

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



14 AUG 18 P4:09

SENATE
S. B. No. 2361

RECEIVED BY. *ji*

Introduced by Senator Aquilino "Koko" Pimentel III

AN ACT
REPEALING SECTION 55 OF BATAS PAMBANSA BLG. 881, OTHERWISE
KNOWN AS THE OMNIBUS ELECTION CODE OF THE PHILIPPINES, AS
AMENDED, AND MANDATING THE COMMISSION ON ELECTIONS TO
PROVIDE FOR THE OFFICE SPACES OF ITS FIELD OFFICES

EXPLANATORY NOTE

The independence of the Commission on Elections (COMELEC) is guaranteed under *Article IX, Part A, Section 1* of the 1987 Constitution. To guarantee this independence, the Constitution granted COMELEC fiscal autonomy, which allows the COMELEC full flexibility to allocate and utilize its resources with the wisdom and dispatch that are required. (*Bengzon v. Drilon*, G.R. No. 103524, 15 April 1992).

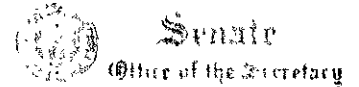
This independence, however, is curtailed by *Section 55* of *Batas Pambansa Blg. 881*, otherwise known as the Omnibus Election Code of the Philippines, as amended, which mandates local government units (LGUs) to provide a suitable place for the respective offices of the provincial supervisor and the election registrar and their staff. The same provision also states that in the event the LGU fails to provide such suitable offices, the rentals thereon shall be chargeable to the funds of the LGU concerned. This set-up provided by *Section 55* of the Omnibus Election Code, made election officers and poll personnel vulnerable to harassment by local leaders.

In order to address this abridgement of the constitutionally guaranteed independence of COMELEC, it is the intention of this Bill to repeal *Section 55* of the Omnibus Election Code so as to direct COMELEC to provide for the office spaces of its field offices.

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

A. Pimentel
AQUILINO "KOKO" PIMENTEL III

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

1 **SECTION 1.** The Commission on Elections is hereby mandated to provide
2 a suitable office space for its field offices enumerated in Section 53 of Batas
3 Pambansa Blg. 881, as amended.

4

5 **SECTION 2. Rules and Regulations.** – The Commission shall promulgate
6 rules and regulations for the implementation and enforcement of this Act within
7 sixty (60) days from the effectivity of this Act.

8

9 **SECTION 3. Appropriation.** – The amount necessary for the
10 implementation and enforcement of this Act shall be charged against the current
11 year's appropriations or from any available savings of the Commission.
12 Thereafter, such amount as may be necessary for the continued implementation
13 of this Act shall be included in the annual General Appropriations Act.

14

1 **SECTION 4. *Repealing Clause.***— Section 55 of Batas Pambansa Blg. 881,
2 otherwise known as the Omnibus Election Code of the Philippines, as amended,
3 is hereby repealed.

4
5 **SECTION 5. *Separability Clause.***— If any portion or provision of this Act is
6 declared unconstitutional, the remainder of this Act or any provisions not
7 affected thereby shall remain in force and effect.

8
9 **SECTION 6. *Effectivity.***— This Act shall take effect fifteen (15) days after
10 its publication in at least two (2) newspapers of general circulation.

11

Approved,