

NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



Senate
Office of the Secretary

22 JUL 18 P4 :49

SENATE

RECEIVED BY:

S. B. NO. 730

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT AMENDING SECTION 55 OF BATAS PAMBANSA BLG. 881,
OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE, AS
AMENDED, PROVIDING FUNDS THEREFOR,
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The Commission on Elections ("Commission") is constitutionally mandated to "administer and enforce all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall,"¹ as well as to assume "exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or involving elective barangay officials decided by trial courts of limited jurisdiction."²

As a constitutional organ entrusted with the gargantuan task of implementing election laws, the Commission is likewise duty laden to supervise the conduct of all elections in the Philippines and ensure that the same is free, orderly, honest, peaceful, and credible. The attainment of this objective is crucial in order to ensure the preservation of the sanctity of the right of suffrage and the electoral process – both fundamental stronghold of a democracy like ours.

So critical indeed are the tasks entrusted to the Commission that the 1987 Constitution saw it fit to vest upon the Commission a significant degree of independence and further ordained its fiscal autonomy to allow it to fulfill its core functions unhampered and without undue interference from external factors.

¹ 1987 Constitution, Article IX-C, Section 2(1).

² Section 2(2).

This constitutional design of independence and autonomy however may seem to have been enfeebled by the existing Section 55 of the Omnibus Election Code, which leaves to local governments the provision of office spaces for the provincial election supervisors and the election officers. This opens an opportunity for elective officials, not only to exert undue influence and pressure upon the Commission's front-liner field officials, but worst, to harass them by depriving them or giving them substandard institutional support. This possibility must be curbed and totally eradicated, if only for the Commission to be truly independent in the sense intended by the Constitution.

Thus, the said Section 55 must be amended to be consistent with and to be truly reflective of the constitutional independence that is due to the Commission. The power and duty to provide office spaces for election officers and provincial election supervisors must be removed from the hands of the local governments and must be returned to the Commission.

The immediate passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA

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

1 **SECTION 1.** Section 55 of the Omnibus Election Code of the Philippines, as
2 amended, is hereby amended to read as follows:
3

4 **"Section 55.** Office space. – [The local government concerned shall
5 provide a suitable place for the office of the provincial election supervisor
6 and his staff and the election registrar and his staff: Provided, That in case
7 of failure of the local government concerned to provide such suitable place,
8 the provincial election supervisor or the election registrar, as the case may
9 be, upon prior authority of the Commission and notice to the local
10 government concerned, may lease another place for office and the rentals
11 thereof shall be chargeable to the funds of the local government
12 concerned.] THE COMMISSION SHALL PROVIDE AN ACCESSIBLE
13 AND SUITABLE PLACE FOR ITS FIELD OFFICERS AND THEIR STAFF,
14 CHARGEABLE TO THE YEARLY APPROPRIATIONS OF THE
15 COMMISSION."
16

17 **SEC. 2. Appropriation.** – The initial appropriation to carry out the provisions of
18 this Act shall be charged against the current appropriations of the Commission on
19 Elections. Thereafter, the amount necessary for the continued implementation of this
20 Act shall be included in the annual General Appropriations Act.
21
22

1 **SEC. 3. *Implementing Rules and Regulations.*** – Within sixty (60) days from
2 the effectivity of this Act, the Commission on Elections, in consultation with relevant
3 stakeholders, shall promulgate the implementing rules and regulations to effectively
4 implement the provisions of this Act.
5

6 **SEC. 4. *Repealing Clause.*** – All acts, laws, decrees, executive orders, letters
7 of instructions and regulations or any part thereof which are inconsistent with any
8 provision of this Act are hereby repealed and/or modified accordingly.
9

10 **SEC. 5. *Separability Clause.*** – If for any reason, any section or provision of
11 this Act is declared to be unconstitutional or invalid, the other sections or provisions of
12 this Act which are not affected shall continue in full force and effect.
13

14 **SEC. 6. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
15 publication in the *Official Gazette* or in at least two (2) newspapers of general
16 circulation.
17

18 **Approved,**