

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 4574

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, which makes possible the conduct of free, fair, and honest elections. Nowhere is this intent more apparent than the staggered rotational appointments of its commissioners and chairman, and the guarantee of security of tenure and fiscal autonomy.

This constitutional guarantee of independence, however, has been tempered by Section 55 of the Omnibus Election Code. In particular, Section 55 of the Omnibus Election Code enjoins local government units to provide a *suitable place for the office of the provincial election supervisor and his staff and the election registrar and his staff.*

Although the purpose may be laudable, it has also given local government units the window of opportunity to compromise conduct of the local COMELEC's functions. In particular, inasmuch as the local COMELEC relies heavily on the LGU for institutional support, this also gives the LGU the opportunity to compromise the local COMELEC's functions, by withholding, delaying or totally depriving it of institutional support. The same provision, which supposedly recognizes the LGU's stake in election administration, lamentably acts as a sword of Damocles, and subjects the local COMELEC to the imminent and ever-present peril of lack of office space, manpower complement and funding for its operations.

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


RUFUS B. RODRIGUEZ

HOUSE OF REPRESENTATIVES

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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 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 office space for its field offices and with sufficient manpower complement.

Section 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. - The 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 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 or enforcement of its orders, rulings, or decisions through the heads of its field offices.

Section 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."

Section 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.

Section 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".

Section 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 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 PROVIDE AN ACCESSIBLE AND SUITABLE PLACE FOR ITS FIELD OFFICERS AND THEIR STAFF, CHARGEABLE TO ITS YEARLY APPROPRIATIONS."

Section 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.

Section 8. *Transfer Plan.* – Within one (1) year from the effectivity of this Act, COMELEC shall formulate a Transfer Plan to transfer COMELEC Field Offices from the Local Government Unit (LGU) controlled facilities to COMELEC-owned or leased facilities. The plan shall provide for a complete transfer of all COMELEC Field Offices within five (5) years from the effectivity of this Act.

Section 9. *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.

Section 10. *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 11. *Effectivity.* - 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,