

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



23 FEB -7 A9 :21

**SENATE**  
S. No. 1847

RECEIVED BY: \_\_\_\_\_

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Introduced by SENATOR RONALD "BATO" DELA ROSA

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**AN ACT**  
**STRENGTHENING THE COMMISSION ON ELECTIONS (COMELEC)**  
**INCREASING THE MANPOWER COMPLEMENT IN ITS FIELD OFFICES,**  
**PROVIDING OFFICE SPACES SEPARATE AND INDEPENDENT FROM LOCAL**  
**GOVERNMENT UNITS, AMENDING FOR THE PURPOSE BATAS PAMBANSA**  
**BLG. 881, AS AMENDED, OTHERWISE KNOWN AS THE "OMNIBUS ELECTION**  
**CODE OF THE PHILIPPINES" AND APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

No less than the 1987 Constitution recognizes the independence of Commission on Elections (COMELEC) as it is mandated to enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall,<sup>1</sup> among others.

As the premier guardian of every citizen's ballot, its function necessarily includes ensuring the free, fair and honest elections at all times. In order to guarantee its independence, it is necessary to amend Sections 53 and 55 of the Omnibus Election Code to mandate the COMELEC to provide office spaces to its field offices, instead of the local government units, as well as increasing the manpower complement therein.

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

  
**RONALD "BATO" DELA ROSA**

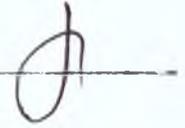
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<sup>1</sup> Section 2(1), Article IX of the 1987 Constitution.

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

1           **SECTION 1.** Section 53, Article VII of B.P. 881, otherwise known as the  
2 "Omnibus Election Code of the Philippines," as amended, is hereby amended as  
3 follows:

4           "Sec. 53. Field offices of the Commission. – The Commission shall have  
5 the following field offices:

6           (1) Regional Election Office, headed by the Regional Election Director and  
7           assisted by the Assistant Regional Director and such other subordinate  
8           officers or employees as the Commission may appoint.

9           (2) Provincial Election Office, headed by the Provincial Election Supervisor  
10           ~~[and assisted by the Assistant Regional Director]~~ **FOR EACH**  
11           **PROVINCE WHO SHALL BE ASSISTED BY AT LEAST ONE (1)**

1           **ELECTION ASSISTANT** and such other subordinate officers or  
2 employees as the Commission may appoint.

3 (3) City/Municipal Election Office, headed by the City/Municipal [~~Registrar~~]

4           **ELECTION OFFICER FOR EACH CITY OR MUNICIPALITY** who  
5 shall be assisted by [~~an election clerk~~] **AT LEAST ONE (1) ELECTION**  
6 **ASSISTANT** and such [~~other~~] **NUMBER OF ASSISTANTS AND**  
7 **SUBORDINATE OFFICERS OR** employees as the Commission may  
8 appoint.

9           The Commission may delegate its powers and functions or order the  
10 implementation or enforcement of its orders, rulings, or decisions  
11 through the heads of its field offices.”

12           **SEC. 2.** A New Section 53-A is hereby inserted in Article VII of B.P. 881,  
13 otherwise known as the “Omnibus Election Code of the Philippines,” as amended, to  
14 read as follows:

15           **“SEC. 53-A. AUTOMATIC CREATION OF POSITIONS OF ELECTION**  
16 **OFFICERS AND ELECTION ASSISTANTS. – IF A NEW CITY,**  
17 **MUNICIPALITY OR ELECTORAL DISTRICT IS CREATED, THE**  
18 **POSITIONS OF ELECTION OFFICER AND ELECTION ASSISTANTS**  
19 **ARE AUTOMATICALLY CREATED. THERE SHALL BE ONE (1)**  
20 **ELECTION ASSISTANT FOR EVERY TWENTY THOUSAND (20,000)**  
21 **REGISTERED VOTERS.”**

22           **SEC. 3.** A New Section 53-B is hereby inserted in Article VII of B.P. 881,  
23 otherwise known as the “Omnibus Election Code of the Philippines,” as amended, to  
24 read as follows:

1       **"SEC. 53-B. ASSIGNMENT IN FIELD OFFICE. - NO OTHER**  
2       **PERSONNEL, EXCEPT THOSE MENTIONED IN SECTION 53 OF**  
3       **THIS ACT OR EXPRESSLY AUTHORIZED BY LAW, MAY BE**  
4       **ASSIGNED, DESIGNATED OR DETAILED AT ANY FIELD OFFICE OF**  
5       **THE COMMISSION. ANY PERSONNEL PERFORMING**  
6       **ADMINISTRATIVE OR CLERICAL WORK MAY ONLY BE HIRED BY**  
7       **THE HEAD OF THE FIELD OFFICE. VIOLATION OF THIS**  
8       **PROVISION SHALL CONSTITUTE AS AN ELECTION OFFENSE."**

9       **SEC. 4.** Section 55, Article VII of B.P. 881, otherwise known as the "Omnibus  
10 Election Code of the Philippines," as amended, is hereby amended as follows:

11       ~~"Sec. 55. Office space. – [The local government concerned shall provide a~~  
12       ~~suitable place for the office of the provincial election supervisor and his~~  
13       ~~staff and the election registrar and his staff: Provided, That in case of~~  
14       ~~failure of the local government concerned to provide such suitable place,~~  
15       ~~the provincial election supervisor or the election registrar, as the case may~~  
16       ~~be, upon prior authority of the Commission and notice to the local~~  
17       ~~government concerned, may lease another place for office and the rentals~~  
18       ~~thereof shall be chargeable to the funds of the local government~~  
19       ~~concerned.]~~ **THE COMMISSION SHALL PROVIDE SEPARATE AND**  
20       **INDEPENDENT OFFICE SPACES FOR ITS FIELD OFFICES."**

21       **SEC. 5. Transition.** – The Commission shall formulate a plan to transfer its field  
22 offices from the facilities of local government units within five (5) years from the  
23 effectivity of this Act: Provided, That the local government concerned shall continue  
24 to provide such office space to the provincial election supervisor and his staff and the

1 election officer and his staff until such time that the Commission has provided a  
2 separate office as provided under Section 5 hereof.

3 **SEC. 6. Appropriations.** - The initial funding shall be charged against the  
4 current appropriation of the Commission and other sources available under the current  
5 General Appropriations Act. Thereafter, the amount necessary for the continued  
6 implementation of this Act shall be included in the annual GAA.

7 **SEC. 7. Implementing Rules and Regulations.** - The Chairperson of the  
8 Commission shall, in coordination with the Secretary of the Interior and Local  
9 Government and the Secretary of Budget and Management, formulate the  
10 implementing rules and regulations within ninety (90) days from the effectivity of this  
11 Act.

12 **SEC. 8. Separability Clause.** - If any portion of this Act is declared  
13 unconstitutional, the remainder of this Act or any provisions not affected thereby shall  
14 remain in effect.

15 **SEC. 9. Repealing Clause.** - All other laws, decrees, executive orders and rules  
16 and regulation contrary to or inconsistent with the provisions of this Act are hereby  
17 repealed or modified accordingly.

18

19 **Sec. 10. Effectivity.** - This Act shall take effect fifteen (15) days after its  
20 publication in the Official Gazette or in at least two (2) newspapers of general  
21 circulation.

*Approved,*