



Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
OFFICE OF THE CHIEF MINISTER

Bangsamoro Government Center, Governor Gutierrez Avenue, Rosary Heights VII, Cotabato City 9600

MEMORANDUM

Circular No. 010 *50*

Series of 2023

TO : THE SPEAKER OF THE PARLIAMENT
HEADS OF MINISTRIES, AGENCIES, AND OFFICES
Bangsamoro Autonomous Region in Muslim Mindanao

SUBJECT : PROHIBITED ACTS AND APPLICATION FOR EXEMPTION
THERE TO IN RELATION TO THE OCTOBER 30, 2023
SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN
ELECTIONS

DATE : JULY 6, 2023/ *Dhul - Hijjah 18, 1444 AH*

1. On May 20, 2023, the Commission on Elections (COMELEC) issued **Resolution No. 10905** or the "Revised Calendar of Activities and Periods of Certain Prohibited Acts in Connection with the October 30, 2023 Synchronized Barangay and Sangguniang Kabataan Elections (BSKE)" wherein the COMELEC prohibits the conduct of the following acts in accordance with the Omnibus Election Code (OEC) and Republic Act No. 10923, viz:
 - a. Transfer or detail of officers and employees in the civil service, including public school teachers (Sec. 261 (h), OEC) from **August 28, 2023 to November 29, 2023**;
 - b. Release, disbursement, or expenditures of public funds (Sec. 261, (v), OEC) from **October 19 to 28, 2023** (Campaign Period).
 - c. Construction or maintenance of barangay funded roads and bridges. (Sec. 3, R.A. No. 6679, as amended by Sec. 4, RA No. 10923) from **October 20 to 29, 2023**; and
 - d. Appointment or hiring of new employees, creation of new positions, filling of new positions, promotion or giving of salary increases, remuneration or privileges in the barangay. (Sec. 5, RA No. 10923) from **October 20 to 29, 2023**.

2. On June 7, 2023, the COMELEC likewise issued **Resolution No. 10924** or the "General Guidelines and other Related Rules and Regulations for the October 30, 2023 BSKE and All Succeeding BSKEs Thereafter" wherein the appointment or hiring of new employees, creation of new position, promotion, or giving of salary increases, remuneration or privileges to civil service employees (Sec. 261 (g), OEC) are likewise prohibited from **September 15, 2023 to October 29, 2023**.

Exemption from the Appointment Ban

3. Sections 368, 369, and 379 of Resolution No. 10924 prescribe the requirements for exemption from appointment ban or hiring of new employees, creation or filling up of new positions, and transfer of employees in the civil service using the prescribed **forms**¹ herein attached. Meanwhile, sections 397 and 399 of the same Resolution prescribe the manner and period of Filing of Requests for Exemption.
4. In light of the sensitivity and distinctive characteristics of the data encompassed within the hiring and selection process, it is hereby mandated that the Speaker of the Parliament and all respective heads of ministries, offices, or agencies within BARMM, duly affected by these regulations, are directed to individually submit their formal requests for exemption. These requests must be presented in written form, comprehensively articulating all pertinent information related to the appointment or hiring, creation and filling of new positions, or transfer, as deemed appropriate. These submissions should be filed expeditiously to the **Law Department**² of the COMELEC within the following periods:
 - a. **At least ten (10) days** before the intended appointment or hiring of new employees but not later than ten (10) days before election day (October 30, 2023); and
 - b. **At least ten (10) days** before the intended transfer or detail of civil service employees but not later than ten (10) days before the end of the election period (November 29, 2023).
5. A digital/scanned copy of the request shall be submitted to the electronic mail of the COMELEC at law@comelec.gov.ph. After which, hard copies of the same shall be sent via registered mail or other recognized courier service to the Law Department of the COMELEC.

Exemption from Public Expenditure Ban

6. Sections 401 to 403 of the Resolution provides for the Rules on the Prohibition against Release, Disbursement or Expenditure of Public Funds on Social Services and Development. Exemptions from the ban must be filed through a **Petition** to the Commission *en banc* through the Office of the Clerk of the Commission (OCOC) **not later than forty-five (45) days from the commencement of the ban** on

¹ The Application for Request for Authority to Appoint or Hire Employees is attached as Annex "A".
The Application for Request for Authority to Create or Fill New Positions is attached as Annex "B".
The Application for Request for Authority to Transfer or Detail Civil Service Officers or Employees is attached as Annex "C".

² BARMM is considered as a national agency for purposes of appointment and other personnel movement.

October 19, 2023. Hence, the Petition must be filed not later than **September 4, 2023**.

