

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



Senate  
Office of the Secretary

18 JAN 23 P 1:38

SENATE

SENATE BILL NO. 1666

RECEIVED BY: 

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Introduced by **SENATOR LEILA M. DE LIMA**

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

**EXPLANATORY NOTE**

The Constitution, Article IX-A, Section 5 provides:

Section 5. The Commission shall enjoy fiscal autonomy. Their approved annual appropriations shall be automatically and regularly released.

This provision strengthens the independence of the Commission on Elections (COMELEC) as a Constitutional Commission, in order for it to fully utilize and maximize the functions for which it was created and made independent under the Constitution.

Section 55 of the Omnibus Election Code (BP 881), however, does not appear to be in consonance with the character of the COMELEC as an independent Constitutional Commission. Section 55 provides that:

**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.<sup>1</sup>

The said provision made it incumbent upon the local government to provide an office space for the provincial supervisor and the election registrar, including their staff in the respective localities, which upon failure to do so, the COMELEC shall take charge of making the same available and the corresponding rentals shall be paid by the local government unit concerned. However, availability of the latter still requires prior approval of the same LGU. As a result, COMELEC has to rely upon the graciousness and even the effectiveness of the LGU for its regional offices.

In a possible scenario where a conflict between the COMELEC and the LGU arises, the operations of the regional offices could suffer from any direct action by the LGU that owns the facilities where the regional offices operate. For instance, the LGU could restrict access to the offices, withhold any maintenance work, or interrupt utility services.

Sec. 55 of BP 881 runs counter to the independence and fiscal autonomy guaranteed by the Constitution to the COMELEC.

To be able to uphold said Constitutional guarantee, this legislative proposal intends to entrust to the COMELEC the responsibility of providing the needed office space for its field offices, without the need for prior approval of the LGU concerned.<sup>2</sup>

  
LEILA M. DE LIMA

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<sup>1</sup> Emphasis supplied.

<sup>2</sup> This bill was originally filed by Sen. Aquilino "Koko" Pimentel, III during the Sixteenth Congress, Second Regular Session.

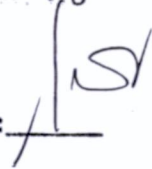
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*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

1 **SECTION 1.** This Act shall be known as the COMELEC Independent Offices  
2 Act.

3 **SEC. 2. Declaration of Policy.** – The State recognizes the independence of the  
4 Commission on Elections (COMELEC). Towards this end, the State shall enact  
5 measures to protect COMELEC and its field offices from any undue influence,  
6 governmental or otherwise, that can undermine its independence.

7 **SEC. 3. Mandate to Provide Separate Offices.** – The Commission on Elections  
8 (COMELEC) is hereby mandated to provide new suitable office spaces for its  
9 field offices enumerated in Section 53 of Batas Pambansa Blg. 881, as amended,  
10 separate from the offices of the Local Government Units that currently provide  
11 office facilities to said field offices.



1 **SEC. 4. *Transfer Plan.*** – Within six (6) months from the effectivity of this Act,  
2 COMELEC shall formulate a transfer plan to transfer of COMELEC field offices  
3 from the Local Government Unit (LGU)-controlled facilities to COMELEC-owned  
4 or -leased facilities. The plan shall provide for a complete transfer of all  
5 COMELEC field offices within five (5) years from the effectivity of this Act.

6 **SEC. 5. *Reporting.*** – COMELEC shall transmit the Transfer Plan to Congress.

7 **SEC. 6. *Appropriation.*** - Such amounts as may be necessary to implement this  
8 Act shall be included in the budget of COMELEC in next succeeding General  
9 Appropriations Act following the adoption of the Transfer Plan by the COMELEC  
10 *En Banc.*

11 **SEC. 7. *Repealing Clause.*** - Section 55 of Batas Pambansa Blg. 881,  
12 otherwise known as the Omnibus Election Code of the Philippines, as  
13 amended, is hereby repealed.

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

17 **SEC. 9. *Effectivity.*** - This Act shall take effect fifteen (15) days after its  
18 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

*Approved,*