



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. 3907



Introduced by Representative LORDAN G. SUAN

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 THEREFORE AMENDING FOR THE PURPOSE BATAS
PAMBANSA BLG. 881, AS AMENDED, OTHERWISE KNOWN AS THE
"OMNIBUS ELECTION CODE OF THE PHILIPPINES"

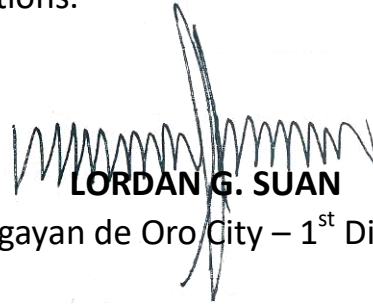
EXPLANATORY NOTE

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. Nowhere is this intent more apparent than the staggered rotational appointments of its commissioners and chairman, and the guarantee of security of tenure and fiscal autonomy.

This constitutional guarantee of independence, however, has been tempered by Section 55 of the Omnibus Election Code. In particular, Section 55 of the Omnibus Election Code enjoins local government units to provide a *suitable place for the office of the provincial election supervisor and his staff and the election registrar and his staff.*

Although the purpose may be laudable, it has also given local government units the window of opportunity to compromise conduct of the

local COMELEC's functions. In particular, inasmuch as the local COMELEC relies heavily on the LGU for institutional support, this also gives the LGU the opportunity to compromise the local COMELEC's functions, by withholding, delaying or totally depriving it of institutional support. The same provision, which supposedly recognizes the LGU's stake in election administration, lamentably acts as a sword of Damocles, and subjects the local COMELEC to the imminent and ever-present peril of lack of office space, manpower complement and funding for its operations.

A handwritten signature in dark ink, appearing to read 'LORDAN G. SUAN', is written over the printed name. The signature is stylized with a large, sweeping 'L' and a series of loops.

Cagayan de Oro City – 1st District



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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 independence of the Commission on Elections (COMELEC) as guaranteed under
3 Article IX, Part A, Section 1 of the 1987 Constitution. As such, the Commission
4 shall ensure and preserve its integrity and independence by increasing the
5 manpower complement in its field offices and providing office spaces separate
6 and independent from local government units.

7
8 **SECTION 2.** Section 53, Article VII, of B.P. 881, otherwise known as the
9 "Omnibus Election Code of the Philippines", as amended, is hereby amended
10 to read as follows:

11 **"Section 53.** Field offices of the Commission. - The Commission shall
12 have the following field offices:

13
14 (1) Regional Election Office, headed by the Regional Election Director
15 and assisted by the Assistant Regional Director and such other
16 subordinate officers or employees as the Commission may appoint[.], **IN**

1 **ACCORDANCE WITH THE ORGANIZATION, STAFFING, POSITION**
2 **CLASSIFICATION, AND COMPENSATION STANDARDS.**

3
4 (2) [Provincial Election Office, headed by the Provincial Election
5 Supervisor and assisted by such other subordinate officers or employees
6 as the Commission may appoint.] **PROVINCIAL ELECTION OFFICE,**
7 **HEADED BY THE PROVINCIAL ELECTION SUPERVISOR FOR EACH**
8 **PROVINCE. EACH PROVINCIAL ELECTION SUPERVISOR SHALL BE**
9 **ASSISTED BY AT LEAST ONE (1) ELECTION ASSISTANT AND SUCH**
10 **NUMBER OF ASSISTANTS AND SUBORDINATE OFFICERS OR EMPLOYEES**
11 **AS THE COMMISSION MAY APPOINT, IN ACCORDANCE WITH THE**
12 **ORGANIZATION, STAFFING, POSITION CLASSIFICATION AND**
13 **COMPENSATION STANDARDS. A PROVINCIAL ELECTION SUPERVISOR IS**
14 **AUTHORIZED TO HIRE CONTRACTUAL PERSONNEL TO PERFORM**
15 **ADMINISTRATIVE OR CLERICAL WORKS FOR THE EXPEDIENCY OF**
16 **SERVICE AND IN ACCORDANCE WITH CIVIL SERVICE LAWS.**

