

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 5190**



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**INTRODUCED BY HONORABLE CHERYL DELOSO-MONTALLA**

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**AN ACT**  
**REORGANIZING THE OFFICES OF THE COMMISSION ON ELECTIONS**

**EXPLANATORY NOTE**

The Commission on Elections (COMELEC) was created by the Constitution to enforce and administer all laws and promulgate policies, rules and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall (Article IX, 1987 Philippine Constitution). To fulfill its mandate, the *COMELEC delegates its powers and functions or directs the implementation or enforcement of its orders, rulings, or decisions through the heads of its field offices.*<sup>1</sup>

The field personnel of the COMELEC is composed of Regional Election Offices, headed by the Regional Election Directors (RED) and assisted by the Assistant Regional Directors. Within a region, there are Provincial Election Offices, headed by the Provincial Election Supervisors (PES). Each municipality or city in a province, is headed by an Election Officer (EO) (B.P. 881).<sup>2</sup>

Peculiar to the National Capital Region (NCR) is the absence of a Provincial Election Supervisor position. Consequently, the EOs directly report to the RED (Section 53, B.P. 881). The rank of an EO varies depending on the class of the municipality or city and on the number of registered voters within the EO's area of jurisdiction. In addition, the Omnibus Election Code provides that only members of the Philippine Bar can be appointed as EO in cities especially in the NCR (Section 54, B.P. 881).<sup>3</sup>

The salary regime of COMELEC employees is based on a 1982 issuance. While the other constitutional bodies regularly readjust the salary schemes of their employees to make them adaptable to the ever increasing cost of living, COMELEC employees to date wallow in misery over the measly sum that they take home resulting from the meager appropriation that is set aside for their salaries and wages. This fact puts COMELEC employees at a disadvantage *vis-à-vis* their counterparts in the executive department.

It is ironic that the COMELEC, a constitutional body that is tasked to take charge of one of the tenets of our democratic processes, suffers from the seeming lack of equal protection as the principle of "equal pay for equal work" is not felt by its employees.

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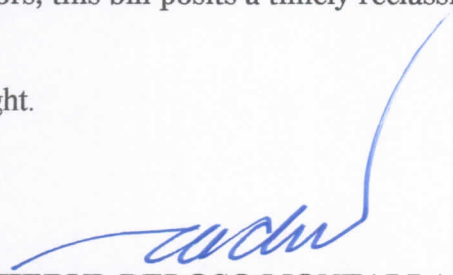
<sup>1</sup> Position paper on the reclassification of Election Officers in the National Capital Region. October 8, 2019.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

In the light of this, it is imperative to revisit and reclassify the position and/or salary of COMELEC employees. Premised on a number of factors, this bill posits a timely reclassification COMELEC employees.

Immediate passage of this bill is earnestly sought.



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*Be it enacted in the Senate and the House of Representatives of the Philippines in Congress assembled.*

**SECTION 1. *Short Title.***— This Act shall be known as “**The COMELEC Reorganization Act.**”

**SECTION 2. *Declaration of Policy.*** - In accordance with the equal protection clause of the Constitution, it is the State’s responsibility to provide adequate and appropriate remuneration to employees with the ultimate goal of achieving equal pay for equal work in government service.

**SECTION 3. *Field Offices.*** - The Commission shall have the following field offices:

(1) Regional Election Office, headed by the Regional Election Director and assisted by the Assistant Regional Election Director, Regional Election Attorney with the Rank of Attorney V, Human Resource Management Officer, Budget Officer, Finance Officer, Assistant Election Specialist, Stenographic reporter III, Process Server, Watchman Officer, Administrative Aide, ORED Driver and any such other subordinate officers or employees necessary in the exigency of service for the said office.

(2) Provincial Election Office, headed by the Provincial Election Director similar to the rank of Director II regardless of the number of registered voters, Computer Maintenance Technologist/Specialist (CMT/CMS) with SG-24, Assistant Election Specialist, Administrative Aide, OPES Driver and any such other subordinate officers or employees necessary in the exigency of service for the said office.

(3) The National Capital Region shall be divided into five (5) administrative districts, such as North, South, East, Central and Manila District, or such number of administrative districts as may be determined by the Commission. It shall be headed and administratively supervised by a District Election Director with the rank of Director II, Computer Maintenance Technologist/Specialist (CMT/CMS) with SG-24, Administrative Assistant V, Administrative Aide, Driver and any such other subordinate officers or employees necessary in the exigency of service for the said office.

(4) City/Municipal Office, headed by City/Municipal Election Specialist with the rank of Director I regardless of his or her place of assignment.

(5) There shall be a minimum of two Assistant Election Specialists (AES) with SG-21 in every city or municipality provided that for every additional 20,000 voters from 50,000 voters, additional AES shall be automatically appointed.

The Commission may delegate its powers and functions or order the implementation or enforcement of its orders, rulings, or decisions through the heads of field offices.

**SECTION 4. *Reclassification and Upgrading of Plantilla Positions in the COMELEC Main and Field Offices.*** - All the remaining rank and file plantilla positions in the COMELEC main and field offices shall be reclassified and their salaries upgraded accordingly by the Commission on Elections.

In no case shall diminution of salaries and benefits be caused to any employee.

**SECTION 5. *Rules and Regulations.*** - Within ninety (90) days after the effectivity of this Act, the Department of Budget and Management and the Commission on Elections shall promulgate the rules and regulations necessary to implement the provisions of this Act.

**SECTION 6. *Appropriations.*** - The amount necessary for the initial implementation of this Act shall be charged against the current fiscal year's appropriations under the budget of the COMELEC. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

**SECTION 7. *Separability Clause.*** - If any provision of this Act is held unconstitutional, all other provisions not affected thereby shall continue to be in full force and effect.

**SECTION 8. *Repealing Clause.*** - All laws, executive orders, presidential decrees, presidential proclamations, rules and regulations, and other issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

**SECTION 9. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or one (1) newspaper of general circulation.

*Approved,*