



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

03 January 2019

CUSTOMS MEMORANDUM CIRCULAR
NO. 04-2019

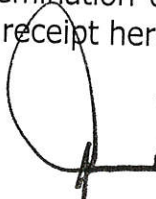
To: All Deputy Commissioners
All Directors and Division Chiefs
All District/Port Collectors
And Others Concerned

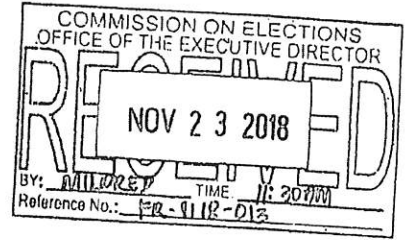
Subject: COMELEC Resolution 10452/Plebiscite/Bangsamoro

Attached is the Commission on Elections Resolution No. 10452 entitled:
**"DEPUTATION OF CERTAIN DEPARTMENTS UNDER THE EXECUTIVE
BRANCH, GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS
AND FINANCIAL INSTITUTIONS IN CONNECTION WITH THE
JANUARY 21, 2019 PLEBISCITE TO RATIFY "REPUBLIC ACT NO.
11054 OTHERWISE KNOWN AS THE "ORGANIC LAW FOR THE
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO,"
APPROVED ON JULY 27, 2018".**

For your information and guidance.

For record purposes, please confirm the dissemination of this circular
throughout your offices within fifteen (15) days from receipt hereof.


Bureau of Customs
REY LEONARDO B. GUERRERO
Commissioner
19-00154
REY LEONARDO B. GUERRERO
Commissioner
JAN 07 2019



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

DEPUTATION OF CERTAIN DEPARTMENTS UNDER THE EXECUTIVE BRANCH, GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS AND FINANCIAL INSTITUTIONS IN CONNECTION WITH THE JANUARY 21, 2019 PLEBISCITE TO RATIFY REPUBLIC ACT NO. 11054 OTHERWISE KNOWN AS THE "ORGANIC LAW FOR THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO," APPROVED ON JULY 27, 2018.

ABAS, Sheriff M.,	<i>Chairman</i>
GUIA, Luie Tito F.,	<i>Commissioner</i>
PARREÑO, Al A.,	<i>Commissioner</i>
GUANZON, Ma. Rowena Amelia V.,	<i>Commissioner</i>
INTING, Socorro B.,	<i>Commissioner</i>
CASQUEJO, Marlon S.,	<i>Commissioner</i>
KHO, Antonio, Jr. T.,	<i>Commissioner</i>

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Promulgated : November 22, 2018 *[Signature]*

RESOLUTION NO. 10452 *[Signature]*

WHEREAS, Section 2(4), Article IX-C of the 1987 Constitution empowers the Commission on Elections (Commission) to deputize, with the concurrence of the President, law enforcement agencies and instrumentalities of the Government, including the Armed Forces of the Philippines (AFP), for the exclusive purpose of ensuring free, orderly, honest, peaceful and credible elections;

NOW, THEREFORE, the Commission, by virtue of the powers vested in it by the Constitution of the Republic of the Philippines, the Omnibus Election Code and other related election laws, has **RESOLVED**, as it hereby **RESOLVES**, to deputize the following law enforcement agencies and instrumentalities of the Government, in connection with the conduct of the January 21, 2019 plebiscite to ratify Republic Act No. 11054 otherwise known as the "Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao":

SECTION 1. Deputation of the Department of Interior and Local Government (DILG) and the National Police Commission (NAPOLCOM), Duties and Functions. – The DILG and NAPOLCOM are hereby deputized and authorized to:

- 1) Provide security to polling places, polling centers/voting centers, counting centers, canvassing centers and such other places or buildings, including plebiscite paraphernalia, equipment, forms and supplies, that will be used by the Commission in connection with the plebiscite;
- 2) Provide security to the personnel of the Commission, its deputies and other persons performing plebiscite-related functions;
- 3) Deploy, at the least time possible, troops for plebiscite duty in coordination with the concerned Regional Election Directors, Provincial Election Supervisors and Election Officers of Regions 10, 12 and ARMM; *[Signature]*

