

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



'22 OCT 12 P 6 :28

SENATE

S. No. 1384

RECEIVED BY: _____

Introduced by SENATOR RAMON BONG REVILLA, JR.

AN ACT

STRENGTHENING THE COMMISSION ON ELECTIONS BY INCREASING THE MANPOWER COMPLEMENT IN ITS FIELD OFFICES, PROVIDING OFFICE SPACES SEPARATE AND INDEPENDENT FROM LOCAL GOVERNMENT UNITS, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE BATAS PAMBANSA BLDG. 881, AS AMENDED, OTHERWISE KNOWN AS THE "OMNIBUS ELECTION CODE OF THE PHILIPPINES"

EXPLANATORY NOTE

The Commission on Elections (COMELEC) is the principal government agency tasked by the Constitution to enforce and administer all laws and regulations concerning the conduct of regular and special elections. Similar to other constitutional commissions, the COMELEC is an independent and fiscally-autonomous body free from political interference or influence from the three branches of government, which makes possible the conduct of free, fair, and honest elections. Nowhere is this intent more apparent than the staggered rotational appointments of its commissioners and chairperson, and the guarantee of security of tenure and fiscal autonomy.

This constitutional guarantee of independence, however, has been tempered by Section 55 of the Omnibus Election Code. In particular, Section 55 of the Omnibus Election Code enjoins local government units (LGUs) to provide a suitable place for the office of the provincial election supervisor and his staff, and the election registrar and his staff.

Although the purpose may be laudable, it has also given LGUs the window of opportunity to compromise the conduct of the local COMELEC's functions, i.e., by withholding, delaying or totally depriving institutional support to the local COMELEC.

The same provision, which supposedly recognizes the LGU's stake in election administration, lamentably acts as a sword of Damocles, and subjects the local COMELEC to the imminent and ever-present peril of lack of office space, manpower and funding for its operations. Such provision clearly is not in consonance with the character of the Comelec as an independent Constitutional Commission, noting that Article IX-A, Section 5 of the Constitution stated that "the Commission shall enjoy fiscal autonomy..."

In view of the foregoing, the approval of this bill is most earnestly sought.


RAMON BONG REVILLA, JR.

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

1 Section 1. *Short Title.* -This Act shall be known as the "*COMELEC Integrity Act.*"

2 Sec. 2. *Declaration of Policy.* – The State hereby affirms and recognizes the
3 independence of the Commission on Elections (COMELEC) as guaranteed under Article
4 IX, Part A, Section 1 of the 1987 Constitution. As such, the Commission shall ensure
5 and preserve its integrity and independence by increasing the manpower complement
6 in its field offices and providing office spaces separate and independent from local
7 government units.

8 Sec. 3. Section 53, Article VII, of B.P. 881, otherwise known as the "*Omnibus*
9 *Election Code of the Philippines*", as amended, is hereby amended to read as follows:

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

12 (1) Regional Election Office, headed by the Regional Election Director and
13 assisted by the Assistant Regional Director and such other subordinate officers
14 or employees as the Commission may appoint [.] **IN ACCORDANCE WITH**
15 **THE ORGANIZATION, STAFFING, POSITION CLASSIFICATION, AND**
16 **COMPENSATION STANDARDS.**

1 (2) [Provincial Election Office, headed by the Provincial Election Supervisor and
2 assisted by such other subordinate officers or employees as the Commission
3 may appoint.] **PROVINCIAL ELECTION OFFICE, HEADED BY THE**
4 **PROVINCIAL ELECTION SUPERVISOR FOR EACH PROVINCE. EACH**
5 **PROVINCIAL ELECTION SUPERVISOR SHALL BE ASSISTED BY AT**
6 **LEAST ONE (1) ELECTION ASSISTANT AND SUCH NUMBER OF**
7 **ASSISTANTS AND SUBORDINATE OFFICERS OR EMPLOYEES AS THE**
8 **COMMISSION MAY APPOINT, IN ACCORDANCE WITH THE**
9 **ORGANIZATION, STAFFING, POSITION CLASSIFICATION AND**
10 **COMPENSATION STANDARDS. A PROVINCIAL ELECTION**
11 **SUPERVISOR IS AUTHORIZED TO HIRE CONTRACTUAL PERSONNEL**
12 **TO PERFORM ADMINISTRATIVE OR CLERICAL WORKS FOR THE**
13 **EXPEDIENCY OF SERVICE AND IN ACCORDANCE WITH CIVIL**
14 **SERVICE LAWS.**

15 (3) [City/Municipal Election Office, headed by the City/Municipal Registrar who
16 shall be assisted by an election clerk and such other employees as the
17 Commission may appoint]. **CITY, MUNICIPAL OR ELECTORAL DISTRICT**
18 **ELECTION OFFICE, HEADED BY THE CITY, MUNICIPAL OR ELECTORAL**
19 **DISTRICT ELECTION OFFICER FOR EACH CITY, MUNICIPALITY OR**
20 **ELECTORAL DISTRICT.**

