

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
TWENTIETH CONGRESS
First Regular Session
House Bill No. 5265



Introduced by Representative
BRIAN POE, PhD, MNSA.

AN ACT
STRENGTHENING THE INDEPENDENCE OF THE COMMISSION
ON ELECTIONS, AMENDING FOR THE PURPOSE PERTINENT
PROVISIONS OF BATAS PAMBANSA BLG. 881, OTHERWISE
KNOWN AS THE “OMNIBUS ELECTION CODE”, AS AMENDED,
PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

SALIENT FEATURES

Short Title: *COMELEC Integrity Act*

Amendments to Section 53 of BP 881

- In order to ensure that the Commission appoints its field officers and employees within the bounds of civil service rules, the proposed measure emphasized that the appointment should be “in accordance with the organization, staffing, position classification, and compensation standards”;

- The bill provides for a Provincial Election Supervisor to be assisted by at least one (1) election assistant and such number of assistants and other subordinate officers or employees for each Province;
- For each City/Municipality, there shall be an election officer to be assisted by at least one (1) election assistant and such number of assistants and subordinate officers;
 - In cities having more than one (1) legislative district, each legislative district shall have an election officer.

New Section 53-A of BP 881

- This provision provides for the automatic creation of positions of election officers and election assistants whenever there is a newly created city/municipality.

New Section 53-B of BP 881

- This provision provides for the ratio of one (1) election assistant for every twenty thousand (20,000) registered voters.

New Section 53-C of BP 881

- This provision provides for the prohibition for the assignment, designation, engagement, or detail of persons to COMELEC field offices;
 - Exception: Personnel mentioned in Section 53 or other COMELEC personnel expressly authorized by the Commission; and
- Violation of this Section shall be considered as an election offense.

Amendment to Section 55 of BP 881

- The directive to the local government unit to provide a suitable place for the COMELEC field offices is removed; and
- The COMELEC shall provide an accessible, separate, and independent office for its field officers and their staff.

Transitory Provision

- Within one (1) year from effectivity – formulate a plan for the transfer of all of its field offices from the facilities provided by the LGUs; and
- LGU shall continue to provide such office space mandated under BP 881 until such time that the COMELEC has provided the field office concerned with its own office space, which in no case shall exceed five (5) years from the effectivity of this Act


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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 “COMELEC Integrity Act.”

SEC. 2. *Statement of Policy.* – The State hereby affirms and recognizes the independence of the Commission on Elections (COMELEC) as guaranteed under Article IX, Part A, Section 1 of the 1987 Constitution. As such, the State

shall ensure and preserve its integrity and independence by providing suitable office space for its field offices and a sufficient manpower complement.

SEC. 3. Section 53, Article VII, of Batas Pambansa Blg. 881, otherwise known as the “Omnibus Election Code of the Philippines”, as amended, is hereby amended to read as follows:

“SECTION 53. Field offices of the Commission. – The Commission shall have the following field offices, **WHOSE OFFICERS AND EMPLOYEES SHALL BE APPOINTED BY THE COMMISSION IN ACCORDANCE WITH THE ORGANIZATION, STAFFING, POSITION CLASSIFICATION, AND COMPENSATION STANDARDS:**

(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.

(2) Provincial Election Office, headed by the Provincial Election Supervisor **FOR EACH PROVINCE** and assisted by [such] **AT LEAST ONE (1) ELECTION ASSISTANT AND SUCH NUMBER OF ASSISTANTS AND** other subordinate officers or employees as the Commission may appoint.

(3) City/Municipal Election Office, headed by the City/Municipal [Registrar] **ELECTION OFFICER FOR EACH CITY OR MUNICIPALITY. IN CITIES HAVING MORE THAN ONE (1) LEGISLATIVE DISTRICT, EACH OF SUCH LEGISLATIVE DISTRICTS SHALL HAVE AN ELECTION OFFICER. EACH ELECTION OFFICER [who] shall be assisted by AT LEAST ONE (1) ELECTION ASSISTANT AND SUCH NUMBER OF ASSISTANTS AND SUBORDINATE**

OFFICERS OR [an election clerk and such other] employees as the Commission may appoint.