- 4) Make available, at the least time possible, land, air and water-craft assets, communication systems and other equipment, in connection with the delivery and retrieval of plebiscite equipment, documents, supplies, forms and paraphernalia;
- 5) Look into the existence of any armed group organized to commit, or which is committing or attempting to commit, acts of terrorism, or threats to intimidate or coerce any person to vote for or against the ratification of Republic Act No. 11054, and to suppress or prevent said acts of terrorism or threats;
- 6) Assist the Commission in implementing more effectively election laws and/or plebiscite rules and regulations, particularly the laws governing the use of armored vehicles and air or water-craft, and the prohibition on bearing, carrying or transporting firearms and other deadly weapons in public places;
- 7) Conduct a periodic assessment of the peace and order conditions in critical areas and recommend measures which may be adopted by the Commission in the interest of free, orderly, honest, peaceful and credible plebiscite; and
- 8) Comply with and/or implement directives or resolutions which the Commission may issue or promulgate from time to time, which shall take precedence over and above the orders and directives issued by any other office or agency of the Government, except the Supreme Court and those issued in *habeas corpus* cases; and
- 9) Render periodic reports on action taken in accordance with this Resolution.

SEC. 2. Deputation of other Law Enforcement Agencies, Duties and Functions. – The Bureau of Jail Management and Penology (BJMP), the National Bureau of Investigation (NBI) and other law enforcement agencies are hereby deputized in connection with the January 21, 2019 plebiscite to ratify Republic Act No. 11054 otherwise known as the “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao”.

SEC. 2.1. The Bureau of jail Management and Penology and the Bureau of Corrections, Duties and Functions. – The BJMP and BuCor are hereby deputized to:

1. Enforce the prohibition on the illegal release of prisoners as provided for by Section 261(n) of the Omnibus Election Code from **November 22, 2018 to February 20, 2019**;
2. Comply with all orders, directives and resolutions which the Commission may issue or promulgate.

SEC. 2.2. The National Bureau of Investigation, Duties and Functions. – Upon prior order of the Commission, the NBI is hereby deputized to perform the following duties and functions:

1. Deploy its agents to designated areas in order to effectively carry out the objective of this Resolution, furnishing the Commission with the list of said agents;
2. Direct its agents to arrest any person who violates the provisions of the Omnibus Election Code, other pertinent election laws and the plebiscite rules and regulations promulgated by the Commission;
3. Report from time to time to the Commission actions it has taken pursuant to this Resolution; and

4. Comply with the orders and directives of the Commission, which shall be given priority over orders and directives from other sources, except the Supreme Court and those issued in *habeas corpus* proceedings.

SEC. 3. Deputation of certain departments under the Executive Branch. – The Department of Education (DepEd), the Department of Finance (DOF), Department of Transportation (DOTr), Department of Information and Communications Technology (DICT), the Department of Public Works and Highways (DPWH) are hereby deputized in connection with the conduct of the January 21, 2019 plebiscite to ratify Republic Act No. 11054 otherwise known as the “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao.”

SEC. 3.1. The Department of Education, Duties and Functions. – The DepEd shall have the following duties and functions:

1. Comply with and enforce all orders and instructions of the Commission relative to the plebiscite duties and functions of its personnel;
2. Allow the use of public school buildings for plebiscite purposes;
3. Not to hold, during the plebiscite period, conferences, seminars or any school activity, which might interfere, restrict, or prevent the performance of plebiscite duties of its personnel, except upon prior written authority from the Commission; and
4. Perform such other duties and functions which the Commission may prescribe from time to time.

SEC. 3.2. The Department of Finance, Duties and Functions. – The DOF shall have the following duties and functions:

1. Comply with and enforce all orders and instructions of the Commission relative to the plebiscite duties and functions of its personnel;
2. Ensure that all provincial, city and municipal treasurers of Regions 10, 12 and ARMM remain in their present assignments and neither transferred, detailed, reassigned, whether temporary or permanently, to another province, city or municipality, except upon prior written authority of the Commission, nor allowed to go on leave of absence from office during the period starting two (2) weeks before and two (2) weeks after plebiscite day, except prior written approval of the Commission;
3. Not to designate temporary or casual employees as Officer-in-Charge of the Office of the Treasurer; and
4. Perform such other duties and functions which the Commission may prescribe from time to time.

