



12 January 2004

MEMORANDUM TO ELECTRIC COOPERATIVES (ECs)
No. 01, s. 2004

ATTENTION : ALL MEMBERS OF THE BOARD OF DIRECTORS AND GENERAL MANAGERS OF ECs AND ALL CONCERNED

SUBJECT : EFFECT OF COMELEC RESOLUTION NO. 6453 DATED 10 DECEMBER 2003 ON NEA CONSOLIDATED GUIDELINES ON THE CANDIDACY OF COOP OFFICIALS AND EMPLOYEES IN LOCAL, NATIONAL AND BARANGAY ELECTIONS

The aforestated NEA Consolidated Guidelines on the National and Local Elections provide, among others:

" 1.1. All board members, general managers and employees of ECs shall be considered automatically resigned from their respective positions effective upon filing of their Certificates of Candidacy".

On the other hand, COMELEC Resolution No. 6453, specifically Section 4, paragraph (b) therein, provides:

" any person holding an elective office or position running for any elective office or position shall not be considered resigned".

There is no conflict whatsoever between the NEA Guidelines and this COMELEC Resolution. While the NEA Guidelines apply to officials and employees of Electric Cooperatives, the aforesaid provision of the said COMELEC Resolution applies to incumbents of elective offices or positions in the government. The Electric Cooperative, as a private entity, is certainly not an agency or branch of government, and therefore is not subject to the jurisdiction of the COMELEC. The COMELEC exercises jurisdiction over national, local and barangay elections. The COMELEC does not have jurisdiction over the qualification requirements for EC officials and employees. Such jurisdiction pertains to the NEA pursuant to PD 269 as amended.

The aforestated NEA Consolidated Guidelines remain in effect, and is neither superseded nor affected by the said COMELEC Resolution.

Please be guided accordingly.


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 Administrator

NATIONAL ELECTRIFICATION
 ADMINISTRATION

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