



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

**IMPLEMENTING GUIDELINES ON THE PROHIBITION AGAINST THE TRANSFER, PROMOTION, EXTENSION, OR RECALL OF OFFICERS OR MEMBERS OF THE FOREIGN SERVICE CORPS INCLUDING THOSE BELONGING TO ATTACHED AGENCIES, IN RELATION TO THE 12 MAY 2025 NATIONAL AND LOCAL ELECTIONS.**

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Chairman  
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Promulgated: April 24, 2024

**RESOLUTION NO. 10985**

**WHEREAS**, Republic Act (RA) No. 9189 as amended by RA No. 10590 or the Overseas Voting Act of 2013, hereinafter referred to as "OVA of 2013", contains a prohibition against the transfer, promotion, extension, recall or movement of members or officers of the foreign service corps (FSCs), including those belonging to attached agencies, for a certain period, specifically:

*"Sec. 35. Security. Measures to Safeguard the Secrecy and Sanctity of Ballots. x x x*

No officer or member of the foreign service corps, including those belonging to attached agencies shall be transferred, promoted, extended, recalled or otherwise moved from his current post or position one (1) year before and three (3) months after the day of elections, except upon the approval of the Commission.";

*"Sec. 36. Prohibited Acts. - In addition to the prohibited acts provided by law, it shall be unlawful:*

x x x

36.6. For any public officer or employee to cause the transfer, promotion, extension, recall of any member of the foreign service corps, including members of the attached agencies, or otherwise cause the movement of any such member from the current post or position one (1) year before and three (3) months after the day of elections, without securing the prior approval of the Commission.";

**WHEREAS**, the Office of Overseas Voting (OFOV), created by virtue of Section 30 of the OVA of 2013, is specifically tasked to oversee and supervise the effective implementation of the said law;

**IN VIEW OF THE FOREGOING**, the Commission *En Banc*, by virtue of the powers vested in it by the Constitution, the Omnibus Election Code (OEC), the OVA of 2013, and other pertinent election laws, rules and regulations, hereby **RESOLVED** to **PROMULGATE** the following rules to implement the provisions cited in the perambulatory clauses of this Resolution:

**SECTION 1. Definition of Terms.** - As used in this Resolution, the following terms are defined and understood as thus:

- a. *Commission or "COMELEC"* refers to the Commission on Elections.
- b. *Commissioner-in-Charge or "CIC"* refers to the Member of the Commission *En Banc* duly designated to oversee the operations of the (OFOV).
- c. *Department of Foreign Affairs Overseas Voting Secretariat or "DFA-OVS"* refers to the secretariat composed of the personnel of the DFA based in the DFA home office tasked to assist the OFOV of the COMELEC, and to direct, coordinate, and oversee the participation of the OVA of 2013.
- d. *Extension* refers to the extension of service for the purpose of completing the requisite years of government service under the Government Service Insurance System RA No. 8291, otherwise known as the "The Government Service Insurance System Act of 1997", or the extension of service of members of the FSCs abroad to address exigencies of public service.
- e. *Members or Officers of the Foreign Service Corps (FSC)* refer to chiefs of mission, career ministers, foreign service officers (FSO), foreign service staff officers (FSSO), foreign service staff employees, of the Department of Foreign Affairs (DFA) who are assigned to serve in Posts abroad and in the home office, as well as regular and service attachés from other Philippine government agencies, such as, but not limited to, the following:
  - (01) Philippine Representatives to Permanent Missions of the United Nations in New York and Geneva;
  - (02) Philippine Representatives of the Philippine Mission to the Association of Southeast Asian Nations (ASEAN) in Jakarta, Indonesia;
  - (03) Officers and employees assigned to the Manila Economic and Cultural Offices (MECO) in Taiwan;
  - (04) Labor attachés of the Migrant Workers Office (MWOs), Department of Migrant Workers (DMW);
  - (05) Trade representatives or commercial attachés of the Philippine Foreign Trade Service Corps (FTSC), Department of Trade and Industry (DTI);
  - (06) Tourism attachés from the Department of Tourism (DOT);
  - (07) Agricultural attachés from the Department of Agriculture (DA);
  - (08) Social Welfare attachés from the Department of Social Welfare and Development (DSWD);
  - (09) Defense attachés from the Department of National Defense (DND);
  - (10) Armed Forces attachés, Armed Forces of the Philippines (AFP);
  - (11) Police attachés from the Philippine National Police (PNP);
  - (12) Officials from the National Intelligence Coordinating Agency (NICA); and

