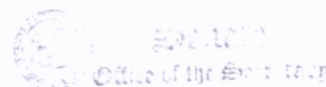
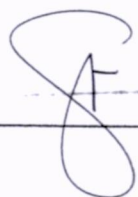


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



19 OCT -7 P4:04

SENATE
S.B. No. 1106

Re. 

Introduced by **SENATOR IMEE R. MARCOS**

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

EXPLANATORY NOTE

The independence of the Commission on Elections (COMELEC) is enshrined in the Constitution. As a constitutional body, the COMELEC is mandated, among others, to "enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall." Thus, the COMELEC gives life and meaning to the basic principle that sovereignty resides in the people and all government authority emanates from them. However, every election is marred by accusation of widespread fraud and cheating and some of its officials and employees are often suspected of participating in and/or tolerating such deplorable acts.


Section 55 of the Omnibus Election Code requires local government units to provide a suitable place for the office of the provincial election supervisor and his staff and the election officer and his staff. Generally, the COMELEC field officials and employees rely, to some extent, on the local government units to augment its manpower and other logistic requirements. While the purpose of such support is laudable, it provides an opportunity to erring local government officials to compromise the function of the office of the provincial election supervisor or the office of the city or municipal election office. In fact, there was a reported incident that a filed office

was padlocked by the local chief executive because of the refusal of the election officer to follow an alleged illegal instruction from the said official. Further, it gives an impression that these COMELEC employees are beholden to the officials of the local government units because of the said institutional support. Thus, the constitutional guarantee of independence of the COMELEC is compromised, if not impaired.

On the other hand, the local government units, who are heavily dependent on the Internal Revenue Allotment (IRA), find it burdensome to provide the required suitable place for COMELEC field offices. Thus, numerous COMELEC field offices ended up in less secured places which raises concerns on the security of sensitive documents and information that are kept in the said offices. In fact, there were reported incidents of stolen computer, election paraphernalia and other documents in the offices of the election officer of Tuguegarao City, province of Cagayan and of the municipality of Wao, Lanao Del Sur, and which prompted the investigation of the National Privacy Commission for possible violation of Data Privacy Act.

This bill seeks to strengthen the independence of the Commission on Elections by transferring the responsibility of providing a suitable place for its field offices from the concerned local government units to the Commission on Elections. It also seeks to address the inadequacy of manpower of its field offices by mandating the appointment of election assistant at the ratio of one (1) election assistant for every twenty thousand (20,000) registered voters. The aforesaid proposed amendments will boost our effort to conduct free, fair, and honest elections.

Thus, the immediate passage of this bill is earnestly sought.


IMEE R. MARCOS
Senator

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

)
)
)



19 OCT -7 P 4 :05

SENATE

S.B. No. 1106

RECEIVED

Introduced by **SENATOR IMEE R. MARCOS**

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

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

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

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

"Section 53. Field Offices of the Commission. - The Commission shall have the following field offices:

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

4 (2) Provincial Election Office, headed by the Provincial Election Supervisor
5 **FOR EACH PROVINCE** and assisted by **AT LEAST ONE ELECTION**
6 **ASSISTANT AND SUCH NUMBER OF ASSISTANTS AND** [such] other
7 subordinate officers or employees as the Commission may appoint.

8 (3) City/Municipal Election Office, headed by the City/Municipal
9 [Registrar] **ELECTION OFFICER FOR EACH CITY OR**
10 **MUNICIPALITY. EACH ELECTION OFFICER** [who] shall be assisted
11 by **AT LEAST ONE ELECTION ASSISTANT AND SUCH NUMBER OF**
12 **ASSISTANTS AND SUBURDINATE OFFICERSS OR** [an election clerk
13 and such other] employees as the Commission may appoint.

