

'22 AUG 15 P 4 :35

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

RECEIVED BY: \_\_\_\_\_



**SENATE**

S.B. No. 1158

---

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 accusations of widespread fraud and cheating and some of COMELEC's officials and employees are often suspected of participating in and/or tolerating such deplorable acts.

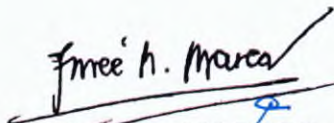
Section 55 of the Omnibus Election Code requires local government units to provide a suitable place for the office of the provincial election supervisor and his staff and the election officer and his staff. Generally, the COMELEC field officials and employees rely, to some extent, on the local government units to augment its manpower and other logistic requirements. While the purpose of such support is laudable, it provides an opportunity to some unscrupulous 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 field office was padlocked by the local chief executive because of the refusal of the election

officer to follow an alleged illegal instruction from said local official. Furthermore, it cannot be denied that the dependence of the COMELEC on local government units for institutional support gives the impression to many voters that COMELEC field personnel are beholden to the officials thereof. Thus, the constitutional guarantee of the independence of the COMELEC is compromised.

Moreover, many local government units find it burdensome to provide the required suitable place for COMELEC field offices. Notice may be had that numerous COMELEC field offices are found in less secured places and are operating in far from ideal conditions. This raises legitimate concerns on the security of sensitive documents and information that are kept in said offices. As a matter of fact, there have been reported incidents of stolen computers, election paraphernalia, and documents in the offices of the election officer of Tuguegarao City, province of Cagayan and the municipality of Wao, Lanao Del Sur. These incidents prompted the National Privacy Commission to initiate investigations for possible violation of the 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 COMELEC. It also seeks to address the inadequacy of manpower of its field offices by mandating the appointment of election assistant at the ration 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.

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

  
**IMEE R. MARCOS**



'22 AUG 15 P4 :35

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

RECEIVED BY:

**SENATE**

S.B. No. 1158

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 House of Representatives of the Philippines in Congress assembled:*

1           **SECTION 1. Statement 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 its integrity and independence by providing suitable office space for its  
5 field offices and with sufficient manpower complement.  
6

7           **SEC. 2.** Section 53, Article VII, of B.P. 881, otherwise known as the "Omnibus  
8 Election Code of the Philippines", as amended, is hereby amended to read as follows:  
9

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

12  
13           (1) Regional Election Office, headed by the Regional Election Director and  
14 assisted by the Assistant Regional Director and such other subordinate  
15 officers or employees as the Commission may appoint.  
16

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

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

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

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

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

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

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

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

1           **SECTION 53-C. NO OTHER PERSONNEL, OTHER THAN THOSE**  
2           **MENTIONED IN SECTION 53 HEREOF, OR EXPRESSLY**  
3           **AUTHORIZED BY LAW, SHALL BE ASSIGNED, DESIGNATED,**  
4           **ENGAGED OR DETAILED AT THE COMMISSION’S FIELD OFFICES,**  
5           **OR SHALL BE ALLOWED TO PERFORM ADMINISTRATIVE OR**  
6           **CLERICAL WORKS THERETO. VIOLATION OF THIS PROVISION**  
7           **SHALL CONSTITUTE AN ELECTION OFFENSE.**

8           **SEC. 6.** Section 55, Article VII of B.P. 881, otherwise known as the “Omnibus  
9 Election Code of the Philippines”, as amended, is hereby further amended to read as  
10 follows:

11           “Sec. 55. Office space. – [~~The local government concerned shall provide~~  
12 ~~a suitable place for the office of the provincial election supervisor and his~~  
13 ~~staff and the election registrar and his staff: Provided, That in case of~~  
14 ~~failure of the local government concerned to provide such suitable place,~~  
15 ~~the provincial election supervisor or the election registrar, as the case~~  
16 ~~may be, upon prior authority of the Commission and notice to the local~~  
17 ~~government concerned, may lease another place for office and the rentals~~  
18 ~~thereof shall be chargeable to the funds of the local government~~  
19 ~~concerned.] **THE COMMISSION ON ELECTIONS SHALL PROVIDE**~~  
20 **AN ACCESSIBLE AND SUITABLE OFFICE FOR ITS FIELD**  
21 **OFFICERS AND THEIR STAFF.”**

22           **SEC. 7. *Transitory Provision.*** – The local government unit concerned shall  
23 continue to provide a suitable place for the office of the provincial election supervisor  
24 and his staff and the election officer and his staff until such time that the Commission  
25 on Elections has provided the field office concerned with its own office which in no case  
26 shall exceed five (5) years from the effectivity of this Act.

27           **SEC. 8. *Implementing Rules and Regulations.*** – Within six (6) months from the  
28 effectivity of this Act, the Commission on Elections shall formulate the necessary rules  
29 and regulations for the effective implementation of this Act.

30           **SEC. 9. *Appropriations.*** – The initial funding to carry the present Act into effect  
31 shall be charged against the current appropriations of the Commission on Elections and  
32 other sources available under the current General Appropriations Act (GAA). Thereafter,

1 the amount necessary for the continued implementation of this act shall be included in  
2 the GAA.

3       **SEC. 10. *Repealing Clause.*** – All laws, decrees, orders, and issuances, or  
4 portions thereof, which are inconsistent with the provisions of this Act, are hereby  
5 repealed, amended, or modified accordingly.

6       **SEC. 11. *Separability Clause.*** – Should any part of this Act be declared  
7 unconstitutional, the other parts not affected thereby shall remain valid and effective.

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

*Approved,*