- (13) Other officials or employees representing various Philippine government agencies at Philippine Foreign Service Posts or other overseas locations.
- f. *Office for Overseas Voting or "OFOV"* refers to the Office in the COMELEC tasked to oversee and supervise the effective implementation of the OVA of 2013.
  - g. *Promotion* refers to the advancement of a career employee from one position to another with an increase in duties and responsibilities as authorized by law, and usually accompanied by an increase in salary. Promotion may be from one department or agency to another or from one organizational unit to another within the same department or agency.
  - h. *Recall* refers to the return of officers or employees on assignment abroad back to the home office or original or place of assignment.
  - i. *Transfer* refers to the movement of an officer or employee from one position to another which is of equivalent rank, level or salary without break in service involving the issuance of an appointment. The transfer may be from one organizational unit to another in the same department or agency or from one department or agency to another. This includes movement of personnel from one Post or office to another, pursuant to the rotation plan as provided in Section 38 of the RA No. 7157 otherwise known as the Philippine Foreign Service Act of 1991.<sup>1</sup>

**SECTION 2. Prohibited Acts and the Period of Prohibition.** - From 12 May 2024 (Sunday) to 12 August 2025 (Tuesday), it is prohibited for any public officer or employee to cause the transfer, promotion, extension recall of any officer or member of the FSCs, including those belonging to attached agencies, or otherwise cause the movement of any such officer or member from the current post or position, except upon the prior approval of the COMELEC.

These prohibited acts are considered election offenses.

PROHIBITED ACTS	DURATION	INCLUSIVE DATES
a. For any public officer or employee to cause the transfer, promotion, extension, recall of any member of the foreign service corps, including members of the attached agencies, or otherwise cause the movement of any such member from the current post or position.	One (1) year before and three (3) months after the day of the elections	12 May 2024 (Sun) to 12 August 2025 (Tue)

**SECTION 3. Exceptions.** - In recognition of the varying circumstances necessitating movements of personnel to address the exigencies of public service, government agencies may file a written request for exception with the COMELEC for

<sup>1</sup> Republic Act No. 7157.

the approval of the human resource actions or personnel movements falling within the prohibited acts described in Sections 2 and 4 of this Resolution.

**SECTION 4. *Scope and Applicability of this Resolution.*** – The scope and application of this Resolution shall be limited to the prohibited acts mentioned in Section 2 hereof, subject to the following conditions:

- a. The officers or personnel subject of the transfer, promotion, recall, extension, or movement are members of the FSCs, including those belonging to attached agencies;
- b. The personnel movement sought to be implemented is a transfer, promotion, extension, or recall, as defined under Section 1 of this Resolution; and
- c. The intended effectivity date of the transfer, promotion, extension, or recall of service falls from **12 May 2024 (Sunday) to 12 August 2025 (Tuesday)**.

**SECTION 5. *Procedures for Request for Authority to Transfer, Promote, Extend, Recall, or Move Members of the Foreign Service Corps, Including Those Belonging to Attached Agencies.*** – All requests for authority to transfer, promote, extend, or recall officers or members of the FSCs, including those belonging to attached agencies shall:

- a. Be in writing and duly signed by the head of agency or its duly authorized representative;
- b. Include specific details, such as:
  - (i) the name/s of officer/s or personnel subject of the request;
  - (ii) the type of personnel movement applicable to the officer/s or personnel listed on the request for authority to (transfer, promote, extend, or recall);
  - (iii) current and the new posts or assignments of the officer/s or personnel sought to be assigned or transferred or recalled;
  - (iv) current and the new positions or titles of officer/s or personnel subject to promotion;
  - (v) the length or period covered by the extension of service, and
  - (vi) the intended effectivity date of the transfer, promotion, extension or recall, as the case may be.
- c. Specify the causes or reasons for the transfer, promotion, extension, or recall; and
- d. Contain a certification issued by the requesting head of agency or duly authorized representative, attesting to the fact that the officers or personnel subject of the request are not deputized by the COMELEC to perform overseas voting registration and/or election duties.

**SECTION 6. *When to File Requests.*** - All written requests for authority shall be filed with the OFOV at least ten (10) working days before the intended effectivity date of the transfer, promotion, extension, or recall sought to be approved by COMELEC.

Any request filed after the implementation of the aforementioned acts shall not be accepted or acted upon by the COMELEC.

