

Republic of the Philippine
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

3144

House Bill No. _____

Introduced by
Honorable Cristal L. Bagatsing

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

EXPLANATORY NOTE

The Commission on Elections (COMELEC) under the 1987 Constitution shall enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum and recall (Art. IX-C, Sect. 2 (1), 1987 Constitution). The COMELEC also enjoys fiscal autonomy as provided under Article IX-A, Section 5 where it states that "Sec. 5. The Commission shall enjoy fiscal autonomy. Their approved annual appropriations shall be automatically and regularly released." As an added measure to ensure the independence of Comelec, Article IX-C, Section 11 provides that "Sec. 11. Funds certified by the commission as necessary to defray the expenses for holding regular and special elections, plebiscites, initiatives, referenda, and recalls, shall be provided in the regular or special appropriations and, once approved, shall be released automatically upon certification by the Chairman of the Commission."

However, Section 55 of the Omnibus Election Code provides otherwise, where it states that:

"Sec. 55 Office Space. - 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"

This is a refilled bill of House Bill No. 7452 entitled "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", authored by the undersigned during the 17th Congress.

Hence, the immediate passage of this bill is earnestly sought.



CRISTAL L. BAGATSING
Representative
5th District, Manila

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Be it enacted by the Senate and 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 on 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 space for its field offices.

Section 2. 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 place 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 place, 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 local government concerned.] THE COMMISSION ON ELECTIONS SHALL BE THE ONE TO PROVIDE AN ACCESSIBLE AND SUITABLE PLACE FOR ITS FIELD OFFICERS AND THEIR STAFF, CHARGEABLE TO ITS YEARLY APPROPRIATIONS.

Section 3. *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.

Section 4. *Repealing Clause* - All acts, laws, decrees, executive orders, letters of instruction and regulations or any part thereof which are inconsistent with any provision of this Act are hereby repealed and/or modified accordingly.

Section 5. *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.

Section 6. *Effectivity* - The 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,