

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
Third Regular Session

HOUSE BILL NO. **10629**



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

The **1987 Constitution** mandates the state to support a trustworthy and independent elections **institution** that is an enabling partner of government in ensuring a better life for every Filipino through appropriate technology and research, with adequate financial, and other support services.

The **Commission on Elections (COMELEC)** is the principal government agency tasked by the Constitution to enforce and administer all laws and regulations concerning the conduct of regular and special elections. It is a body that is designed to be constitutionally independent from the executive, legislative and judicial branches of government to ensure the conduct of free, fair and honest elections. As an added measure, the constitution also grants fiscal autonomy to enable the **COMELEC** to operate effectively, efficiently and free from political interference. The constitution mandates that "funds certified by the Commission as necessary to defray the expenses for holding regular and special elections, plebiscites, initiatives, referenda, and recalls, will be provided in the regular or special appropriations and, once approved, will be released automatically upon certification by the Chairman of the Commission

Change, it seems, is the inescapable destiny of the Commission. But as history proves, whatever the nature of change brought about by national political events, the Commission manages to make it for the better.

This House Bill seeks to ensure, and help improve government operations, in partnership with stakeholders, for the benefit of the Filipino people.

This House Bill seeks to provide modernization to the **COMELEC**, to promote and hasten the imposition and implement laws, policies, plans, programs, projects, rules and regulations of the **COMELEC**; and to provide efficient services to the Filipino people.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'Michael L. Romero', with a long horizontal stroke extending to the right.

MICHAEL L. ROMERO Ph.D.

Republic of the Philippines
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AN ACT

PROVIDING FOR THE MODERNIZATION OF THE **COMMISSION ON ELECTIONS (COMELEC)**, TO PROMOTE AND ENHANCE ICT MECHANISMS AND PROJECTS, TO FOSTER AND ACCELERATE THE CONVERGENCE OF ICT ENABLED FACILITIES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. SHORT TITLE — This Act shall be known as the **Commission on Elections (COMELEC) modernization Act of 2024.**

SECTION 2. DECLARATION OF POLICY — It is a declared policy of the state in conformity with the mandate of the Constitution, to promote a trustworthy, respected and **independent election institution** that is an enabling partner of government in ensuring a better life for every Filipino.

For these purposes, the state shall provide the mechanisms to improve **ICT** facilities and programs by maximizing the use of all existing resources.

recognizing in the process the government's responsibility to instill these **government convergence** as having priority over its other functions.

It is imperative that the state prioritize and provide the appropriate tools, means and funding in order for the Commission on Elections (**COMELEC**) to perform its noble mandates.

SECTION 3. JUDICIAL/REGULATORY/ADMINISTRATIVE

MANDATES - In addition to its primary task of election administration, the **COMELEC** also performs judicial, regulatory and administrative functions.

Its judicial mandate consists of taking exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or involving elective barangay officials decided by trial courts of limited jurisdiction.

Exception issues involving the right to vote, it has regulatory and administrative authority to decide on all questions affecting elections, including determination of the number and location of polling places, appointment of election officials and inspectors, and registration of voters.

SECTION 4. POWERS AND FUNCTIONS:

I. Policy and Planning

(1) Formulate, recommend and implement national election policies, plans, programs and guidelines that will promote the development and use of modern mechanisms with due consideration to the advantages of convergence and emerging technologies;

(2) Formulate election schemes and initiatives, in coordination with all the other Department of the Executive, to develop and

promote modern election mechanisms consistent with the national goals and objectives, and responsive to the ever growing number of voters;

(3) Provide an integrated framework in order to optimize all resources and networks for the identification and prioritization of all offices, systems and applications as provided for by the states Master plan and the Philippine Development Plan;

II. Improved Access

(4) Prescribe rules and regulations for the establishment, operation and maintenance of election infrastructures in the unserved and underserved areas, in consultation with the local government units (LGUs), civil society organizations (CSOs), private sector, and the academe;

(5) Establish internet services in all its offices, using the most cost-effective telecommunications technology, through partnership with private service providers as may be necessary;

III. Resource-Sharing and Capacity-Building

(6) Harmonize and coordinate all national election plans and initiatives to ensure knowledge, information and resource-sharing, database-building and agency networking linkages among government agencies, consistent with the Government objectives in particular, and national objectives in general;

(7) Ensure the development and protection of integrated government election infrastructures and designs, taking into consideration the inventory of existing manpower, plans, programs, software, hardware, and installed systems;

(8) Promote and provide technical expertise to all its offices in the development of guidelines in the enforcement and administration of laws, standards, rules, and regulations governing it;

(9) Assess, review and support research and development programs of the government in coordination with all the other institutions concerned;

(10) Prescribe the personnel qualifications and other qualification standards essential to the effective development and operation of election infrastructures and systems;

(11) Develop programs that would enhance the career advancement opportunities of all Comelec workers;

(12) Assist in the dissemination of all vital information essential to its operations and organization;

(13) Represent and negotiate for national interest on matters pertaining to elections in international bodies, and other institutions concerned;

IV. Voter Protection and Industry Development

(14) Ensure and protect the rights and welfare of its officers, employees and personnel to privacy, security and confidentiality in matters relating to election concerns, in coordination with all other agencies concerned, the private sector and relevant international bodies;

SECTION 5. RECOMMENDATORY POWERS:

The Commission has the power to propose to Congress measures to minimize election spending, including limitation of places where propaganda materials will be posted, and to prevent and penalize all forms of election frauds, offenses, malpractices, and nuisance candidacies. Likewise, it can recommend to the President the removal of any officer or employee it has deputized, or the imposition of any other disciplinary action, for violation or disregard of, or disobedience to, its directive, order, or decision. On its own, or upon verified complaint, the COMELEC can file petitions in court for inclusion or exclusion of

voters and investigate/prosecute cases of violations of election laws, including acts or omissions constituting election frauds, offenses, and malpractices.