**SECTION 7. *Where to File Requests for Authority.*** - All written requests for authority shall be filed with the OFOV through any of the following means:

- a. *By courier or postal service.* - Written requests, including the USB or CD attachments such as the list of names of officers or members of the FSCs, including those belonging to attached agencies, sent via courier or postal service must be addressed to:

**Office for Overseas Voting (OFOV)**  
**Commission on Elections**  
7<sup>th</sup> Floor Palacio del Gobernador  
Gen. Luna St. cor. A. Soriano Ave.  
Intramuros, Manila 1002

- b. *By electronic mail.* - Scanned copies of the written requests, including its attachments, may also be sent via email to the OFOV's official email address at [overseasvoting@comelec.gov.ph](mailto:overseasvoting@comelec.gov.ph)

Any request for authority filed with the incorrect office shall be deemed as not filed and shall not be given due course by the COMELEC.

**SECTION 8. *Requests Involving Officers and Personnel of the DFA to be Courshed Through the DFA-OVS.*** - Requests for authority to transfer, promote, extend, or recall of officers or personnel of the DFA who are members of the FSCs, including those belonging to attached agencies, shall be courshed through the DFA-OVS.

**SECTION 9. *Requests involving Officers and Personnel of Other Philippine Government Agencies with Regular and Service Attachés On Assignment Abroad.*** - Requests for approval of the transfer, promotion, extension, or recall, or movement of regular or service attachés of other Philippine government agencies shall be submitted by their respective government agencies, duly signed by their heads of agencies and/or appointing authorities.

**SECTION 10. *Approval of Requests for Authority to Transfer, Promote, Extend, or Recall Members of the Foreign Service Corps, Including Those Belonging to Attached Agencies.*** - Upon receipt of the written requests for exceptions, the OFOV shall evaluate and submit the corresponding recommendations to the CIC of the OFOV, who shall then take the appropriate action on the requests.

For this purpose, the Commission *En Banc* hereby delegates its authority to approve or disapprove the aforementioned requests for exceptions to the CIC of the OFOV.

All requests granted by the CIC shall be applied prospectively.

**SECTION 11. *Effectivity of the Approved/Disapproved Requests for Authority to Promote or Transfer and Detail Officers of Members of the Foreign Service Corps, Including Those Belonging to Attached Agencies during the Prohibited Periods under Section 261 subsections (g) (2) and (h) of the Omnibus Election Code.*** - The approval or disapproval of any requests for exceptions to promote or transfer and detail officers or members of the FSCs, including those belonging to attached agencies, shall be effective during the prohibited periods provided under Section 261 subsections (g) (2) and (h) of the EOC.

**SECTION 12. *Penalties.*** - The following penalties imposed under Section 264 of the OEC, shall be imposed on any public officer or employee found guilty of committing the prohibited acts under Section 2 hereof:

- a. Imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation; and
- b. Sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage.

**SECTION 13. *Implementing Office.*** - The OFOV shall primarily be responsible for the implementation of this Resolution.

Complaints for possible commission of the prohibited acts under this Resolution shall be filed with the Law Department in accordance with Rule 34 of the COMELEC Rules of Procedure, as amended by COMELEC Resolution No. 10961.

**SECTION 14. *Publication and Dissemination.*** - The Education and Information Department (EID) shall cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines and shall furnish Information Technology Department (ITD) a copy for posting on the COMELEC website.

The EID, with the assistance of the OFOV, shall furnish copies of this Resolution to government agencies with officials and personnel service as members of the FSCs, including those belonging to attached agencies, such as but not limited to, the following agencies:

- a. DFA;
- b. DMW and the relevant attached agencies;
- c. DTI and the relevant attached agencies;
- d. DOT;
- e. DA;
- f. DSWD;
- g. DND;
- h. AFP;
- i. PNP;
- j. NICA;
- k. MECO;
- l. CFO; and
- m. MARINA.

**SECTION 15. Effectivity.** - This Resolution shall take effect on the seventh (7th) days after its publication in two (2) daily newspapers of general circulation.

**SO ORDERED.**

**GEORGE ERWIN M. GARCIA**  
*Chairman*

**SOCORRO B. INTING**  
*Commissioner*

**MARLON S. CASQUEJO**  
*Commissioner*

**AIMEE P. FEROLINO**  
*Commissioner*

**REY E. BULAY**  
*Commissioner*

**ERNESTO FERDINAND P. MACEDA, JR.**  
*Commissioner*

**NELSON J. CELIS**  
*Commissioner*

**CERTIFICATION**

**APPROVED** for publication, April 24, 2024.

  
**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).