.R. No. L-16133, 06 November 1959.

<sup>16</sup> *Quinto vs. Commission on Elections*, *supra*.

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- e) Members of the reserve corps of the Armed Forces of the Philippines.<sup>17</sup>

### COVERED PERIOD

15. With reference to COMELEC Resolution No. 9981 (promulgated on 18 August 2015), as amended, the campaign periods vis-à-vis the 09 May 2016 National and Local Elections are as follows:

For President, Vice President, Senators, and Party-List Groups	09 February 2016 to 07 May 2016 <sup>18</sup> (90 days before Election Day)
For District Representatives and Local Elective Positions	25 March 2016 <sup>19</sup> to 07 May 2016 (45 days before Election Day)

16. Section 80 of the Omnibus Election Code, which has not yet been repealed,<sup>20</sup> provides that “[i]t shall be unlawful for any person, whether or not a voter or candidate, or for any party, or association of persons, to engage in an election campaign or partisan political activity except during the campaign period: *Provided*, That political parties may hold political conventions or meetings to nominate their official candidates within thirty days before the commencement of the campaign period and forty-five days for Presidential and Vice-Presidential election.” (Emphases and underscore supplied)

17. Further, the last paragraph of Section 5 of Republic Act No. 7166 provides that “[a]ny election campaign or partisan political activity for or against any candidate **outside of the campaign period** herein provided is prohibited and shall be **considered as an election offense** punishable under Section 263 and 264 of the Omnibus Election Code.”

### IMPOSABLE PENALTIES

18. Engaging directly or indirectly in partisan political activities by members of the Civil Service is a **less grave offense punishable by suspension of one (1) month and one (1) day suspension to six (6) months for the first (1<sup>st</sup>) offense, and dismissal from the service for the second (2<sup>nd</sup>) offense**, under Section 46(D) (10), Rule 10 of CSC Resolution No. 1101502 dated 8 November 2011, otherwise known as the Revised Rules on Administrative Cases in the Civil Service.

<sup>17</sup> Cailles vs. Bonifacio, G.R. No. L-45937, 25 February 1938.

<sup>18</sup> Please note that Section 3 of COMELEC Resolution No. 10049 (promulgated 01 February 2016) prohibits all forms of campaigning on the day before Election Day and Election Day itself.

<sup>19</sup> Please note that Section 3 of COMELEC Resolution No. 10049 also prohibits all forms of campaigning on 25 March 2016, which is Good Friday.

<sup>20</sup> Penera vs. Commission on Elections, G.R. No. 181613, 11 September 2009. Here, the Supreme Court held that Section 13 of Republic Act No. 9369 did not repeal Section 80 of the Omnibus Election Code.

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- a) Suspension for one (1) day or more shall be considered a gap in the continuity of service. During the period of suspension, respondent shall not be entitled to all monetary benefits, including leave credits.<sup>21</sup>
  - b) The penalty of suspension shall carry with it disqualification from promotion corresponding to the period of suspension.<sup>22</sup>
  - c) The penalty of dismissal shall result in the permanent separation of the respondent from the service, without prejudice to criminal or civil liability.<sup>23</sup>
  - d) The penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office, and bar from taking civil service examinations.<sup>24</sup>
19. To reiterate, Section 261(i) of the Omnibus Election Code penalizes as election offenses the electioneering and partisan political activities committed by members of the civil service and the military. Section 264 provides that “[a]ny person found guilty of any election offense under this Code shall be punished with imprisonment of not less than one year but not more than six years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage.”
20. Erring officers and enlisted personnel of the Armed Forces of the Philippines may be disciplined before the appropriate courts-martial under Commonwealth Act No. 408, as amended, otherwise known as the Articles of War.

#### INTERNAL POLICIES

21. This Joint Circular is without prejudice to internal policies that have been adopted or may hereinafter be adopted by all covered agencies insofar as they are not inconsistent herewith.

#### EFFECTIVITY

22. This Joint Circular shall take effect immediately.



J. ANDRES D. BAUTISTA  
Chairperson  
Commission on Elections



ALICIA dela ROSA-BALA  
Chairperson  
Civil Service Commission

<sup>21</sup> Revised Rules on Administrative Cases in the Civil Service, Rule 10, Section 51(c), Paragraph 2.

<sup>22</sup> Id., Section 52(c).

<sup>23</sup> Id., Section 51(a).

<sup>24</sup> Id., Section 52(a).