17
18 (3) [City/Municipal Election Office, headed by the City/Municipal
19 Registrar who shall be assisted by an election clerk and such other
20 employees as the Commission may appoint]. **CITY, MUNICIPAL OR**
21 **ELECTORAL DISTRICT ELECTION OFFICE, HEADED BY THE CITY,**
22 **MUNICIPAL OR ELECTORAL DISTRICT ELECTION OFFICER FOR EACH**
23 **CITY, MUNICIPALITY OR ELECTORAL DISTRICT. THE CITY, MUNICIPAL OR**
24 **ELECTORAL DISTRICT ELECTION OFFICER SHALL BE ASSISTED BY AT**
25 **LEAST ONE (1) ELECTION ASSISTANT AND SUCH NUMBER OF**
26 **ASSISTANTS AND SUBORDINATE OFFICERS OR EMPLOYEES AS THE**
27 **COMMISSION MAY APPOINT IN ACCORDANCE WITH THE**
28 **ORGANIZATION, STAFFING, POSITION CLASSIFICATION AND**
29 **COMPENSATION STANDARDS. AN ELECTION OFFICER IS AUTHORIZED**
30 **TO HIRE CONTRACTUAL PERSONNEL TO PERFORM ADMINISTRATIVE**
31 **OR CLERICAL WORK FOR THE EXPEDIENCY OF SERVICE AND IN**
32 **ACCORDANCE WITH THE CIVIL SERVICE LAWS.**

33
34 The Commission may delegate its powers and functions or order the
35 implementation or enforcement of its orders, rulings, or decisions
36 through the heads of its field offices.

37
38 **SECTION 3.** New sections to be denominated as Sections 53-A and 53-B are
39 hereby inserted after Section 53 of the same Act to read as follows:

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

12
13 **SECTION 53-B. ASSIGNMENT IN FIELD OFFICE. - NO OTHER PERSONNEL,**
14 **EXCEPT THOSE MENTIONED IN SECTION 53- OF THIS ACT OR EXPRESSLY**
15 **AUTHORIZED BY LAW, MAY BE ASSIGNED, DESIGNATED OR DETAILED AT**
16 **ANY FIELD OFFICE OF THE COMMISSION. ANY PERSONNEL**
17 **PERFORMING ADMINISTRATIVE OR CLERICAL WORK MAY ONLY BE**
18 **HIRED BY THE HEAD OF THE FIELD OFFICE. VIOLATION OF THIS**
19 **PROVISION CONSTITUTES AN ELECTION OFFENSE.”**

20
21 **SECTION 4.** Section 55 of the same Act is hereby amended to read as follows:

22 “Section 55. Office space. - [The local government concerned shall
23 provide a suitable place for the office of the provincial election
24 supervisor and his staff and the election registrar and his staff: Provided,
25 That in case of failure of the local government concerned to provide
26 such suitable place, the provincial election supervisor or the election
27 registrar, as the case may be upon prior authority of the Commission
28 and notice to the local government concerned, may lease another place
29 for office and the rentals thereof shall be chargeable to the funds of the
30 local government concerned.] **THE COMMISSION SHALL PROVIDE**
31 **SEPARATE AND INDEPENDENT**

32
33 **OFFICE SPACES FOR ITS FIELD OFFICES, THE COST OF WHICH SHALL BE**
34 **CHARGED TO ITS YEARLY APPROPRIATIONS.”**

35
36 **SECTION 5. Appropriations** – The initial amount for the implementation of this
37 Act shall be charged against the current available appropriations of the
38 Commission. Thereafter, the funding of which shall be included in the annual
39 General Appropriations Act.

1 **SECTION 6. *Transfer of Offices.*** — Within one (1) year from the effectivity of
2 this Act, the Commission shall formulate a plan to transfer its field offices from
3 the facilities of local government units to the facilities owned or leased by the
4 Commission. The plan shall provide for a complete transfer of all field offices of
5 the Commission within five (5) years from the effectivity of this Act.

6
7 **SECTION 7. *Implementing Rules and Regulations.*** — Within ninety (90) days
8 from the effectivity of this Act, the Chairperson of the Commission shall, in
9 coordination with the Secretary of the Interior and Local Government and the
10 Secretary of Budget and Management, promulgate the rules and regulations
11 implementing the provision of this Act.

12
13 **SECTION 8. *Separability Clause.*** — If any portion or provision of this Act is
14 declared unconstitutional, the remainder of this Act or any provision not
15 affected thereby shall remain in force and effect.

16
17 **SECTION 9. *Repealing Clause.*** — All other laws, acts, presidential decrees,
18 executive orders, issuances, presidential proclamations, rules and regulations
19 or parts thereof, which are contrary to and inconsistent with any provision of
20 this Act, are hereby repealed, amended or modified accordingly.

21
22 **SECTION 10. *Effectivity Clause.*** — This Act shall take effect fifteen (15) days after
23 its publication in the Official Gazette, in a newspaper of general circulation, or
24 on a digital platform provided for by law

Approved,