

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8410



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

Article IX of the 1987 Constitution established three independent, fiscally-autonomous commissions: the Civil Service Commission (CSC), the Commission on Elections (COMELEC), and the Commission on Audit (COA). In addition, Article XIII of the constitution and the Administrative Code of 1987 created the Commission on Human Rights (CHR).

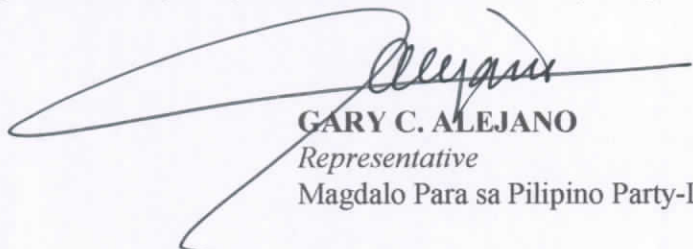
The Commission on Elections (COMELEC) is the primary government agency responsible for the conduct of regular and special elections in the country. Similar to other constitutional commissions, the COMELEC is an independent and fiscally-autonomous body free from political interference or influence from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

However, Section 55 of the Omnibus Election Code (BP 881) seems to counteract the supposed independence of the Comelec. Sec. 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.


GARY C. ALEJANO
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 **SEC. 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
- 6 otherwise, 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.

1 **SEC.5. Reporting.-** COMELEC shall transmit the Transfer Plan to Congress.

2

3 **SEC.6. Appropriation.-** Such amounts as may be necessary to implement this Act
4 shall be included in the budget of COMELEC in next succeeding General Appropriations Act
5 following the adoption of the Transfer Plan by the COMELEC *En Banc*.

6

7 **SEC.7. Repealing Clause.-** Section 55 of Batas Pambansa Blg. 881, otherwise known
8 as the Omnibus Election Code of the Philippines, as amended, is hereby repealed.

9 **SEC.8. Separability Clause.-** If any portion or provision of this Act is declared
10 unconstitutional, the remainder of this Act or any provision not affected thereby shall remain
11 in force and effect.

12

13 **SEC.9. Effectivity. -** This Act shall take effect after fifteen (15) days from its
14 publication in the Official Gazette or in two (2) newspaper of general circulation.

Approved,