

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



14 MAR 26 P4 32

SENATE
S.B. No. 2178

RECEIVED BY: *[Signature]*

Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

EXPLANATORY NOTE

About 250,000 public school teachers sit as chairmen or member of the board election inspectors when Filipinos elect their president, vice president, senators, and members of Congress, governors, mayors and councilors.

Taking part in upholding the right of the Filipino to suffrage is not that simple for these teachers. After tirelessly working for the preparation, conduct and counting of votes of the elections, teachers receive insufficient compensation for their service. This is further aggravated by the delay in the release of their honoraria, even taking months.

Teachers are also exposed to high security risks as they perform their election duties, having alarming instances of harassment, violence and death, especially in election hotspot areas. According to a national paper, there were five casualties among the teachers in the 2010 elections.

Moreover, about a hundred teachers end up getting charged before Comelec by losing candidates. These candidates contest the results as they complain about the teachers' conduct of the elections.

In addition, their mandatory duties have prevented the teachers from voting because most of them are assigned in precincts that they are not registered as voters.

It is essential that assistance be provided to the teachers who have selflessly performed this important task every election year, even as they have developed a moral responsibility for doing it.

The BEI reform bill has had earlier versions in the past Congresses. HB 4096 promoted the voluntary election services and HB 6528 promoted an insurance package for BEI members. This bill aims to integrate the provisions of the two earlier versions into a comprehensive package of reform policy.

The bill attends to the key problems of the BEI members; they are to receive a minimum honoraria, insurance, equitable legal package commensurate of their service, and voting privileges.

The proposed amendment also gives the teachers the liberty to choose whether or not to serve in the elections. This allows them to protect themselves from political pressures and consider their personal welfare.

As teacher training and election operations are straining for the Department of Education's resources, the rich reservoir of civic volunteers can be tapped as alternative source of manpower for BEI members and poll staff.

Due to their experience in election monitoring the past elections, they have the competence and integrity operating the polls. The government then allows its citizens to further participate in the ensuring the legitimacy of the election process.

The proposed amendment builds on the recognition of its teachers as they play an important role in the conduct of the democratic processes of the Filipinos and extends the space where citizens can actively participate in the reform of institutions.

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

A handwritten signature in black ink, appearing to read "Bam Aquino". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Senator Paolo Benigno "Bam" A. Aquino IV

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AN ACT
MAKING ELECTION SERVICE NON-COMPULSORY FOR PUBLIC SCHOOL TEACHERS,
AUTHORIZING THE APPOINTMENT OF OTHER QUALIFIED CITIZENS, PROVIDING FOR
COMPENSATION AND OTHER BENEFITS, AMENDING FOR THE PURPOSE THE OMNIBUS
ELECTION CODE, REPUBLIC ACT NO. 6646,
AND OTHER ELECTION LAWS

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 “**Election Service Reform Act of**
2 **2014.**”

3 **SECTION 2. *Definition of Terms.*** – As used in this Act, the following terms shall mean:

4 (a) ***Beneficiaries*** shall refer to the qualified compulsory heirs of the deceased person
5 rendering election service under this Act.

6 (b) ***Commission*** shall refer to the Commission on Elections.

7 (c) ***Compensation*** shall refer to *per diem*, honoraria or allowances granted to the
8 Chairperson and members of the Board of Election Inspectors (BEI), Special Board of
9 Election Inspectors (SBEI), Board of Election Tellers (BET), Special Board of Election Tellers
10 (SBET), or DepEd Supervisor Official (DESO) and their support staff under this Act.

11 (d) ***Department or DepEd*** shall refer to the Department of Education.

12
13 (e) ***Election-related risk*** refers to any death or injury sustained by reason of or on the
14 occasion of the performance of election service or duties.

15
16 (f) ***Persons rendering election service*** refers to persons appointed by the Commission to
17 render election-related service as Chairperson or member of the BEI, SBEI, BET, SBET, and
18 DESO and their support staff.

19
20 (g) ***Other benefits*** shall refer to death and/or hospitalization benefits granted to persons
21 rendering election service or to their qualified beneficiaries under this Act, including the
22 provision for legal assistance and legal indemnification.

1 **SECTION 3. Rendering of Election Service.** – The BEI, SBEI, BET or the SBET to be
2 constituted by the Commission pursuant to the Omnibus Election Code and related laws, shall
3 be composed of a chairperson and two (2) members, all of whom shall be public school
4 teachers who are willing and available to render election service: *Provided*, that they are
5 registered voters.

6 Should there be not enough teachers willing, available or qualified to serve, the
7 Commission may appoint any registered voter of the city or municipality who are of known
8 probity and competence: *Provided*, that the Chairperson shall be a public school teacher. The
9 appointment of other qualified citizens shall follow the order of preference herein provided:

10 a. Private School Teachers;

11 b. National Government Employees:

12 i. DepEd Non-Teaching Personnel;

13 ii. Other national government officials and employees holding regular or
14 permanent positions, excluding uniformed personnel of the Armed Forces of
15 the Philippines (AFP) and the Philippine National Police (PNP): *Provided*, that
16 in cases where the peace and order situation so requires as determined by
17 the Commission, uniformed personnel of the PNP may be deputized to
18 render election service as a last resort.

