

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6519



Introduced by Representative Joseph Gilbert F. Violago

EXPLANATORY NOTE

It is enshrined in the 1987 Constitution that the Constitutional Commissions, which include the Commission on Elections, shall be independent. (Art. IX, Sec. 1) The COMELEC has the power, among others, to enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall. (Art. IX, Sec. 2)

However, Batas Pambansa Blg. 881, s. 1985 states that the local government unit concerned shall provide a suitable place for the office of the provincial election supervisor and his staff and the election registrar and his staff, to wit:

“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. (Sec. 76, 1978 EC, as amended by PD 1655)” [emphasis supplied]

This bill, therefore, seeks to give COMELEC the power to provide a separate and independent office spaces for its field offices, which shall be charged against its annual appropriations. This shall give the COMELEC independence from the local government units concerned; thus, removing the constitutional commission from any undue influence and possibility of withholding, delaying, and depriving of institutional support by the LGU which may affect the performance of the former's functions.

This proposed measure likewise seeks to strengthen the COMELEC, by increasing its manpower in its different field offices, in accordance with the organization, staffing, position classification and compensation standards.

This commendable bill was filed in the 18th Congress by Rep. Frederick Siao, among others, as principal authors. It was approved on the Third Reading and was transmitted to the Senate; however, the same was not enacted into law. The present proponent is acknowledging the wisdom and hard work of his predecessors.

In view of the foregoing, the urgent passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'J. Violago', with a large, sweeping flourish at the end.

JOSEPH GILBERT F. VIOLAGO

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AN ACT
STRENGTHENING THE COMMISSION ON ELECTIONS BY
INCREASING THE MANPOWER COMPLEMENT IN ITS FIELD OFFICES,
PROVIDING OFFICE SPACES SEPARATE AND INDEPENDENT FROM
LOCAL GOVERNMENT UNITS, AND APPROPRIATING FUNDS
THEREFOR AMENDING FOR THE PURPOSE BATAS PAMBANSA BLG.
881, AS AMENDED, OTHERWISE KNOWN AS THE "OMNIBUS
ELECTION CODE OF THE PHILIPPINES"

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

SECTION 1. *Declaration of Policy.* – The State hereby affirms and recognizes the independence of the Commission on Elections as guaranteed under Article IX, Part A, Section 1 of the Constitution. As such, the Commission shall ensure and preserve its integrity and independence by increasing the manpower complement in its field offices, and providing office spaces separate and independent from local government units.

SECTION 2. – Section 53 of Batas Pambansa Blg. 881, 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[.],
**IN ACCORDANCE WITH THE ORGANIZATION,
STAFFING, POSITION CLASSIFICATION AND
COMPENSATION STANDARDS.**

(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 (1) ELECTION ASSISTANT AND SUCH NUMBER OF ASSISTANTS AND SUBORDINATE OFFICERS OR EMPLOYEES AS THE COMMISSION MAY APPOINT, IN ACCORDANCE WITH THE ORGANIZATION, STAFFING, POSITION CLASSIFICATION AND COMPENSATION STANDARDS. A PROVINCIAL ELECTION SUPERVISOR IS AUTHORIZED TO HIRE CONTRACTUAL PERSONNEL TO PERFORM ADMINISTRATIVE OR CLERICAL WORKS FOR THE EXPEDIENCY OF SERVICE AND IN ACCORDANCE WITH CIVIL SERVICE LAWS.**

(3) [City, Municipal Election Office, headed by the City, Municipal Registrar who shall be assisted by an election clerk and other employees as the Commission may appoint] **CITY, MUNICIPAL OR ELECTORAL DISTRICT ELECTION OFFICE, HEADED BY THE CITY, MUNICIPAL OR ELECTORAL DISTRICT ELECTION OFFICER FOR EACH CITY, MUNICIPALITY OR ELECTORAL DISTRICT. THE CITY, MUNICIPAL OR ELECTORAL DISTRICT ELECTION OFFICER SHALL BE ASSISTED BY AT LEAST ONE (1) ELECTION ASSISTANT AND SUCH NUMBER OF ASSISTANTS AND SUBORDINATE OFFICERS OR EMPLOYEES AS THE COMMISSION MAY APPOINT IN ACCORDANCE WITH THE ORGANIZATION, STAFFING, POSITION CLASSIFICATION AND COMPENSATION STANDARDS. AN ELECTION OFFICER IS AUTHORIZED TO HIRE CONTRACTUAL PERSONNEL TO PERFORM ADMINISTRATIVE OR CLERICAL WORK FOR THE EXPEDIENCY OF SERVICE AND IN ACCORDANCE WITH THE CIVIL SERVICE LAWS.**

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. – New sections to be denominated as Section 53-A and 53-B are hereby inserted after Section 53 of the same Act to read as follows:

“SECTION 53-A. AUTOMATIC CREATION OF POSITIONS OF ELECTION OFFICERS AND ELECTION ASSISTANTS. – IF A NEW CITY, MUNICIPALITY OR ELECTORAL DISTRICT IS CREATED, THE POSITIONS OF ELECTION OFFICER AND ELECTION ASSISTANTS ARE AUTOMATICALLY CREATED, IN ACCORDANCE WITH THE ORGANIZATION, STAFFING, POSITION CLASSIFICATION AND COMPENSATION STANDARDS AND SUBJECT TO THE SUBMISSION TO THE DEPARTMENT OF BUDGET AND MANAGEMENT (DBM) OF A RESOLUTION STATING THE CHANGES IN THE ORGANIZATION AND STAFFING. THERE MUST BE ONE (1) ELECTION ASSISTANT FOR EVERY TWENTY THOUSAND (20,000) REGISTERED VOTERS.

SECTION 53-B. ASSIGNMENT IN FIELD OFFICE. – NO OTHER PERSONNEL, EXCEPT THOSE MENTIONED IN SECTION 53- OF THIS ACT OR EXPRESSLY AUTHORIZED BY LAW, MAY BE ASSIGNED, DESIGNATED OR DETAILED AT ANY FIELD OFFICE OF THE COMMISSION. ANY PERSONNEL PERFORMING ADMINISTRATIVE OR CLERICAL WORK MAY ONLY BE HIRED

BY THE HEAD OF THE FIELD OFFICE. VIOLATION OF THIS PROVISION CONSTITUTES AN ELECTION OFFENSE.”

SECTION 4. – Section 55 of the same Act is hereby 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 SHALL PROVIDE SEPARATE AND INDEPENDENT OFFICE SPACES FOR ITS FIELD OFFICES, THE COST OF WHICH SHALL BE CHARGED TO ITS YEARLY APPROPRIATIONS.”

SECTION 5. *Appropriations.* – The initial amount for the implementation of this Act shall be charged against the current available appropriations of the Commission. Thereafter, the funding of which shall be included in the annual General Appropriations Act.

SECTION 6. *Transfer Plan.* – Within one (1) year from the effectivity of this Act, the Commission shall formulate a plan to transfer its field offices from the facilities of local government units to the facilities owned or leased by the Commission. The plan shall

provide for a complete transfer of all field offices of the Commission within five (5) years from the effectivity of this Act.

SECTION 7. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Chairperson of the Commission shall, in coordination with the Secretary of the Interior and Local Government and the Secretary of Budget and Management, promulgate the rules and regulations implementing the provision of this Act.

SECTION 8. *Separability Clause.* – If, for any reason, any part or provision of this Act shall be declared unconstitutional or invalid, the remaining provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 9. *Repealing Clause.* – All other laws, presidential decrees, executive orders, presidential proclamations, issuances, rules and regulations or parts thereof, which are inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SECTION 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,