

[**CESB RESOLUTION NO. 870, June 02, 2010**]

POLICY ON THE COVERAGE OF THE ELECTION BAN ON APPOINTMENTS UNDER THE 1987 CONSTITUTION AND THE OMNIBUS ELECTION CODE

WHEREAS, **paragraph 2, Article IV, Part III of the Integrated Reorganization Plan (IRP)**, as amended, mandated the Career Executive Service Board (CESB) as the governing body of the Career Executive Service (CES), to promulgate rules, standards and procedures on the selection, classification, compensation and career development of members of the CES;

WHEREAS, under **Article VII, Section 15 of the 1987 Constitution** it is stated that, *"Two months immediately before the next Presidential elections and up to the end of his term, a President or Acting President shall not make appointments, except temporary appointments to executive positions when continued vacancies therein will prejudice public service or endanger public safety";*

WHEREAS, Section 261 (g) of the Omnibus Election Code states that:

"Section 261. Prohibited Acts. - The following shall be guilty of an election offense:

XXX

(g) Appointment of new employees, creation of new position, promotion, or giving salary increases. - *During the period of forty-five days before a regular election and thirty days before a special election, (1) any head, official or appointing officer of a government office, agency or instrumentality, whether national or local, including government-owned or controlled corporations, who appoints or hires any new employee, whether provisional, temporary or casual, or creates and fills any new position, except upon prior authority of the Commission. The Commission shall not grant the authority sought unless, it is satisfied that the position to be filled is essential to the proper functioning of the office concerned, and that the position shall not be filled in a manner that may influence the election.*

As an exception to the foregoing provisions, a new employee may be appointed in case of urgent need: Provided, however, That notice of the appointment shall be given to the Commission within three days from the date of the appointment. Any appointment or hiring in violation of this provision shall be null and void."