

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Second Regular Session

House Bill No. **5022**



Introduced by Magdalo Party-List Representatives
Gary C. Alejano and Francisco Ashley L. Acedillo

COMELEC Resolution No. 06-0257 promulgated on 14 March 2006 absolutely prohibited employees of LGUs from performing election duties. However, this resolution was revoked by the Commission after they promulgated Resolution No. 06-0835 on 09 August 2006 which *allowed casual and regular employees of Local Government Units to perform clerical/maintenance functions in the COMELEC's field offices.*

COMELEC Resolution No. 06-0835 clearly undermines the independence of the Commission. The 1987 Constitution prescribes that the COMELEC should be an independent Constitutional body tasked, among others, to enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall.

Consequently, in 2009, the COMELEC once again revoked Resolution No. 06-0835 after it promulgated Minute Resolution No. 09-0333 on 09-June-2009 that prohibited casual and regular employees of the Local Government Units (LGUs) from performing office functions in COMELEC Field Offices. Though it is comforting to know that LGU employees are once again prohibited from performing office functions in COMELEC Field Offices, it can be noted that the Commission may once again reinstate the assailed policy and jeopardize, yet again, the integrity and independence of the Commission.

This bill therefore seeks to preserve the integrity and independence of the Commission on Elections by prohibiting employees of Local Government Units (LGUs) from performing election-related duties. Further, this proposed measure seeks to provide additional personnel to the COMELEC in order to prevent the impairment of the capabilities and outputs of the field offices that will be affected by the prohibition provided for in this measure.

In view of the foregoing, immediate approval of this bill is earnestly requested. •


GARY C. ALEJANO


FRANCISCO ASHLEY L. ACEDILLO

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AN ACT
PROHIBITING CASUAL OR REGULAR EMPLOYEES OF LOCAL GOVERNMENT
UNITS FROM PERFORMING OFFICE FUNCTIONS IN COMELEC FIELD OFFICES,
PROVIDING FOR ADDITIONAL PERSONNEL IN COMELEC FIELD OFFICES, AND
FOR OTHER PURPOSES

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

1 **SECTION 1. *Statement of Policy.*** – The State hereby affirms and recognizes the
2 functions of the Commission on Elections, which embraces all matters relating to the
3 enforcement and administration of all laws and regulations concerning the conduct of regular and
4 special elections. It is a body that is designed to be constitutionally independent from the
5 executive, legislative and judicial branches of government to ensure the conduct of free, fair and
6 honest elections.

7 As such, the State shall ensure the independence of the Commission on Elections by
8 appointing qualified personnel under their employ that will uphold the mandate of the
9 Commission.

10
11 **SEC. 2. *Purposes.*** – The purposes of this Act are to:

- 12
13 a) prohibit the employees of local government employees from performing election
14 duties to prevent local officials from exerting undue influence in the conduct of elections; and,
15 b) provide additional employees in Comelec Field Offices to augment the human
16 resource needs of the Commission in the effective and efficient conduct of their mandate.

17
18 **SEC. 3. *Hiring of Additional Regular and/ or Casual Personnel in COMELEC Field***
19 ***Offices.*** – The Chairperson of the Commission on Elections (COMELEC), subject to the existing
20 rules and regulations of the COMELEC, the Civil Service Commission (CSC), and the
21 Department of Budget and Management (DBM), shall provide for the hiring of additional casual

1 and/ or regular employees. The number of additional personnel to be hired under this Act shall
2 be subject to the assessed needs of the Commission.

3 **SEC. 4. *Guidelines.*** – The Chairperson of the COMELEC shall issue the necessary
4 guidelines in the selection, recruitment, and hiring of personnel, and the nature and scope of their
5 functions, one hundred twenty (120) days after the enactment of this Act.

6
7 **SEC. 5. *Appropriations.*** – The amount necessary for the initial implementation of this
8 Act shall be charged against the current fiscal year’s appropriations under the budget of the
9 Commission. Thereafter, such sums as may be necessary for the continued implementation of
10 this Act shall be included in the annual General Appropriations Act.

11
12 **SEC. 6. *Separability Clause.*** – If any provision or part hereof is held invalid or
13 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
14 valid and subsisting.

15
16 **SEC. 7. *Repealing Clause.*** – Any law, presidential decree or issuance, executive order,
17 letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the
18 provisions of this Act is hereby modified or amended accordingly.

19
20 **SEC. 8. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in at
21 least two (2) newspapers of general circulation.

Approved,