SEC. 3.3. The Department of Transportation and the Department of Information and Communications Technology, Duties and Functions. – The DOTr and DICT, including its attached agencies, shall perform the following duties and functions in connection with their respective mandates:

- 1) Circularize to all owners and operators of land and air transportation facilities and telecommunications services, holders of certificates of public convenience, franchises or other forms of authorization, that the following provisions under the Omnibus Election Code are election offenses:

- a) Sec. 89, which prohibits any person from giving or accepting transportation, free of charge, directly or indirectly during the five (5) hours before and after a public meeting, on the day preceding the plebiscite and on plebiscite day;
- b) Sec. 261 (dd)(4), which penalizes any operator or employee of a public utility or transportation company operating under a certificate of public convenience who refuses to carry official plebiscite mail matters free of charge during the plebiscite period.

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- 2) Direct its agents to apprehend violators of the aforesaid provisions of the Omnibus Election Code and refer such violations to the Commission, through the Regional Election Director of Regions 10, 12 and ARMM, for proper action; and
- 3) Perform such other duties and functions which the Commission may prescribe from time to time.

SEC. 3.4. The Department of Public Works and Highways, Duties and Functions. – The DPWH shall perform the following duties and functions in connection with their respective mandates:

- 1) Assist the Commission in removing and tearing down all unlawful plebiscite materials;
- 2) Provide facilities and/or equipment necessary in the tearing down of illegal propaganda materials; and
- 3) Perform such other duties and functions which the Commission may prescribe from time to time.

SEC. 3.5. The Philippine Information Agency (PIA), Duties and Functions. – The PIA shall perform the following duties and functions:

- 1) Assist the Commission in its education and information campaign on the conduct of the January 21, 2019 plebiscite to ratify Republic Act No. 11054 otherwise known as the “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao”;
- 2) Make available to the Commission its facilities and services of its personnel, as may be necessary to insure implementation of the programs of activities or operation plans for the Commission’s information campaign;
- 3) Produce such information materials as the Commission may deem necessary to ensure the conduct of free, orderly, honest, peaceful and credible plebiscite; provided that in all cases:
 - a. The Agency shall adhere strictly to the policy of the Commission that the education and information campaign must be absolutely impartial, objective and neutral;
 - b. The expenses it may incur as such deputy for the information campaign of the Commission, i.e., production of information materials, shall be for the exclusive account of the agency; and
 - c. Any information material which the Agency, as such deputy, shall produce upon the direction of the Commission, shall be published/distributed/released

only upon prior clearance from the Commission to ensure that nothing therein contained shall detract from and violate the policy of impartiality, objectivity and neutrality.

- 4) Perform such other duties and functions which the Commission may prescribe from time to time.

SEC. 4. Deputation of the Philippine Postal Corporation (PHLPost) and the National Telecommunications Commission (NTC), Duties and Functions. – The PHLPost and NTC are hereby deputized to perform the following duties and functions:

- 1) Instruct their respective personnel and the management of all private telecommunications firms to give special preference to, and effect immediate transmission and delivery of messages or telegrams of the Commission, its field personnel and deputies during the plebiscite period; and, between and among the Commission's field offices, its deputies and other assisting agencies until after the proclamation;
- 2) Impress upon such personnel and management that non-compliance with the provisions of Sec. 9 of the Omnibus Election Code on preferential transmissions of official mails, messages and telegrams relative to the plebiscite, constitutes an election offense punishable under Sec. 264 of said Code with imprisonment of not less than one year but not more than six (6) 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;
- 3) Assign sufficient number of personnel to receive, transmit and deliver plebiscite messages ten (10) days before plebiscite day, on plebiscite day, and five (5) days after plebiscite day;
- 4) Make operational all its stations during the plebiscite period; and
- 5) Perform such other duties and functions which the Commission may prescribe from time to time.

SEC. 5. Deputation of certain Government Financial Institutions, other Government Agencies and other Government-Owned or Controlled Corporations, to provide means of transportation in connection with the conduct of the plebiscite. - The Bangko Sentral ng Pilipinas (BSP), the Land Bank of the Philippines (LBP), the Development Bank of the Philippines (DBP), the Government Service Insurance System (GSIS), the Social Security System (SSS), the Philippine National Oil Company (PNOC), the Department of Agriculture (DA), the Department of Agrarian Reform (DAR), the Department of Environment and Natural Resources (DENR), the National Irrigation Administration (NIA), the National Food Authority (NFA), the National Electrification Administration (NEA), National Printing Office (NPO), and the Philippine Ports Authority (PPA) are hereby designated as deputies of the Commission.

