

SENATE

'19 JUL 25 A11 :08

S. No. 778

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

AN ACT
STRENGTHENING THE COMMISSION ON ELECTIONS,
AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF
BATAS PAMBANSA BLG. 881, OTHERWISE KNOWN AS THE
“OMNIBUS ELECTION CODE”, AS AMENDED, PROVIDING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

A report in 2013 revealed that “in 39 COMELEC field offices in Luzon and the Visayas, COMELEC field personnel suffer from poor working conditions and a shortage in basic resources – personnel, funds, office space, supplies and equipment – that prevent them from fully performing their duties in an effective and efficient manner.”¹ These woes suffered by the COMELEC affect the discharge of their duties to the public, who may in turn be – in effect – disenfranchised.

As a body created by no less than the Constitution, whose scant number of personnel are housed in dilapidated offices, COMELEC’s independence weakened when Section 55 of the Omnibus Election Code (B.P. Blg. 881) came into effect. Under the said Section, the provision of COMELEC offices was lodged with the Local Government Units (LGUs). The danger of making the efficiency and working conditions of the personnel of a body that breathes life into the Constitutional provision “sovereignty resides in the people and all government authority emanates from them”,² dependent on certain people - who may and will use such power to their

¹ Jungco, Kezia & Mana-ay, Gabrielle & Malte, Lavilyn, “*The COMELEC in NCR: Condemned Offices and Other Woes.*” 29 May 2013. GMA News online. Available at <http://www.gmanetwork.com/news/news/metro/307429/the-comelec-in-ncr-condemned-offices-and-other-woes/story/> <last visited on 15 May 2019>

² Article II, Section 1. (1987 Constitution)

own advantage – cannot be denied. Its effects on the integrity of the conduct of elections are so far-reaching that efforts to quash such danger must be made, and made not a minute too late.

The importance of the conduct of elections cannot be overemphasized: “the means by which the people choose their officials for a definite and fixed period and to whom they entrust for the time being the exercise of the powers of government.”³ For this reason, it is obligatory upon the State to ensure that utmost protection from evils that corrupt the conduct thereof will be provided - protection that run at the very roots of the exercise of the right to suffrage of the Filipino people.

In providing suitable field offices with sufficient manpower complement for the COMELEC independently of the LGUs, this bill will eradicate the danger of a constitutional commission - tasked with safeguarding the ballots of the people - being beholden to forces that tend to unduly influence, pressure and intimidate it.

This Act will help ensure the independence and strength of the COMELEC, the twin hallmarks of its integrity. And in giving the COMELEC the power to procure its own offices and enlist the personnel that it needs, the State effectively safeguards and holds sacred the ballots of the people, in whom all government powers reside.


DEILA M. DE LIMA

³ Nachura, Antonio, *“Outline Reviewer in Political Law.”* 2016 ed. (VJ Graphic Arts, Inc.) p 513.

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

1 Section. 1. *Declaration of Policy.* – The State hereby affirms and recognizes
2 the independence of the Commission on Elections (COMELEC) as guaranteed under
3 Article IX, Part A, Section 1 of the 1987 Constitution. As such, the State shall ensure
4 and preserve the integrity and independence of the COMELEC by providing suitable
5 office space for its field offices with sufficient manpower complement.

6 Sec. 2. *Increase of the Number of Personnel.* – Section 53, Article VII, of Batas
7 Pambansa Blg. 881, otherwise known as the "Omnibus Election Code of the
8 Philippines", as amended, is hereby amended to read as follows:

9 "Section 53. *Field offices of the Commission.* - The
10 Commission shall have the following field offices;

11 (1) Regional Election Office, headed by the Regional
12 Election Director and assisted by the Assistant
13 Regional Director and such other subordinate officers
14 or employees as the Commission may appoint.

15 (2) ~~[Provincial Election Office, headed by the~~
16 ~~Provincial Election Supervisor and assisted by such~~

1 ~~other subordinate officers or employees as the~~
2 ~~Commission may appoint.]~~ PROVINCIAL ELECTION
3 OFFICE, HEADED BY THE PROVINCIAL
4 ELECTION SUPERVISOR FOR EACH PROVINCE.
5 EACH PROVINCIAL ELECTION SUPERVISOR
6 SHALL BE ASSISTED BY AT LEAST ONE (1)
7 ELECTION ASSISTANT AND SUCH NUMBER OF
8 ASSISTANTS AND SUBORDINATE OFFICERS OR
9 EMPLOYEES AS THE COMMISSION MAY
10 APPOINT; PROVIDED, HOWEVER, THAT THE
11 PROVINCIAL ELECTION SUPERVISOR SHALL
12 HAVE THE SOLE AUTHORITY TO ENGAGE
13 CONTRACTUAL PERSONNEL IN ACCORDANCE
14 WITH THE CIVIL SERVICE LAWS TO PERFORM
15 ADMINISTRATIVE OR CLERICAL WORKS IN
16 ACCORDANCE WITH THE MANDATE OF HIS/HER
17 OFFICE.