21 **THE CITY, MUNICIPAL OR ELECTORAL DISTRICT ELECTION OFFICER**
22 **SHALL BE ASSISTED BY AT LEAST ONE (1) ELECTION ASSISTANT AND**
23 **SUCH NUMBER OF ASSISTANTS AND SUBORDINATE OFFICERS OR**
24 **EMPLOYEES AS THE COMMISSION MAY APPOINT IN ACCORDANCE**
25 **WITH THE ORGANIZATION, STAFFING, POSITION CLASSIFICATION**
26 **AND COMPENSATION STANDARDS. AN ELECTION OFFICER IS**
27 **AUTHORIZED TO HIRE CONTRACTUAL PERSONNEL TO PERFORM**
28 **ADMINISTRATIVE OR CLERICAL WORK FOR THE EXPEDIENCY OF**
29 **SERVICE AND IN ACCORDANCE WITH THE CIVIL SERVICE LAWS.**

30 The Commission may delegate its powers and functions or order the
31 implementation or enforcement of its orders, rulings, or decisions through the heads
32 of its field offices.

1 Sec. 4. New sections to be denominated as Sections 53-A and 53-B are hereby
2 inserted after Section 53 of the same Act to read as follows:

3 **"SECTION 53-A. AUTOMATIC CREATION OF POSITIONS OF ELECTION**
4 **OFFICERS AND ELECTION ASSISTANTS. - IF A NEW CITY,**
5 **MUNICIPALITY OR ELECTORAL DISTRICT IS CREATED, THE**
6 **POSITIONS OF ELECTION OFFICER AND ELECTION ASSISTANTS ARE**
7 **AUTOMATICALLY CREATED, IN ACCORDANCE WITH THE**
8 **ORGANIZATION, STAFFING, POSITION CLASSIFICATION AND**
9 **COMPENSATION STANDARDS AND SUBJECT TO THE SUBMISSION TO**
10 **THE DEPARTMENT OF BUDGET AND MANAGEMENT (DBM) OF A**
11 **RESOLUTION STATING THE CHANGES IN THE ORGANIZATION AND**
12 **STAFFING. THERE MUST BE ONE (1) ELECTION ASSISTANT FOR**
13 **EVERY TWENTY THOUSAND (20,000) REGISTERED VOTERS.**

14 **SECTION 53-B. ASSIGNMENT IN FIELD OFFICE. - NO OTHER**
15 **PERSONNEL, EXCEPT THOSE MENTIONED IN SECTION 53- OF THIS**
16 **ACT OR EXPRESSLY AUTHORIZED BY LAW, MAY BE ASSIGNED,**
17 **DESIGNATED OR DETAILED AT ANY FIELD OFFICE OF THE**
18 **COMMISSION. ANY PERSONNEL PERFORMING ADMINISTRATIVE OR**
19 **CLERICAL WORK MAY ONLY BE HIRED BY THE HEAD OF THE FIELD**
20 **OFFICE. VIOLATION OF THIS PROVISION CONSTITUTES AN**
21 **ELECTION OFFENSE."**

22 Section 5. Section 55 of the same Act is hereby amended to read as follows:

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

1 **OFFICES, THE COST OF WHICH SHALL BE CHARGED TO ITS**
2 **YEARLY APPROPRIATIONS.”**

3 *Sec. 6. Appropriations.* - The initial amount for the implementation of this Act
4 shall be charged against the current available appropriations of the Commission. The
5 subsequent funding shall be included in the annual General Appropriations Act.

6 *Sec. 7. Plan to Transfer* - Within one (1) year from the effectivity of this Act,
7 the Commission shall formulate a plan to transfer its field offices from the facilities of
8 local government units to the facilities owned or leased by the Commission. The plan
9 shall provide for a complete transfer of all field offices of the Commission within five
10 (5) years from the effectivity of this Act.

11 *Sec. 8. Implementing Rules and Regulations.* - Within ninety (90) days from
12 the effectivity of this Act, the COMELEC Chairperson shall, in coordination with the
13 Secretary of the Interior and Local Government and the Secretary of Budget and
14 Management, promulgate the rules and regulations implementing the provision of this
15 Act.

16 *Sec. 9. Separability Clause.* - If any portion or provision of this Act is declared
17 unconstitutional, the remainder of this Act or any provision not affected thereby shall
18 remain in force and effect.

19 *Sec. 10. Repealing Clause.* - All other laws, acts, presidential decrees, executive
20 orders, issuances, presidential proclamations, rules and regulations or parts thereof,
21 which are contrary to and inconsistent with any provision of this Act, are hereby
22 repealed, amended or modified accordingly.

23 *Sec. 11. Effectivity.* - This Act shall take effect fifteen (15) days after its
24 publication in the Official Gazette or in at least two (2) newspapers of general
25 circulation.

Approved,