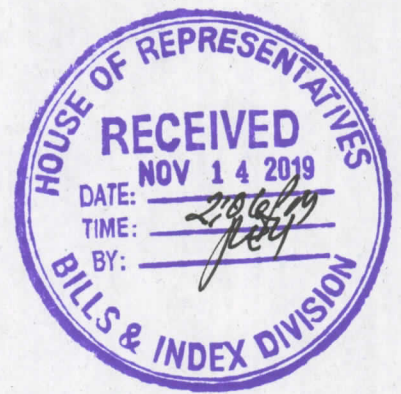


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. **5498**



Introduced by: **REPRESENTATIVE IRENE GAY F. SAULOG**

EXPLANATORY NOTE

The Commission on Elections (COMELEC) is of the independent constitutional bodies created by the 1987 Constitution. Article IX provides that it shall be independent and enjoy fiscal autonomy.

The COMELEC was created primarily to promote the conduct of free, orderly, honest, peaceful, and credible elections. Aside from overseeing the holding of fair elections, it also leads the implementation of election laws.

Its independent character and important function in upholding our democratic system necessitates that it is insulated from any form of pressure or influence from the political branches of government or outside sources. Doing so would enable it to faithfully discharge its functions.

A provision of the Omnibus Election Code (OEC), however, tones down the independence of the COMELEC as provided by the Constitution. Section 55 of the OEC states that "The local government concerned shall provide a suitable place for the office of the provincial election supervisor and his staff and the election registrar and his staff."

The role that the local government plays in the office space to be used by the provincial COMELEC unit does not bode well in preserving the independence of COMELEC. The very local executives that are involved in this process are the candidates in the electoral contests that the COMELEC is tasked to oversee. A relationship of dependence may possibly arise and place the COMELEC at the receiving end of the local government's power and control.

It is the intent of this measure to effect amendments in the Omnibus Election Code to remove the reliance of the local COMELEC on the local government. These changes will safeguard its independence and effectively perform its functions.


IRENE GAY F. SAULOG
Kalinga Party-list

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HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS
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House Bill No. **5498**

Introduced by: **REPRESENTATIVE IRENE GAY F. SAULOG**

AN ACT
STRENGTHENING THE COMMISSION ON ELECTIONS, AMENDING FOR THE
PURPOSE PERTINENT PROVISIONS OF BATAS PAMBANSA 881, OTHERWISE
KNOWN AS THE "OMNIBUS ELECTION CODE", AS AMENDED, PROVIDING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. *Statement of Policy.* - The State hereby affirms and recognizes the independence of the Commission of Elections (COMELEC) as guaranteed under Article IX, Part A, Section 1 of the 1987 Constitution. As such, the State shall ensure and preserve its integrity and independence by providing suitable office space for its field offices and with sufficient manpower complement.

SEC. 2. Section 53, Article VII, of B.P. 881, otherwise known as the "Omnibus Election Code of the Philippines", as amended, is hereby amended to read as follows:

"Section 53. Field offices of the Commission. - Commission shall have the following field offices:

(1) Regional Election Office, headed by the Regional Election Director and assisted by the Assistant Regional Director and such other subordinate officers or employees as the Commission may appoint.

(2) [Provincial Election Office, headed by the Provincial Election Supervisor and assisted by such other subordinate officers or employees as the Commission may appoint.] PROVINCIAL ELECTION OFFICE, HEADED BY THE PROVINCIAL ELECTION SUPERVISOR FOR EACH PROVINCE. EACH PROVINCIAL ELECTION SUPERVISOR SHALL BE ASSISTED BY AT LEAST ONE ELECTION ASSISTANT AND SUCH NUMBER OF ASSISTANTS AND SUBORDINATE OFFICERS OR EMPLOYEES AS THE COMMISSION MAY APPOINT, PROVIDED, HOWEVER THAT THE PROVINCIAL ELECTION SUPERVISOR SHALL HAVE THE SOLE AUTHORITY TO ENGAGE CONTRACTUAL PERSONNEL IN ACCORDANCE WITH THE CIVIL SERVICE LAWS TO PERFORM ADMINISTRATIVE OR CLERICAL WORKS IN ACCORDANCE WITH THE MANDATE OF HIS/HER OFFICE.

