



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
REGION XIII (CARAGA REGION)
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May 28, 2013

DILG-13 OPINION NO. 13

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DILG - REGION XIII	
RELEASED	
DATE:	MAY 28 2013
TIME:	10:33 am
BY:	gn

Ms. ELENA B. SANCHEZ
Purok 7, Brgy. Libertad
Butuan City

Dear Ms. Sanchez:

This refers to your undated letter relative to a certain Garry Culob, a regular employee of the City Government of Butuan and Purok 7 President of Barangay Libertad, Butuan City. You mentioned also that Mr. Culob always gathered supporters of a certain mayoralty candidate of the City. In view of this, you raised the following issues:

- 1) Whether Mr. Culob can be a regular government employee and at the same time a purok official; and
- 2) Whether gathering of the supporters of a mayoralty candidate is an election offense.

Pertaining to your first query, please be informed that "purok" is not part of the political structure of the State which only includes provinces, cities, municipalities and barangays. The creation of purok is not sanctioned by the Local Government Code of 1991 neither by any law. Serving as purok president is not considered government employment. Therefore, Mr. Culob violated no laws.

As to your second query, as regular government employee of the City Government, Mr. Culob is not allowed to support for or against a certain political candidate. Section 261 (i) of the Omnibus Election Code (OEC), states the following as election offenses:

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

(i) Intervention of public officers and employees. - Any officer or employee in the civil service, x x x, directly or indirectly, intervenes in any election campaign or engages in any partisan political activity, except to vote or to preserve public order, if he is a peace officer (underlining supplied).

Further, Section 79(b) of the OEC defines election campaign or partisan political activity in the following manner:

Section 79. Definitions. - As used in this Code:

x x x x

(b) The term "election campaign" or "partisan political activity" refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office which shall include:

(1) Forming organizations, associations, clubs, committees or other groups of persons for the purpose of soliciting votes and/or undertaking any campaign for or against a candidate;

(2) Holding political caucuses, conferences, meetings, rallies, parades, or other similar assemblies, for the purpose of soliciting votes and/or undertaking any campaign or propaganda for or against a candidate;

(3) Making speeches, announcements or commentaries, or holding interviews for or against the election of any candidate for public office;


(4) Publishing or distributing campaign literature or materials designed to support or oppose the election of any candidate; or

(5) Directly or indirectly soliciting votes, pledges or support for or against a candidate.

Based on your allegations, Mr. Culob may have committed partisan political activity especially under Section 79 (b) (2) of the OEC. The penalty for the offense is imprisonment from one (1) year to six (6) years without probation. He will be also dismissed from public office including deprivation of his right to vote (Sec. 264, OEC). However, you have to file the case within five (5) years from the commission of alleged offense otherwise you will be forever be barred by prescription (Sec. 267, OEC).

We hope to have clarified you on this matter.

Very truly yours,


LILIBETH A. FAMACION, CESO IV
OIC-Regional Director

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