

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6877



Introduced by: Kababaihan Kabalikatan para sa Kapakanan at Kaunlaran ng Bayan (4K) Party-list
Representative Iris Marie D. Montes

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.

This bill seeks to address this situation by increasing COMELEC's personnel in the field offices and providing them with office spaces separate and independent from LGUs.

In view thereof, approval of this bill is earnestly sought.


IRIS MARIE D. MONTES
Kababaihan Kabalikatan para sa Kapakanan
at Kaunlaran ng Bayan (4K) Party-list

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Be it enacted by the Senate and the 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 (COMELEC) as guaranteed under Article IX, Part A, Section 1 of the 1987 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, Article VII, of Batas Pambansa No. 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:

(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 such 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.

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 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."

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 SEPARATE AND INDEPENDENT OFFICE SPACES FOR ITS FIELD OFFICES, 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 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 implementing the provision 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,