18 (3) ~~[City/Municipal Election Office, headed by the~~
19 ~~City/Municipal Registrar who shall be assisted by an~~
20 ~~election clerk and such other employees as the~~
21 ~~Commission may appoint.]~~ CITY/MUNICIPAL
22 ELECTION OFFICE, HEADED BY AN ELECTION
23 OFFICER FOR EACH CITY, MUNICIPALITY, OR
24 ELECTORAL DISTRICT. EACH ELECTION
25 OFFICER SHALL BE ASSISTED BY AT LEAST
26 ONE (1) ELECTION ASSISTANT AND SUCH
27 NUMBER OF ASSISTANTS AND SUBORDINATE
28 OFFICERS OR EMPLOYEES AS THE
29 COMMISSION MAY APPOINT; PROVIDED,
30 HOWEVER, THAT THE ELECTION OFFICER
31 SHALL HAVE THE SOLE AUTHORITY TO
32 ENGAGE CONTRACTUAL PERSONNEL IN

1 **ACCORDANCE WITH THE MANDATE OF HIS/HER**
2 **OFFICE.**

3 The Commission may delegate its powers and
4 functions, or order the implementation or enforcement
5 of its orders, rulings or decisions through the heads of
6 its field offices.”

7 Sec. 3. *Automatic Creation of Positions.* – A new section, Section 53-A, is
8 hereby inserted in Article VII of Batas Pambansa Blg. 881, otherwise known as the
9 "Omnibus Election Code of the Philippines", as amended, to read as follows:

10 **"Section 53-A. AUTOMATIC CREATION OF**
11 **POSITIONS OF ELECTION OFFICERS. –**
12 **WHENEVER NEW CITIES, MUNICIPALITIES AND**
13 **ELECTORAL DISTRICTS ARE CREATED, THERE**
14 **SHALL BE AUTOMATICALLY CREATED FOR THE**
15 **CITY OR MUNICIPALITY, POSITIONS OF**
16 **ELECTION OFFICERS AND ELECTION**
17 **ASSISTANTS IN SUCH NUMBER AS DETERMINED**
18 **PURSUANT TO THE RATIO ESTABLISHED IN THE**
19 **SUCCEEDING SECTION. THE COMELEC EN**
20 **BANC SHALL ENSURE THAT SUCH NEW**
21 **OFFICES ARE DULY STAFFED AND**
22 **SUFFICIENTLY FUNDED."**

23 Sec. 4. *Ratio of Election Assistants to Registered Voters.* – A new section,
24 Section 53-B, is hereby inserted in Article VII of Batas Pambansa Blg. 881, otherwise
25 known as the Omnibus Election Code of the Philippines", as amended, to read as
26 follows:

27 **"Section 53-B. RATIO OF ELECTION ASSISTANTS**
28 **TO REGISTERED VOTERS. – THERE SHALL BE A**
29 **CORRESPONDING NUMBER OF ELECTION**
30 **ASSISTANT POSITIONS AT THE RATIO OF ONE**
31 **ELECTION ASSISTANT FOR EVERY TWENTY**
32 **THOUSAND (20,000) REGISTERED VOTERS."**

1 Sec. 5. *Assignment, Designation, Engagement and Detailing of Employees.* –
2 A new section, Section 53-C, is hereby inserted in Article VII of Batas Pambansa Blg.
3 881, otherwise known as the "Omnibus Election Code of the Philippines", as
4 amended, to read as follows:

5 **"Section 53-C. ASSIGNMENT, DESIGNATION,**
6 **ENGAGEMENT AND DETAILING OF EMPLOYEES.**
7 **– NO OTHER PERSONNEL, OTHER THAN THOSE**
8 **MENTIONED IN SECTION 53 HEREOF, OR**
9 **EXPRESSLY AUTHORIZED BY LAW, SHALL BE**
10 **ASSIGNED, DESIGNATED, ENGAGED OR**
11 **DETAILED AT THE COMMISSION'S FIELD**
12 **OFFICES, OR SHALL BE ALLOWED TO PERFORM**
13 **ADMINISTRATIVE OR CLERICAL WORKS IN**
14 **ACCORDANCE WITH THE MANDATE OF THE**
15 **FIELD OFFICES. VIOLATION OF THIS PROVISION**
16 **SHALL CONSTITUTE AN ELECTION OFFENSE."**

17 Sec. 6. *Mandate to Provide Separate Offices.* – The Commission on Elections
18 (COMELEC) is hereby mandated to provide suitable office spaces for its field offices
19 enumerated in Section 53 of Batas Pambansa Blg. 881, as amended, separate from
20 the offices of the Local Government Units that currently provide office facilities to
21 said offices.

22 Sec. 7. *Transfer Plan.* – Within one (1) year from the effectivity of this Act,
23 COMELEC shall formulate a Transfer Plan to transfer COMELEC field offices from
24 the Local Government Unit (LGU)-controlled facilities to COMELEC-owned or -
25 leased facilities. The plan shall provide for a complete transfer of all COMELEC field
26 offices within five (5) years from the effectivity of this Act.

27 Sec. 8. *Reporting.* – COMELEC shall submit the Transfer Plan to Congress.

28 Sec. 9. *Appropriations.* – Such amounts as may be necessary to implement
29 this Act shall be included in the budget of the COMELEC in the next succeeding
30 General Appropriations Act following the adoption of the Transfer Plan by the
31 COMELEC *En Banc*.

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

4 Sec. 11. *Repealing Clause.* – All laws, decrees, executive orders,
5 proclamations, rules and regulations or parts thereof inconsistent herewith are
6 repealed, amended, or modified accordingly.

7 Sec. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its
8 publication in the Official Gazette or in two (2) newspapers of general circulation in
9 the Philippines.

Approved,