



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 107

Introduced by 4Ps Partylist Representative
JC M. ABALOS

EXPLANATORY NOTE

The Commission on Elections (COMELEC) holds a central and pivotal role in ensuring the integrity and fairness of electoral processes. Established as a constitutional body, COMELEC is entrusted with the solemn duty of overseeing elections, plebiscites, initiatives, referendums, and recalls, among other crucial aspects of the electoral system. This constitutional recognition of COMELEC's significance is firmly articulated in the 1987 Constitution, which underscores its independence.

As the primary governmental entity responsible for preserving the integrity of regular and special elections, COMELEC operates autonomously, free from external political influence or interference from the three branches of government. However, the constitutional guarantee of autonomy has encountered a challenge embodied in Section 55 of the Omnibus Election Code. This section imposes a mandate on local government units (LGUs) to provide suitable office spaces for COMELEC's provincial election supervisors and election registrars. This provision, though well-intentioned, seemingly runs counter to COMELEC's character as an independent constitutional commission as mandated under Article IX-A, Section 1 of the 1987 Constitution.

This proposed legislation is driven to empower COMELEC and align its operational framework with the constitutional mandate of independence. It aims to reinforce COMELEC's independence by facilitating the acquisition of separate office spaces, independent of LGUs, and allocating the necessary funds from the national

government's annual budget. This proposed amendment seeks to rectify the current limitation within the Omnibus Election Code, which restricts office space provision to LGUs. The COMELEC would have the authority to secure its office spaces and employ its personnel, thereby further enhancing its autonomy and independence. With the goal of equipping COMELEC with the requisite infrastructure and staffing to conduct elections, this legislation strengthens the bedrock of Philippine democracy.

This bill was filed in the 19th Congress, hence, immediate passage of this bill is earnestly sought.



JC M. ABALOS
Representative
4Ps Partylist



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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, OTHERWISE
KNOWN AS THE "OMNIBUS ELECTION CODE OF THE PHILIPPINES", AS
AMENDED

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

SECTION 1. 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.

SEC. 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[,] **WHICH SHALL EACH BE** 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 EXISTING COMPENSATION AND POSITION CLASSIFICATION SYSTEM AND CIVIL SERVICE RULES AND REGULATIONS.**

(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 WHICH SHALL EACH BE HEADED BY THE PROVINCIAL ELECTION SUPERVISOR. 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 EXISTING COMPENSATION AND POSITION CLASSIFICATION SYSTEM AND CIVIL SERVICE RULES AND REGULATIONS. A PROVINCIAL ELECTION SUPERVISOR SHALL BE 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, AND ELECTORAL DISTRICT ELECTION OFFICE, WHICH SHALL EACH BE HEADED BY A CITY, MUNICIPAL, AND ELECTORAL DISTRICT ELECTION OFFICER, RESPECTIVELY. THE CITY, MUNICIPAL, AND ELECTORAL DISTRICT ELECTION OFFICER SHALL EACH 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 EXISTING COMPENSATION AND POSITION CLASSIFICATION SYSTEM AND CIVIL SERVICE RULES AND REGULATIONS. AN ELECTION OFFICER IS AUTHORIZED TO HIRE CONTRACTUAL PERSONNEL TO PERFORM ADMINISTRATIVE OR CLERICAL WORK IN THE EXIGENCY OF THE SERVICE AND IN ACCORDANCE WITH 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."

SEC. 3. New sections to be denominated as Sections 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 SHALL BE AUTOMATICALLY CREATED, IN ACCORDANCE WITH THE EXISTING COMPENSATION AND POSITION CLASSIFICATION SYSTEM, AND COMPENSATION STANDARDS AND SUBJECT TO THE SUBMISSION TO THE DEPARTMENT OF BUDGET AND MANAGEMENT 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."

SEC. 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 OFFICE SPACES FOR ITS FIELD OFFICES SEPARATE AND INDEPENDENT FROM LOCAL GOVERNMENT UNITS, THE COST OF WHICH SHALL BE CHARGED TO ITS YEARLY APPROPRIATIONS."

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

SEC. 6. 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.

SEC. 7. 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 to implement the provisions of this Act.

SEC. 8. If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 9. All other laws, acts, presidential decrees, executive orders, issuances, presidential proclamations, rules and regulations or parts thereof, which are contrary to and inconsistent with any provision of this Act, are hereby repealed, amended or modified accordingly.

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

Approved,