


Republic of the Philippines
Department of Education
 NATIONAL CAPITAL REGION

REGIONAL MEMORANDUM

ORD No. 2023- 999

TO : **SCHOOLS DIVISION SUPERINTENDENTS
 Bids and Awards Committee (BAC) RO Proper**

FROM : 
WILFREDO E. CABRAL, CESO III
 Regional Director

SUBJECT : **SUBMISSION OF PROCUREMENT PROJECTS FOR
 INCLUSION IN THE DEPARTMENT'S REQUEST FOR
 EXEMPTION IN CONNECTION WITH THE 2023**

DATE : October 2, 2023

1. Enclosed is a copy of the Memorandum from Undersecretaries for Operations and Procurement dated September 28, 2023, relative to the above captioned submission of "Consolidated List of Procurement Projects Requesting for Exemption for the Upcoming 2023 Barangay and SK Elections (SBKE)", for information and guidance of all concerned.
2. Said data report should be submitted using the attached template, not later than October 3, 2023.
3. For immediate dissemination and compliance.



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Republic of the Philippines
Department of Education

MEMORANDUM

TO : Undersecretaries
Assistant Secretaries
Regional Directors
Schools Division Superintendent
All Others Concerned

FROM : 
ATTY. REVSEE A. ESCOBEDO
Undersecretary for Operations


ATTY. GERARD L. CHAN, CESO I
Undersecretary for Procurement

SUBJECT : Submission of Procurement Projects for Inclusion in the
Department's Request for Exemption in Connection with the
2023 Barangay and Sangguniang Kabataan Elections

DATE : September 28, 2023

1. This has reference to the prohibition against the release, disbursement, or expenditures of public funds and construction of public works, delivery of materials for public works, particularly with respect to procurement of related projects, in connection with the 2023 Barangay and Sangguniang Kabataan Elections.
2. Under Section 261(v) of the Omnibus Election Code (OEC), an election offense is committed by any public official or employee who, during forty-five days before a regular election and thirty days before a special election, releases, disburses or expends any public funds. This prohibition covers any and all kinds of public works except those enumerated under Section 261(v.1).

Also, under Section 261(w) of the OEC, an election offense is committed during the period of forty-five days preceding a regular election and thirty days before a special election, by any person who: a) undertakes the construction of any public works, except for projects or works exempted in the preceding paragraph; or b) issues, uses or avails of treasury warrants or any device undertaking delivery of money, goods or other things of value chargeable against public funds.

3. Public works refer to infrastructure projects as defined under Section 5(k) of Republic Act No. 9184, *i.e.*, construction, improvement, rehabilitation, demolition, repair, restoration or maintenance of roads and 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 and other related construction projects of the government.¹

4. Pursuant to COMELEC Resolution No. 10905,² dated May 3, 2023, the prohibition on the release, disbursement or expenditures of public funds are effective during the campaign period or from October 19, 2023 to October 28, 2023.
5. COMELEC Resolution No. 10944,³ dated August 9, 2023, further prescribes the guidelines on the issuance of Certificates of Exception and Exemption, **which pertains only to the following:**
 - a. Prohibition against the release, disbursement, and expenditure of public funds for social services and development;⁴ and
 - b. Prohibition against Construction of Maintenance of Barangay-funded Roads and Bridges.⁵

The following are the periods of prohibitions:

- a. For social welfare projects:
 - i. September 15, 2023 to October 30, 2023, for national, regional, provincial and local government units and those of government-owned or controlled corporations and their subsidiaries⁶
 - ii. October 20 to 30, 2023, for those that will be implemented by the barangay
 - b. October 20 to 29, 2023, for the construction or maintenance of barangay-funded roads and bridges.
6. In view of the foregoing, particularly in relation to Item 5, the Regional Offices and Schools Division Offices are directed to submit their respective lists of procurement projects included in the prohibition under COMELEC Resolution No. 10944 thereby necessitating a request for exception or exemption from COMELEC **on or before October 3, 2023**. The DepEd Central Office shall consolidate and submit all requests to COMELEC for the entire DepEd.
7. For uniformity of project information, and in order to facilitate immediate submission, attached as Annex A is a template, for your reference.

For immediate dissemination and compliance.

¹ Reference: GPPB Circular No. 03-2021, dated December 2, 2021, Item 3.2.

² Revised Calendar of Activities and Periods of Certain Prohibited Acts in Connection with the October 30, 2023 Synchronized Barangay and Sangguniang Kabataan Elections (BSKE).

³ Rules and Regulations on the Prohibition against the 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 under Sections 261(V) and (W) of the Omnibus Election Code in Connection with the October 30, 2023 Barangay and Sangguniang Kabataan Elections.

⁴ Section 3-17.

⁵ Section 18-26.

⁶ Except those provided under Section 8 of the COMELEC Resolution.

