



Republic of the Philippines
National Electrification Administration
Quezon City

17 March 2009

INSTITUTIONAL ADVISORY NO. 04
Series of 2009

TO : ALL ELECTRIC COOPERATIVES

**SUBJECT : DOJ MEMORANDUM DATED 22 JANUARY 2009
RE FILING OF CERTIFICATE OF CANDIDACY OF
PUBLIC PROSECUTORS AND/OR APPOINTIVE
OFFICIALS**

The Department of Justice, through its Secretary, Hon. Raul M. Gonzales, issued a Memorandum on 22 January 2009 (copy attached) addressed to all Regional State Prosecutors and/or appointive officials who are running as directors in the boards of electric cooperatives and invited their attention to the provision of Section 7, Article IV- B of the 1987 Constitution, which prohibits appointive official from holding any other office or employment in the Government or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries.

As such, all prosecutors must ask permission from the Secretary of Justice to participate in the activities of the cooperative where they are members. This will ensure that as public prosecutors, their duties and services are not necessarily prejudiced and/or sacrificed, and their activities in the cooperatives will not result in double emoluments.

For all government employees, the requirement provided for under Section 7 (11), Article II of the Guidelines on the Conduct of District Elections for ECs, which requires that candidates must have a permit from his/her Department Secretary/Regional Director/Elective Local Official or his duly authorized representative allowing him/her to run and/or sit as director at the time of his/her filing of Certificate of Candidacy, unless a law expressly provides otherwise, must be properly observed.

All ECs are enjoined to ensure compliance with the aforementioned requirement.


EDGARDO R. PIAMONTE
Deputy Administrator for
Electric Distribution Utilities Services

Noted:


EDITA S. BUENO
Administrator

NATIONAL ELECTRIFICATION
ADMINISTRATION

IN REPLYING, P.L.C. - I.T.E: #OR014443



NER-OR014443


4/8/09



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

MEMORANDUM:

TO : ALL REGIONAL STATE PROSECUTORS

SUBJECT : Prosecutors Named as Directors of Electric Cooperatives

DATE : 22 January 2009

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- 1) It has come to the attention of this Office that many public prosecutors are running as directors in the boards of electric cooperatives. The attention of all concerned is invited to the provision of Section 7, Article IX-B of the 1987 Constitution, which states:

“Unless otherwise allowed by law or by the primary functions of his position, no appointive official shall hold any other office or employment in the Government or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries.”

Complementary to this is Section 28 of RA No. 6938, or the “Cooperative Code of the Philippines, which states:

“Any government employee may, in the discharge of his duties as member in the cooperative, be allowed by the head of office concerned to use official time for attendance at the general assembly, board and committee meetings of cooperatives as well as cooperative seminars, conferences, workshops, technical meetings, and training courses locally or abroad: Provided, that the operations of the office concerned are not adversely affected.”

The afore-quoted provision of the 1987 Constitution states a prohibition against appointive officers from holding any other office or employment in the Government or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries. A prosecutor is an appointive official.

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MONALISA T. ESQUERRA
Chief, Records Section
Dept of Justice

2/19/09

- 2) Attention is likewise invited against public officers and employees receiving double compensation. However, Section 28 of the Cooperative Code permits a government employee if he is a member in the cooperative to use official time for attendance in the general assembly, board and committee meetings of cooperatives as well as cooperative seminars, conferences, workshops, technical meetings, and training courses locally or abroad, provided that it is permitted by the head of office concerned and that the operations of that office are not prejudiced.

As such, all prosecutors must ask permission from the Secretary of Justice to participate in the activities of the cooperative where they are members that public service and their duties as prosecutors are not unnecessarily prejudiced and/or sacrificed, and their activities in the cooperatives will not result in double emoluments.

For strict observance and compliance.

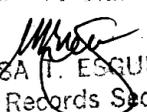

RAUL M. GONZALEZ
Secretary



Department of Justice
RMG-09-0010041

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