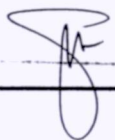


SENATE

'19 JUL 30 P1:44

Senate Bill No. 828

RECEIVED 

Introduced by Senator FRANCIS N. PANGILINAN

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

EXPLANATORY NOTE

Under Article IX-A of the 1987 Philippine Constitution, constitutional commissions, such as the Commission on Elections (COMELEC), must be independent and fiscally autonomous. In order to effectively conduct free, fair, and honest elections, the COMELEC must be free from political interference and influence from the three branches of government.

Section 55 of Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code, appears to violate COMELEC's constitutional guarantee of independence. Section 55 of B.P. 881 reads in part: "[t]he 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."

Although its purpose may be laudable, such provision has given local government units (LGUs) the opportunity to compromise the independence of the local COMELEC field office covering its area by withholding, delaying, or totally depriving institutional support. The same provision, which supposedly recognizes the LGUs' stake in election administration, lamentably acts as a Sword of Damocles, and subjects the local COMELEC field office to the imminent and ever-present peril of lack of office space, sufficient personnel, and funding for its operations.

This bill seeks to remove LGUs' stake in election administration by amending Section 55 of B.P. 881 to require the COMELEC, instead of the LGUs, to provide suitable office spaces and sufficient personnel to the local COMELEC field offices.

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


FRANCIS N. PANGILINAN



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AN ACT

STRENGTHENING THE COMMISSION ON ELECTIONS, AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF BATAS PAMBANSA BLG. 881, AS AMENDED, OTHERWISE KNOWN AS THE "OMNIBUS ELECTION CODE OF THE PHILIPPINES," APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Declaration of Policy.** – It is hereby declared the policy of the State to
2 provide suitable office space and sufficient personnel for the field offices of the
3 Commission on Election to ensure and preserve its integrity and independence, as
4 guaranteed under Article IX-A, Section 1 of the 1987 Philippine Constitution.

5 **SEC. 2.** Section 53 of Batas Pambansa Blg. 881 (B.P. 881), as amended, otherwise
6 known as the "Omnibus Election Code of the Philippines" is hereby amended to read as
7 follows:

8 "SEC. 53. Field offices of the Commission. -- The Commission shall have
9 the following field offices:

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

13 (2) Provincial Election Office headed by the Provincial Election Supervisor
14 and assisted by AT LEAST ONE ELECTION ASSISTANT AND such other
15 subordinate officers or employees as the Commission may appoint,

1 PROVIDED, HOWEVER, THAT THE PROVINCIAL ELECTION
2 SUPERVISOR SHALL HAVE THE SOLE AUTHORITY TO ENGAGE
3 CONTRACTUAL PERSONNEL TO PERFORM ADMINISTRATIVE OR
4 CLERICAL WORK IN ACCORDANCE WITH CIVIL SERVICE LAWS.

5 (3) City/Municipal Election Office headed by the City/Municipal
6 [Registrar] ELECTION OFFICER who shall be assisted by [an] AT LEAST
7 ONE election [clerk] ASSISTANT and such other SUBORDINATE OFFICERS
8 OR employees as the Commission may appoint, PROVIDED, HOWEVER,
9 THAT THE ELECTION OFFICER SHALL HAVE THE SOLE AUTHORITY
10 TO ENGAGE CONTRACTUAL PERSONNEL TO PERFORM
11 ADMINISTRATIVE OR CLERICAL WORK IN ACCORDANCE WITH CIVIL
12 SERVICE LAWS.

13 The Commission may delegate its powers and functions or order the
14 implementation or enforcement of its orders, rulings, or decisions through the
15 heads of its field offices."

16 **SEC. 3.** Section 53-A shall be inserted in B.P. 881 to read as follows:

17 "SEC. 53-A. AUTOMATIC CREATION OF POSITIONS OF ELECTION
18 OFFICERS. - WHENEVER NEW CITIES, MUNICIPALITIES, AND
19 ELECTORAL DISTRICTS ARE CREATED, THERE SHALL BE
20 AUTOMATICALLY CREATED POSITIONS OF ELECTION OFFICERS AND
21 ELECTION ASSISTANTS IN SUCH NUMBER PURSUANT TO THE RATIO
22 ESTABLISHED IN THE SUCCEEDING SECTION."

23 **SEC. 4.** Section 53-B shall be inserted in B.P. 881 to read as follows:

24 "SEC. 53-B. RATIO OF ELECTION ASSISTANTS TO REGISTERED
25 VOTERS. - THERE SHALL BE A CORRESPONDING NUMBER OF
26 ELECTION ASSISTANT POSITIONS AT THE RATIO OF ONE ELECTION

1 ASSISTANT FOR EVERY TWENTY THOUSAND (20,000) REGISTERED
2 VOTERS."

3 **SEC. 5.** Section 53-C shall be inserted in B.P. 881 to read as follows:

4 "SEC. 53-C. NO OTHER PERSONNEL, OTHER THAN THOSE
5 MENTIONED IN SECTION 53 OF THIS ACT, OR EXPRESSLY
6 AUTHORIZED BY LAW, SHALL BE ASSIGNED, DESIGNATED,
7 ENGAGED, OR DETAILED AT THE FIELD OFFICES OF THE
8 COMMISSION, OR SHALL BE ALLOWED TO PERFORM
9 ADMINISTRATIVE OR CLERICAL WORK IN ACCORDANCE WITH THE
10 MANDATE OF THE FIELD OFFICES."

11 **SEC. 6.** Section 55 of B.P. 881 is hereby amended to read as follows:

12 "SEC. 55. Office space. - The ~~[local government concerned]~~ COMMISSION
13 shall provide [a] AN ACCESSIBLE AND suitable place for [the] ITS FIELD
14 [office] OFFICERS AND THEIR STAFF, ~~[of the provincial election supervisor~~
15 ~~and his staff and the election registrar and his staff: Provided, That in case of~~
16 ~~failure of the local government concerned to provide such suitable place, the~~
17 ~~provincial election supervisor or the election registrar, as the case may be,~~
18 ~~upon prior authority of the Commission and notice to the local government~~
19 ~~concerned, may lease another place for office and the rentals thereof shall be]~~
20 chargeable to the YEARLY APPROPRIATIONS ~~[funds of the local~~
21 ~~government concerned]~~ OF THE COMMISSION."

22 **SEC. 7. Appropriations.** - The initial funding to carry this Act into effect shall
23 be charged against the current appropriations of the Commission of Elections.
24 Thereafter, the amount necessary for the continued implementation and
25 operationalization of this Act shall be included in the General Appropriations Act.

1 **SEC. 8. *Separability Clause.*** – If any provision of this Act is declared invalid or
2 unconstitutional, the other provisions not affected by such declaration shall remain in full
3 force and effect.

4 **SEC. 9. *Repealing Clause.*** – All laws, executive orders, administrative orders, and
5 rules and regulations inconsistent with this Act are hereby repealed or amended
6 accordingly.

7 **SEC. 10. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
8 complete publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,