



Republic of the Philippines  
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS  
**CENTRAL OFFICE**  
Manila

097-7 DPWH

10.5.2022

October 3, 2022

**DEPARTMENT MEMORANDUM** )

**CIRCULAR NO.** 48 )  
**Series of 2022** )  
d 10/5/2022

**FOR / TO:** **Undersecretaries**  
**Assistant Secretaries**  
**Service Directors**  
**Bureau Directors**  
**Regional Directors**  
**Head of UPMOs**  
**District Engineers**  
This Department

For information and guidance, attached is photo copy of COMELEC Resolution No. 10836 dated September 14, 2022, entitled "**RULES AND REGULATIONS GOVERNING PUBLIC WORKS BAN AND RELEASE, DISBURSEMENT AND EXPENDITURES OF PUBLIC FUNDS IN CONNECTION WITH THE CONDUCT OF THE OCTOBER 08, 2022 PLEBISCITES TO RATIFY THE MERGER OF BARANGAY DISTRICT NOS. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, AND 28 INTO THREE (3) BARANGAYS TO BE KNOWN AS BARANGAY SOUTH, BARANGAY EAST AND BARANGAY WEST, AND THE RENAMING OF BARANGAY DISTRICT 29 TO BARANGAY NORTH, ALL IN ORMOC CITY, PURSUANT TO ORMOC CITY SANGGUNIANG PANLUNGSOD ORDINANCE NO. 052 (SERIES OF 2021) APPROVED ON JANUARY 22, 2021.**"

A copy of the said COMELEC Resolution may also be downloaded from the DPWH Website: <http://dpwhweb>. If an office cannot access the DPWH website, a hard copy may be obtained from the Records Management Division, HRAS, upon request.

For dissemination to all concerned.

**MARICHU A. PALAFOX, CESO II**  
Assistant Secretary for Support Services

Encl: COMELEC Resolution No. 10836, dated September 14, 2022

cc: Office of the Secretary

10.1.4 JSC/VGV/MSV

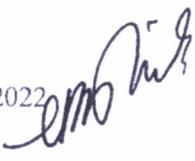


Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
Manila

**RULES AND REGULATIONS GOVERNING PUBLIC WORKS BAN AND RELEASE, DISBURSEMENT AND EXPENDITURES OF PUBLIC FUNDS IN CONNECTION WITH THE THE CONDUCT OF THE OCTOBER 08, 2022 PLEBISCITES TO RATIFY THE MERGER OF BARANGAY DISTRICT NOS. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, AND 28 INTO THREE (3) BARANGAYS TO BE KNOWN AS BARANGAY SOUTH, BARANGAY EAST AND BARANGAY WEST, AND THE RENAMING OF BARANGAY DISTRICT 29 TO BARANGAY NORTH, ALL IN ORMOC CITY, PURSUANT TO ORMOC CITY SANGGUNIANG PANLUNGSOD ORDINANCE NO. 052 (SERIES OF 2021) APPROVED ON JANUARY 22, 2021.**

**GARCIA, George Erwin M.** *Chairman*  
**INTING, Socorro B.** *Commissioner*  
**CASQUEJO, Marlon S.,** *Commissioner*  
**FEROLINO, Aimee P.,** *Commissioner*  
**BULAY, Rey E.** *Commissioner*

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Promulgated: September 14, 2022 

**RESOLUTION NO. 10836**

**WHEREAS**, the Commission on Elections (Commission) has promulgated on June 22, 2022 COMELEC Resolution No. 10796 entitled "IN THE MATTER OF SETTING THE DATE, AND CALENDAR OF ACTIVITIES AND PROHIBITED ACTS OF THE PLEBISCITES TO RATIFY THE MERGER OF BARANGAY DISTRICT NOS. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, AND 28 INTO THREE (3) BARANGAYS TO BE KNOWN AS BARANGAY SOUTH, BARANGAY EAST AND BARANGAY WEST, AND THE RENAMING OF BARANGAY DISTRICT 29 TO BARANGAY NORTH, ALL IN ORMOC CITY, IN ACCORDANCE WITH ORMOC CITY SANGGUNIANG PANLUNGSOD ORDINANCE NO. 052 (SERIES OF 2021) APPROVED ON JANUARY 22, 2021."

**NOW, THEREFORE**, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, R.A. No. 11550 and other election laws, the Commission has **RESOLVED**, as it hereby **RESOLVES** to promulgate, the following rules to enforce the provisions of Section 261, subsections (v) and (w) of the Omnibus Election Code in connection with the conduct of the October 8, 2022 Plebiscite to ratify the merger of Barangay District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28 into three (3) barangays to be known as Barangay South, Barangay East and Barangay West, and the renaming of Barangay District 29 to Barangay North, all in Ormoc City.