7. The Petition as well as the Notice and Order to be issued by the Commission *en banc* shall be published in a daily newspaper of general circulation and shall be posted in three (3) conspicuous public places in the concerned jurisdiction.
8. Anent this, the Speaker of the Parliament and all respective heads of ministries, offices, or agencies within BARMM, duly affected by the ban on public expenditure on social services and development, are directed to individually submit your respective Petitions for Exemption to the **Litigation Division** of the **Bangsamoro Attorney General's Office** not later than **August 15, 2023**. Beyond this period, Petitions for Exemptions shall be directly filed with the Commission *en banc* through the OCOC.
9. For strict and immediate compliance.

By Authority of the Chief Minister
AHOD B. EBRAHIM:


ABUNAWAS L. MASLAMAMA
Senior Minister

OCM-BARMM AMS-RD
AAA146345



Bangsamoro Autonomous Region in Muslim Mindanao
Office of the Chief Minister
OFFICE OF THE SENIOR MINISTER
RELEASED
Name: ABDUL AZIS LU ALI
Date: JUL 13 2023 Time: 2:10 PM

Bangsamoro Autonomous Region in Muslim Mindanao
OFFICE OF THE CHIEF MINISTER
Records Division - AMS
RELEASED
BY : Bhai Elham M. Hadji Gulalil
DATE: 13 JUL 2023
TIME: 2:34 PM

RECEIVED FOR ROUTING
By: MASNAH K. MIDDIMBANG
Date: 13 JUL 2023
Time: 2:28 PM

Instructions:

1. Please fill in the following details and submit the same to the Law Department or Office of the Regional Election Director concerned
2. Additional Sheets may be used.

APPLICATION FOR REQUEST FOR AUTHORITY TO APPOINT OR HIRE NEW EMPLOYEES

(For the _____ *Barangay* and *Sangguniang Kabataan* Elections)

| Name of Personnel | Position and Salary Grade | Date of Appointment | Cause of Vacancy, if applicable | Name of Requesting Authority, Position and Name of Agency |
|-------------------|---------------------------|---------------------|---------------------------------|---|
| | | | | |
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| | | | | |

CERTIFICATION

I, _____ of _____, hereby CERTIFY as follows:

- 1) that the request is essential to the proper functioning of the office and shall not in any manner influence the conduct of the _____ *Barangay* and *Sangguniang Kabataan* Elections;
- 2) that the request shall not involve promotion or the giving of salary increases, remuneration or privileges during the prohibitive period before the _____ *Barangay* and *Sangguniang Kabataan* Elections which is strictly prohibited without any exception whatsoever; and
- 3) that this authorization shall be prospective in application and without prejudice to the applicable Civil Service Law, rules and regulations on personnel actions/movements.

Prepared and Submitted by:

Position & Name of Agency

Date: _____

Instructions:

1. Please fill in the following details and submit the same to the Law Department or Office of the Regional Election Director concerned
2. Additional Sheets may be used.

APPLICATION FOR REQUEST FOR AUTHORITY TO CREATE OR FILL NEW POSITIONS

(For the _____ *Barangay* and *Sangguniang Kabataan* Elections)

| Name of Personnel | Position and Salary Grade | Date of Appointment | Cause of Vacancy, if applicable | Name of Requesting Authority, Position and Name of Agency |
|-------------------|---------------------------|---------------------|---------------------------------|---|
| | | | | |
| | | | | |
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- 3) that this authorization shall be prospective in application and without prejudice to the applicable Civil Service Law, rules and regulations on personnel actions/movements.

Prepared and Submitted by:

Position & Name of Agency

Date: _____

Instructions:

1. Please fill in the following details and submit the same to the Law Department or Office of the Regional Election Director concerned
2. Additional Sheets may be used.

APPLICATION FOR REQUEST FOR AUTHORITY TO TRANSFER OR DETAIL CIVIL SERVICE OFFICERS OR EMPLOYEES

(For the _____ *Barangay* and *Sangguniang Kabataan* Elections)

| Name of Personnel | Present Station | Transferred Station | Date of Effectivity of Transfer | Justification of Transfer | Name of Requesting Authority, Position and Name of Agency |
|-------------------|-----------------|---------------------|---------------------------------|---------------------------|---|
| | | | | | |
| | | | | | |
| | | | | | |

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- 3) that this authorization shall be prospective in application and without prejudice to the applicable Civil Service Law, rules and regulations on personnel actions/movements.

Prepared and Submitted by:

Position & Name of Agency

Date: _____