As such deputies, they shall place at the disposal of the Commission their land, air and water craft, such as airplanes and helicopters, trucks, jeeps, vans, cars and the like, ships, launches, barges, and speedboats, and communication facilities, as the Commission may need from time to time. Said vehicles shall be used to ferry the personnel of the Commission and of its deputized agencies in the performance of their plebiscite duties, and to transport plebiscite forms, supplies and materials to their places of destination, particularly in areas with inadequate or without regular means of transportation.

For the above purposes, they shall provide the Commission with a list of available vehicles, together with the pilots/ captains, shipmasters, or drivers assigned to said crafts or vehicles. These crafts or vehicles shall be at the disposal of the Commission immediately and until the end of the plebiscite period.

SEC. 6. Deputation of certain Government Agencies to provide sufficient electrical power supply in connection with the conduct of the January 21, 2019 plebiscite to ratify Republic Act No. 11054 otherwise known as the "Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao". – The National Electrification Administration (NEA), the National Power Corporation (NPC), the Department of Energy (DOE), the Department of Public Works and Highways (DPWH), the Department of Interior and Local Government (DILG), the Philippine National Police (PNP), the Department of National Defense (DND), the Armed Forces of the Philippines (AFP) are further deputized to provide sufficient uninterrupted electrical power supply and secure the transmission infrastructure and facilities during the critical days of the plebiscite.

SEC. 6.1. Duties and Functions. – As such deputies, they shall have the following duties and functions:

- 1) Provide and maintain stable and continuous electric power requirements in Regions 10, 12 and ARMM from January 21, 2019 or upon the start of the voting, until the termination or conclusion of the canvassing of votes and the proclamation;
- 2) Provide sufficient personnel to secure the transmission lines, substations, and other related power facilities in Regions 10, 12 and ARMM;
- 3) Provide assistance to and coordinate with the National Grid Corporation of the Philippines (NGCP) to implement clearing of the transmission facilities, to include substations, towers and other related power facilities, in support of its systems operations functions. Towards this end, the DENR shall facilitate the clearing of trees within the required transmission right-of-way;
- 4) Perform such other duties and functions as the Commission may prescribe from time to time.

SEC. 6.2. Support from COMELEC Field Offices. – All COMELEC field offices are directed to provide whatever support they can extend to the DOE and NGCP in the information dissemination of public awareness materials.

SEC. 7. The Civil Service Commission (CSC), Duties and Functions. – The CSC is hereby deputized to enforce and implement the provisions of Section 261 (g), (h) and (i) of the Omnibus Election Code.

SEC. 8. The Commission on Audit (COA) and the Department of Budget and Management (DBM), Duties and Functions. – The COA and the DBM are hereby deputized to enforce and implement the provisions of Section 261, paragraph (v) and (w) of the Omnibus Election Code.

SEC. 9. Precedence of Commission Orders. – Orders issued by the Commission in connection with the conduct of the January 21, 2019 plebiscite to ratify Republic Act No. 11054, otherwise known as the "Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao" shall take precedence over and above the orders and directives issued by any other office or agency of the Government, except the Supreme Court and those issued in *habeas corpus* cases.

However, nothing contained herein shall be construed as in any manner affecting or constituting an impairment of the Constitutional powers of the President of the Philippines to conduct and direct the general peace-keeping functions of the PNP.

SEC. 10. Effectivity. This Resolution shall take effect on the seventh (7th) day after its publication in two (2) daily newspapers of general circulation in the Philippines.

SEC. 11. Dissemination and Publication. – The Executive Director shall furnish all the above deputized departments, offices and/or agencies, through their respective heads, copies of this Resolution pertinent to their agencies.

The Education and Information Department, shall cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines, and disseminate this Resolution for the information of the public.

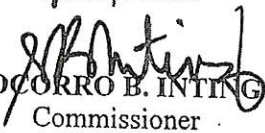
SO ORDERED.

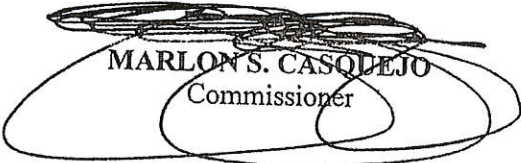

SHERIFF M. ABAS
Chairman


AL A. PARRENO
Commissioner


LUE TITO F. GUIA
Commissioner


MA. ROWENA AMELIA V. GUANZON
Commissioner


SOCORRO B. INTING
Commissioner


MARLON S. CASOLEJO
Commissioner


ANTONIO T. KHO, JR.
Commissioner