

## **MEMORANDUM CIRCULAR NO. 43**

**TO : ALL SHIPPING OPERATORS/OWNERS, SHIPPING CORPORATION ENTITIES AND ALL CONCERNED**

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In compliance with Resolution No. 2025 of the Commission on Elections promulgated on 14 November 1988, designating the Department of Transportation and Communications and all concerned agencies/officers under it as its deputies, quoted hereunder, for your strict compliance, observation and/or appropriate action are pertinent provisions of said Resolution:

- a. Section 26, paragraph (f) of Resolution No. 2022 of the Commission promulgated on July 25, 1988, prohibiting the drawing, printing, inscribing, writing, posting, displaying or publicly exhibiting any election propaganda in any place including moving vehicles, whether public or privates;
- b. Section 89 of the Omnibus Election Code (Batas Pambansa Bilang 981) prohibiting any candidate, political party or organization or any person from giving or accepting free of charge, directly or indirectly, transportation during the five (5) hours before and after a public meeting, on the day preceding the election and on the day of the election;
- c. Section 95 of the Omnibus Election Code prohibiting contributions for partisan political activity made directly or indirectly by natural or juridical persons operating a public utility; natural or juridical persons who hold contracts or subcontracts to supply the government or any of its divisions, subdivisions or instrumentalities, with goods or services or to perform construction or other works; natural or juridical persons who have been granted franchises, incentives, exemptions, allocations or similar privileges or concessions by the government or any of its divisions subdivisions or instrumentalities including government owned or controlled corporations, natural or juridical person who , within one year prior to date of other election have been granted loans or other accommodations in excess of P100,000.00 by the government or any of its divisions, subdivisions or instrumentalities including government owned or controlled corporations;
- d. Section 97 , of the same Code, making it unlawful for any person or organization , whether civic or religious , directly or indirectly to solicit and/or accept from any candidate for public office , or his from campaign manger , agent or representative , or any person acting their behalf , transportation from the commencement of the election period up to and including election day.
- e. Section 261 (d) (4) of the same Code which penalizes any operator or employee of a public utility or transportation company operating under

a Certificate of Public Convenience who refuse to carry official election mail matters of free of charge during the election period.

Pursuant to paragraph 3 of said Resolution all shipping operators / owners engaged in the domestic shipping shall report within thirty (30) days of following the day of the Barangay Election on 28 March 1989, the use , rental of hiring their facilities by any candidate or political party in connection with election campaign , including the amount paid for such use, rental or hiring which report(s) shall be submitted to the Law Department of the Commission on Elections for the purpose of proper accounting and monitoring of expenses of candidates and political parties under Section 112 of the Omnibus Election Code.

The Enforcement Office , the Regional Offices and the District Offices and other relevant offices/units of this Authority are hereby directed to apprehend violators of the Provision of the Omnibus Election Code , above quoted , and refer such violations to the Commission on Elections through its Regional Election Directors or Provincial Election Supervisors, for appropriate action .

For compliance.

This Circular shall take effect immediately.

Done on this 5<sup>th</sup> day of January 1989, at Manila, Philippines.

PHILIP S. TUAZON  
Administrator