(3) [City/Municipal Election Office, headed by the City/Municipal Registrar who shall be assisted by an election clerk and such other employees as the Commission may appoint]. CITY/MUNICIPAL ELECTION OFFICE, HEADED BY AN ELECTION OFFICER FOR EACH CITY, MUNICIPALITY, OR ELECTORAL DISTRICT. EACH ELECTION OFFICER SHALL BE ASSISTED BY AT LEAST ONE ELECTION ASSISTANT AND SUCH NUMBER OF ASSISTANTS AND SUBORDINATE OFFICERS OR EMPLOYEES AS THE COMMISSION MAY APPOINT, PROVIDED, HOWEVER, THAT THE ELECTION OFFICER SHALL HAVE THE SOLE AUTHORITY TO ENGAGE CONTRACTUAL PERSONNEL IN ACCORDANCE WITH THE MANDATE OF HIS/HER OFFICE.

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

SEC. 3. A new Section 53-A, is hereby inserted in Article VII of B.P. 881, otherwise known as the “Omnibus Election Code of the Philippines”, as amended, to read as follows:

“**Section 53-A.** AUTOMATIC CREATION OF POSITIONS OF ELECTION OFFICERS – WHENEVER NEW CITIES, MUNICIPALITIES AND ELECTORAL DISTRICTS ARE CREATED, THERE SHALL BE AUTOMATICALLY CREATED FOR THE CITY OR MUNICIPALITY, POSITIONS OF ELECTION OFFICERS AND ELECTION ASSISTANTS IN SUCH NUMBER AS DETERMINED PURSUANT TO THE RATIO ESTABLISHED IN THE SUCCEEDING SECTION.”

SEC. 4. A new Section 53-B, is hereby inserted in Article VII of B.P. 881, otherwise known as the “Omnibus Election Code of the Philippines”, as amended, to read as follows:

“**Section 53-B.** RATIO OF ELECTION ASSISTANTS TO REGISTERED VOTERS. - THERE SHALL BE A CORRESPONDING NUMBER OF ELECTION ASSISTANT POSITIONS AT THE RATIO OF ONE ELECTION ASSISTANT FOR EVERY TWENTY THOUSAND (20,000) REGISTERED VOTERS.”

SEC. 5. A new Section 53-C, is hereby inserted in Article VII of B.P. 881, otherwise known as the “Omnibus Election Code of the Philippines”, as amended, to read as follows:

“**Section 53-C.** NO OTHER PERSONNEL OTHER THAN THOSE MENTIONED IN SECTION 53 HEREOF, OR EXPRESSLY AUTHORIZED BY LAW, SHALL BE ASSIGNED, DESIGNATED, ENGAGED OR DETAILED AT THE

COMMISSION'S FIELD OFFICES, OR SHALL BE ALLOWED TO PERFORM ADMINISTRATIVE OR CLERICAL WORKS IN ACCORDANCE WITH THE MANDATE OF THE FIELD OFFICES. VIOLATION OF THIS PROVISION SHALL CONSTITUTE AN ELECTION OFFENSE."

SEC. 6. Section 55, Article VII of B.P. 881, otherwise known as the "Omnibus Election Code of the Philippines", as amended, is hereby further amended to read as follows:

[**"Section 55.** Office space. - The local government concerned shall provide a suitable space for the office of the provincial election supervisor and his staff and the election registrar and his staff: Provided, That in case of failure of the local government concerned to provide such suitable space, the provincial election supervisor or the election registrar, as the case may be, upon prior authority of the Commission and notice to the local government concerned, may lease another place for office and the rentals thereof shall be chargeable to the funds of the Commission and notice to the local government concerned.] THE COMMISSION ON ELECTIONS SHALL PROVIDE AN ACCESSIBLE AND SUITABLE PLACE FOR ITS FIELD OFFICERS AND THEIR STAFF, CHARGEABLE TO ITS YEARLY APPROPRIATIONS."

SEC. 7. Appropriation. - The initial funding to carry the present act into effect shall be charged against the current appropriations of the Commission on Elections. Thereafter, the amount necessary for the continued implementation and operationalization of the present act shall be included in the General Appropriations Act.

SEC. 8. Repealing Clause. - All acts, laws, decrees, executive orders, letters of instructions and regulations or any part thereof which are inconsistent with any provision of this Act are hereby repealed and/or modified accordingly.

SEC. 8. *Separability Clause.* - If for any reason, any selection or provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions of this Act which are not affected shall continue in full force and effect.

SEC. 8. *Effectivity Clause.* - This Act shall take effect after fifteen (15) days following its publication in at least two (2) newspapers of general circulation or in the Official Gazette.

Approved,