**SEC. 1. Coverage.** -The provisions of this Resolution shall be applicable only in Barangay District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29, all in Ormoc City.

2. Issue, use or avail of treasury warrants or any device undertaking future delivery of money, goods, or other things of value chargeable against public funds.

**SEC. 4. Submission to the Commission of lists of authorized public works projects.** – On or before September 24, 2022 (Saturday) the Secretary of Public Works and Highways, the Provincial Governor of Leyte, the Mayors of Ormoc City and the Barangay Chairmen of Barangay District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29, all in Ormoc City, shall submit to the Campaign Finance Office of the Commission in Manila, a certified list of all on-going public works, projects under foreign agreements and those undertaken by contract through public bidding or by negotiated contracts, undertaken before September 24, 2022 (Saturday) in Barangay District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29.

Any public works not included in the list herein required to be submitted by the Secretary of Public Works and Highways, the Provincial Governor of Leyte, the Mayors of Ormoc City and the Barangay Chairmen of the said twenty-nine (29) barangays in Ormoc City, which are not among the exceptions under Section 261, subsection (v) of the Omnibus Election Code shall be considered as falling under the public works ban.

**SEC. 5. How to apply for a Certificate of Exception.** – A written request for the issuance of Certificate of Exception shall be filed before the Campaign Finance Office, Intramuros, Manila, accompanied by documentary requirements and payment of Certification Fee in the amount of One Hundred Pesos (P100.00).

**SEC. 6. Immediate payment of laborers required.** – Any laborer who may have worked on construction and maintenance of provincial, city, municipal, and barangay-funded roads and bridges which have to be suspended pursuant to the ban shall be paid immediately his complete earned wage upon the suspension of said projects. In no case shall the earned wage or any portion thereof be retained to be paid only within five (5) days before or on the day of the plebiscite.

**SEC. 7. Other expenses not covered by Section 261 (v).** – Salaries of personnel, routine or normal expenses, other operating expenses of Barangay District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29, all in Ormoc City and other government agencies concerned, including government-owned or controlled corporations, are not covered by the ban.

Subject to such COA rules and regulations, authority to release or disburse funds hereof does not need prior authority from the Commission.

**SEC. 8. Injunction.** – The Department of Budget and Management and the Commission on Audit, including all its field offices, are hereby enjoined not to release or authorize the release of any appropriation, or to pass in audit payments or expenditures of public funds that may directly or indirectly be used in violation of the prohibitions contained in Section 261 (v) and (w) of the Omnibus Election Code and Sec. 2 and 3 hereof.

The concerned field office of the Commission, including those of its deputized agencies and citizens arm therein, are directed to monitor compliance with the requirements under Sec. 2 and 3 hereof by the local executive officers of Ormoc City and submit immediately to the Commission a written report on any violation of said provisions.

**SEC. 9. Penalty.** – Any violation of the provisions of this Resolution shall, consistent with Sections 261 and 264 of the Omnibus Election Code, constitute an election offense and shall be punishable by imprisonment of not less than one (1) year but not more than six (6) years, among other penalties provided for by law.

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

**SEC.II. Dissemination.** – The Office of the Deputy Executive Director for Operations shall furnish the Executive Secretary, the Commission on Audit, the Department of the Budget and Management, the Department of Public Works and Highways, the Provincial Governor of Leyte, the Mayor of Ormoc City, the Barangay Chairmen of Barangay District Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29, Ormoc City, the Law Department of the Commission, the Regional Election Director of Region VIII, the Provincial Election Supervisor of Leyte, and the respective Election Officer of Ormoc City.

**SO ORDERED.**

**GEORGE ERWIN M. GARCIA**  
Chairman

**SOCORRO B. INTING**  
Commissioner

**MARLON S. CASQUEJO**  
Commissioner

**AIMEE P. FEROLINO**  
Commissioner

**REY E. BULAY**  
Commissioner

#### **CERTIFICATION**

**APPROVED** by the Commission En Banc during the regular online meeting on September 14, 2022, pursuant to COMELEC RESOLUTION NO. 10671, promulgated June 9, 2020 entitled: "Supplemental Resolution to COMELEC Resolution 9936 Promulgated March 25, 2015, Rule on the Enactment and Promulgation of Executive Administrative Resolutions providing for other format of meetings to include online meeting applicable in times of COVID-19 pandemic and the imposition of Community Quarantines and similar emergency situations.

  
**ATTY. CONSUELO B. DIOLA**  
Director IV  
Office of the Commission Secretary

This Resolution can be verified at this number (02)85272987; email address [comsec@comelec.gov.ph](mailto:comsec@comelec.gov.ph)