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

17 **Section 3.** A new Section 53-A, is hereby inserted in Article VII of B.P. 881, otherwise
18 known as the "Omnibus Election Code of the Philippines", as amended, to read as
19 follows:

20 **Section 53-A. AUTOMATIC CREATION OF POSITIONS OF**
21 **ELECTION OFFICERS. - WHENEVER NEW CITIES OR**
22 **MUNICIPALITIES ARE CREATED, THERE SHALL BE**
23 **AUTOMATICALLY CREATED FOR THE CITY OR MUNICIPALITY,**
24 **POSITIONS OF ELECTION OFFICERS AND ELECTION ASSISTANTS**
25 **IN SUCH NUMBER AS DETERMINED PURSUANT TO THE RATIO**
26 **ESTABLISHED IN THE SUCCEEDING SECTION.**

27 **Section 4.** A new Section 53-B, is hereby inserted in Article VII of B.P. 881, otherwise
28 known as the "Omnibus Election Code of the Philippines", as amended, to read as
29 follows:
30

1 **Section 53-B. RATIO OF ELECTION ASSISTANTS TO REGISTERED**
2 **VOTERS. – THERE SHALL BE A CORRESPONDING NUMBER OF**
3 **ELECTION ASSISTANT POSITIONS AT THE RATIO OF ONE**
4 **ELECTION ASSISTANT FOR EVERY TWENTY THOUSAND (20, 000)**
5 **REGISTERED VOTERS.**

6
7 **Section 5.** A new Section 53-C, is hereby inserted in Article VII of B.P. 881, otherwise
8 known as the "Omnibus Election Code of the Philippines", as amended, to read as
9 follows:

10 **Section 53-C. NO OTHER PERSONNEL, OTHER THAN THOSE**
11 **MENTIONED IN SECTION 53 HEREOF, OR EXPRESSLY**
12 **AUTHORIZED BY LAW, SHALL BE ASSIGNED, DESIGNATED,**
13 **ENGAGED OR DETAILED AT THE COMMISSION'S FIELD OFFICES,**
14 **OR SHALL BE ALLOWED TO PERFORM ADMINISTRATIVE OR**
15 **CLERICAL WORKS THERETO. VIOLATION OF THIS PROVISION**
16 **SHALL CONSTITUTE AN ELECTION OFFENSE.**

17
18 **Section 6.** Section 55, Article VII of B.P. 881, otherwise known as the "Omnibus
19 Election Code of the Philippines", as amended, is hereby further amended to read as
20 follows:

21 **"Section 55. Office space. –**[The local government concerned shall
22 provide a suitable place for the office of the provincial election supervisor
23 and his staff and the election registrar and his staff: Provided, That in case
24 of failure of the local government concerned to provide such suitable
25 place, the provincial election supervisor or the election registrar, as the
26 case may be, upon prior authority of the Commission and notice to the
27 local government concerned, may lease another place for office and the
28 rentals thereof shall be chargeable to the funds of the local government
29 concerned.] **THE COMMISSION ON ELECTIONS SHALL PROVIDE**
30 **AN ACCESSIBLE AND SUITABLE OFFICE FOR ITS FIELD**
31 **OFFICERS AND THEIR STAFF."**
32

1 **SECTION 7. *Transitory Provision.***—The local government unit concerned shall
2 continue to provide a suitable place for the office of the provincial election supervisor
3 and his staff and the election officer and his staff until such time that the Commission
4 on Elections has provided the field office concerned with its own office which in no
5 case shall exceed five (5) years from the effectivity of this Act.
6

7 **SECTION 8. *Implementing Rules and Regulations.***—Within six (6) months from the
8 effectivity of this Act, the Commission on Elections shall formulate the necessary rules
9 and regulations for the effective implementation of this Act.
10

11 **Section 9. *Appropriation.*** —The initial funding to carry the present act into effect shall
12 be charged against the current appropriations of the Commission on Elections.
13 Thereafter, the amount necessary for the continued implementation of this act shall
14 be included in the General Appropriations Act.
15

16 **Section 10. *Repealing Clause.*** - All acts, laws, decrees, executive orders, letters of
17 instructions and regulations or any part thereof which are inconsistent with any
18 provision of this Act are hereby repealed and/or modified accordingly.
19

20 **Section 11. *Separability Clause.*** - If for any reason, any provision of his Act is
21 declared to be unconstitutional or invalid, the other provisions of this Act which are
22 not affected shall continue in full force and effect.
23

24 **Section 12. *Effectivity.*** - This Act shall take effect after fifteen (15) days following its
25 publication in at least two (2) newspapers of general circulation or in the Official
26 Gazette.

Approved,