

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 10305



Introduced by: Reps. Keith Micah "Atty. Mike" D.L. Tan

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 one of the independent constitutional commissions of the Republic of the Philippines, vested with the power to enforce and administer all laws and regulations relative to the conduct of elections, plebiscites, initiatives, referenda, and recalls. Its independence is expressly guaranteed under Article IX, Part A, Section 1 of the 1987 Constitution.

Despite this constitutional guarantee of independence, the COMELEC's field offices remain heavily dependent on local government units (LGUs) in two critical aspects: (1) office space and (2) manpower. Under the current law, Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code of the Philippines, local government units are tasked with providing office spaces for the COMELEC's provincial and city/municipal election offices.

When election officers and supervisors operate from offices within LGU premises, their functional independence is put at risk, and their capacity to act without fear or favor may be compromised. Similarly, the current manpower complement in field offices is insufficient to handle the growing volume of electoral work, especially with the continuous increase in the number of registered voters.

This bill seeks to address these structural deficiencies by amending Section 53 of B.P. 881 to increase the manpower complement in COMELEC field offices, and by amending Section 55 to require the COMELEC to provide its own separate and independent office spaces for its field offices, with costs charged to its annual appropriations.

In view of the foregoing, the immediate passage of this measure is earnestly sought.


Keith Micah "Atty. Mike" D.L. Tan
4th District, Quezon

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

SECTION 1. *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 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 B.P. 881, otherwise known as the "Omnibus Election Code of the Philippines", as amended, is hereby amended to read as follows:

"SEC. 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,