SECTION 6. AUTHORITY - No law shall be passed exempting any entity of the Government or its subsidiary in any guise whatever, or any investment of public funds, from the jurisdiction of the **COMELEC**.

SECTION 7. MEMBERSHIP - The COMELEC consists of one Chairman and 6 commissioners, all of whom have a 7-year term without reappointment. In all matters pertaining to election administration and policymaking, the commissioners act as a collegial body. In election cases and pre-proclamation controversies, however, the Commission sits in two divisions initially, but decides en banc on motion to reconsider a division decision.

SECTION 8. OFFICES AND DEPARTMENTS - Assisting the Chairman in managing the day-to-day affairs and operations of the COMELEC is the Executive Director.

As the highest-ranking career official, he implements the policies and decisions of the Commission, takes charge of the administrative affairs and serves as the communication and operational link between the staff and Commissioners. He is assisted by a Deputy Executive Director for Administration (**DEDA**) and a Deputy Executive Director for Operations (**DEDO**).

SECTION 9. MODERNIZATION FUNDING. – The amount of Two Billion Pesos (**Php 2, 000,000,000.00**) for the operation and administration of the **Commission on Elections (COMELEC)** shall be chargeable against funds for the purpose and other sources recommended by the **Department of Budget and Management (DBM)**.

Thereafter, appropriations for the **(COMELEC)**, shall be included in the budget proposals under the annual **General Appropriations Act (GAA)**

The Department of Budget and Management **(DBM)** shall rationalize the existing organizational structure and staffing pattern of the **(COMELEC)** in accordance with the prevailing provisions and relevant compensation and position classification laws, rules and regulations.

Thereafter, the amount needed for the continued implementation of the modernization program shall be included in the annual **General Appropriations Act (GAA)**.

SECTION 10. Commission on Elections (COMELEC) MODERNIZATION FUND – There is hereby created the **(Comelec) Modernization Fund** to be used exclusively for the **(Comelec) Modernization Program**.

The **(COMELEC)** Modernization Fund shall be administered by the Chairman accordance with existing government budgeting, accounting, and auditing rules and regulations.

SECTION 11. CONSTITUTIONAL COMMISSION - The constitutional amendment creating the Commission was finally approved on December 2, 1940. On June 21, 1941, the Commonwealth Act No. 657 was enacted reorganizing the Commission as a constitutional body.

The members of the **statutory Commission** continued as member of the constitutional Commission. The subordinate personnel, records, documents, and property together with its unexpected balance in the appropriation were likewise transferred to the newly organized Commission. The Chairman and Members of the Commission had a term of nine years each -

a member being replaced every three years- except those first appointed who were given nine, six and three-years terms, respectively.

The 1973 Constitution enlarged the membership of the Commission from three to nine but reduced their term of office from nine to seven years.

SECTION 12. PROGRESS REPORT –The Chairman of the **(COMELEC)** shall prepare an annual report on the status of the implementation of the Modernization Programs which shall be submitted, to the Office of the **President**.

SECTION 13. INCREASE OF PERSONNEL. – The **(COMELEC)** shall maintain a sufficient staffing pattern.

Hence, it is authorized to increase its manpower to meet such required and may continue to increase personnel per percentage rate increase of committed mandates annually or as the need arises.

SECTION 14. PERIOD OF IMPLEMENTATION – The modernization program under this Act shall be implemented for an initial period of three **(3)** years:

Provided, that payments for multi-year contract obligations incurred under this Act may extend beyond this period:

Provided, further, That the **(COMELEC)** shall continue to develop, modernize and constantly update its operational capabilities to keep pace with best global practices.

SECTION 15. SUPERVISING AND ASSESSMENT CONCERNS. — the **Office of the President** and **DBM** shall provide the necessary technical and financial assistance to ensure effective operations and build-up.

SECTION 16. TRANSPARENCY - It is the duty of every citizen to preserve and conserve government transparency and all its resources. The retrieval and conservation of government transparency and its resources shall be vigorously pursued.

SECTION 17. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 18. PERIODIC REPORTS - The Chairperson of the **(COMELEC)** shall submit periodic reports on its findings and make recommendations on actions to be taken by the Office of the President and other appropriate departments, in order to carry out the objectives and mandates of this Act.

SECTION 19. AUTOMATIC REVIEW - Every three **(3)** years after the effectivity of this Act, an independent review panel composed of experts to be appointed by the **President of the Republic** shall review the policies and implementation in the modernization program and shall make recommendations, based on its findings.

SECTION 20. PENAL CLAUSE. – Any person, whether natural or juridical, violating any section of this Act shall, upon conviction, therefore, be liable to a fine of not less than five hundred thousand pesos **(P500,000.00)** or imprisonment for a term not less than six **(6)** years, or both, at the discretion of the court for each and every violation.

In case the violation is committed by a corporation or an association, the penalty shall devolve upon the president, director, or any other officer responsible for such violation.

SECTION 21. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 22. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 23. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 24. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,