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. 4. A new Section 53-A is hereby inserted in Article VII of B.P. Blg. 881, otherwise known as the “Omnibus Election Code of the Philippines”, as amended, to read as follows:

“SECTION 53-A. AUTOMATIC CREATION OF POSITIONS OF ELECTION OFFICERS. – WHENEVER NEW CITIES OR MUNICIPALITIES ARE CREATED, THERE SHALL ALSO BE AUTOMATICALLY CREATED FOR THE CITY OR MUNICIPALITY, POSITIONS OF ELECTION OFFICERS AND ELECTION ASSISTANTS IN SUCH NUMBER AS DETERMINED PURSUANT TO THE RATIO ESTABLISHED IN THE SUCCEEDING SECTION.”

SEC. 5. A new Section 53-B is hereby inserted in Article VII of B.P. Blg. 881, otherwise known as the “Omnibus Election Code of the Philippines”, as amended, to read as follows:

“SECTION 53-B. RATIO OF ELECTION ASSISTANTS TO REGISTERED VOTERS. – THERE SHALL BE A CORRESPONDING NUMBER OF ELECTION ASSISTANT POSITIONS AT THE RATIO OF ONE (1) ELECTION ASSISTANT FOR EVERY TWENTY THOUSAND (20,000) REGISTERED VOTERS.”

SEC. 6. A new Section 53-C is hereby inserted in Article VII of B.P. Blg. 881, otherwise known as the “Omnibus Election Code of the Philippines”, as amended, to read as follows:

“SECTION 53-C. NO PERSONNEL, EXCEPT THOSE MENTIONED IN SECTION 53 HEREOF OR OTHER COMELEC PERSONNEL EXPRESSLY AUTHORIZED BY THE COMMISSION, SHALL BE ASSIGNED, DESIGNATED, ENGAGED, OR DETAILED AT THE COMMISSION’S FIELD OFFICES. ANY PERSON WHO CAUSES THE ASSIGNMENT, DESIGNATION, ENGAGEMENT, OR DETAIL OF ANY PERSONNEL AT THE COMMISSION’S FIELD OFFICES IN VIOLATION OF THIS SECTION SHALL BE GUILTY OF AN ELECTION OFFENSE AND SHALL BE PUNISHED UNDER SECTIONS 263 AND 264 OF THE OMNIBUS ELECTION CODE.”

SEC. 7. Section 55, Article VII, of Batas Pambansa Blg. 881, otherwise known as the “Omnibus Election Code of the Philippines”, as amended, 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 ON ELECTIONS SHALL PROVIDE AN ACCESSIBLE, SEPARATE, AND INDEPENDENT OFFICE FOR ITS FIELD OFFICERS AND THEIR STAFF.”**

SEC. 8. *Transitory Provision.* – Within one (1) year from the effectivity of this Act, the Commission shall formulate a plan for the transfer of all of its field offices from the facilities provided by local government units to the facilities owned or leased by the Commission. The local government unit concerned shall continue to provide an accessible place for the office of the provincial election supervisor and his staff and the election officer and his staff until such time that the Commission on Elections has provided the field office concerned with its

own office, which in no case shall exceed five (5) years from the effectivity of this Act.

SEC. 9. *Implementing Rules and Regulations.* – Within six (6) months from the effectivity of this Act, the Commission on Elections and the Department of Budget and Management shall adopt and issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 10. *Appropriation.* – The initial amount for the implementation of this Act shall be charged against the available appropriation of the Commission. Thereafter, the funding of which shall be included in the annual General Appropriations Act.

SEC. 11. *Repealing Clause.* – 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. 12. *Separability Clause.* – 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. 13. *Effectivity.* – This Act shall take effect immediately following the completion of its publication either in the Official Gazette or in two (2) newspapers of general circulation.

Approved,


HON. BRIAN POE, PhD, MNSA
Representative
FPJ Panday Bayanihan Party-List