

REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
First Regular Session

House Bill No. **5745**



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Introduced by **MAGDALO Party-List Representative**  
**HON. MANUEL DG. CABOCHAN III**

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**EXPLANATORY NOTE**

The Commission on Elections (COMELEC) is the primary government agency responsible for the conduct of regular and special elections in the country. Similar to other constitutional commissions, the COMELEC is an independent and fiscally-autonomous body free from political interference or influence from the three branches of government. Such organizational setup makes possible the conduct of free, fair, and honest elections.

However, Section 55 of the Omnibus Election Code (Batas Pambansa 881) seems to counteract the supposed independence of the COMELEC. Section 55 makes it incumbent upon the local government to provide an office space for the provincial supervisor and the election registrar, including their staff in the respective localities. If it is not feasible, the COMELEC shall take charge of making the same available and the corresponding rentals shall be paid by the local government unit concerned.

If a conflict arises between the COMELEC and the LGU, the operations of the regional offices could suffer from any direct action by the LGU which owns or pays for the space of the COMELEC regional offices. Clearly, the provisions of BP 881 compromise the independence of COMELEC.

As guardians of the ballot, there is a need to strengthen the independence of COMELEC. This proposed measure delegates the responsibility of providing the needed office space for its field offices to the COMELEC, without the need for prior approval of the LGU concerned.

In view of the foregoing, immediate passage of this measure is earnestly sought.

**MANUEL DG. CABOCHAN III**  
*Representative*  
Magdalo Para sa Pilipino Party-List

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AN ACT  
MANDATING THE COMMISSION ON ELECTIONS TO PROVIDE FOR THE  
OFFICE SPACES OF ITS FIELD OFFICES, HEREBY REPEALING SECTION 55 OF  
BATAS PAMBANSA BLG. 881, OTHERWISE KNOWN AS THE OMNIBUS  
ELECTION CODE OF THE PHILIPPINES, AS AMENDED

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

1       **SECTION. 1.** This Act shall be known as the “*COMELEC Independent Offices Act*”.

2  
3       **SEC. 2. Declaration of Policy.** – The State recognizes the independence of the  
4 Commission on Elections (COMELEC). Towards this end, the State shall enact measures to  
5 protect COMELEC and its field offices from any undue influence, governmental or otherwise,  
6 that can undermine its independence.

7  
8       **SEC. 3. Mandate to Provide Separate Offices.** – The Commission on Elections  
9 (COMELEC) is hereby mandated to provide new suitable office spaces for its field offices  
10 enumerated in Section 53 of Batas Pambansa Blg. 881, as amended, separate from the offices  
11 of the Local Government Units that currently provide office facilities to said field offices.

12  
13       **SEC. 4. Transfer Plan.** – Within six (6) months from the effectivity of this Act,  
14 COMELEC shall formulate a transfer plan to transfer of COMELEC field offices from the  
15 Local Government Unit (LGU) – controlled facilities to COMELEC-owned or –leased  
16 facilities. The plan shall provide for a complete transfer of all COMELEC field offices within  
17 five (5) years from the effectivity of this Act.

18  
19       **SEC. 5. Appropriations.** – Such amounts as may be necessary to implement this Act  
20 shall be included in the budget of COMELEC in next succeeding General Appropriations Act  
21 following the adoption of the Transfer Plan by the COMELEC *En Banc*.

1           **SEC. 6. *Repealing Clause.*** – Section 55 of Batas Pambansa Blg. 881, otherwise known  
2 as the Omnibus Election Code of the Philippines, as amended, is hereby repealed.

3           **SEC. 7. *Separability Clause.*** – If any portion or provision of this Act is declared  
4 unconstitutional, the remainder of this Act or any provision not affected thereby shall remain  
5 in force and effect.  
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7           **SEC. 8. *Effectivity.*** – This Act shall take effect after fifteen (15) days from its  
8 publication in the Official Gazette or in two (2) newspaper of general circulation.

*Approved,*