19 c. Members of Commission-accredited citizen's arms and other civil society
20 organizations and non-governmental organizations duly accredited by the
21 Commission;

22 d. Any citizen of known probity and competence who is not involved with any
23 candidate or political party.

24 In cases when there may not be enough qualified voters, the Commission may oblige
25 qualified public school teachers to render election service. All persons appointed to render
26 election service shall meet all the other qualifications and possess none of the disqualifications
27 set forth in the Omnibus Election Code and other election laws.

28 **SECTION 4. Refusal from rendering election service.** - Notwithstanding the last
29 paragraph in the immediately preceding section, a public school teacher may refuse from
30 rendering election service on grounds, such as but not limited to, health, age, or security
31 concerns.

32 **SECTION 5. Honoraria and Allowances.** – Persons rendering election service shall be
33 entitled to honoraria, travel allowance, and such other benefits as may be granted by the
34 Commission.

35 For the first implementation of this Act, the Chairperson, members, DepEd Supervisor Official
36 and support staff shall each be entitled to honoraria of Six Thousand Pesos (P6,000.00), Five
37 Thousand Pesos (P5,000), Four Thousand Pesos (P4,000.00) and Two Thousand Pesos
38 (P2,000.00), respectively, and travel allowance of One Thousand Pesos (P1,000.00). Such
39 honoraria and allowances shall be paid not more than fifteen (15) days after the date of
40 election.

41 Such amounts shall be reviewed by the Commission in consultation with the DepEd every three
42 (3) years thereafter but in no case shall be lower than herein provided.

1 **SECTION 6. Service Credit.** - A minimum of five (5) days service credit shall accrue to all
2 government officials and employees serving as members of the BEI.

3 **SECTION 7. Other benefits.** – Persons rendering election service shall be entitled to
4 death and/or medical assistance for election-related risks to be drawn from the Trust Fund
5 provided in this Act.

6 (a) **Death Benefits** – The amount of five hundred thousand pesos (P500,000.00) shall
7 be awarded to the qualified beneficiaries. Such amount shall be reviewed by the Commission
8 every three (3) years thereafter, but in no case shall be lower than herein provided.

9 (b) **Medical Assistance** – Persons rendering election service shall be entitled to
10 medical assistance in such amount as may be determined by the Commission, sufficient to
11 answer for medical and hospitalization expenses, until recovery.

12 **SECTION 8. Legal Assistance.** – Persons rendering election service are hereby authorized
13 to engage the services of government or private lawyers immediately upon receipt of notice
14 that a civil or criminal action, suit or administrative proceeding is filed against them. The
15 lawyer’s fee shall be part of the indemnification package under this Act, subject to the
16 provisions of the immediately succeeding section.

17 **SECTION 9. Indemnification.** – The Commission shall establish an equitable legal
18 indemnification package for persons rendering election service which shall be in the form of
19 legal assistance and other forms of legal protection and indemnification for all legal costs and
20 expenses reasonably incurred by such persons in any administrative, civil or criminal action, suit
21 or proceeding to which they have been made a party by reason of the performance of their
22 functions or duties, unless they are finally adjudged in such action or proceeding to be guilty of
23 an election offense.

24 The legal assistance and indemnification shall not cover any action or suit initiated by a person
25 rendering election service in his or her personal capacity or in behalf of the Commission, unless
26 such action, proceeding, or claim was authorized by the Commission.

27 **SECTION 10. Procedure.** - The claimant shall file their respective claims for legal
28 assistance and indemnification with their respective agencies and shall secure the approval of
29 their respective heads of agencies on the terms and conditions of the engagement of counsel.
30 Private individuals rendering election service shall file their claims with the Commission.

31 If the claimant is found to be not guilty of an election offense, he shall liquidate his cash
32 advances or be allowed reimbursement for reasonable expenses, as the case maybe. However,
33 if the claimant is found to be guilty of an election offense, he shall be denied reimbursement or
34 if cash advances have been made, he shall return the cash advance made through salary
35 deduction or reimbursement, as may be applicable.

36 The funds to be used for the grant of legal assistance and indemnification shall be drawn from
37 the agency’s annual appropriation and from the trust fund provided under this Act.

38 **SECTION 11. Election Offense.** – Any person who makes or causes the delay in the
39 payment of the honoraria and allowances due persons rendering election service beyond the
40 prescribed period of fifteen (15) days from the date of election shall be liable of an election
41 offense.

42 **SECTION 12. Establishment and Administration of a Trust Fund.** – The Commission
43 shall establish a special trust fund for medical assistance, death benefits, legal assistance and

1 indemnification as provided under this Act. The funds allocated to the Commission shall not be
2 used for purposes other than what are provided for by this Act.

3 **SECTION 13. *Appropriation Clause.*** – The initial funding of this Act shall be charged
4 against the current year’s appropriations of the Commission on Elections. Thereafter, such
5 amount as may be necessary for the continued implementation of this Act shall be included in
6 the annual General Appropriations Act.

7 **SECTION 14. *Implementing Rules and Regulations.*** – Within ninety (90) days from the
8 promulgation of this Act, the Commission with the assistance of the Department of Education,
9 Office of the Solicitor General, Department of Justice, National Teacher Organizations, Election
10 Monitoring Organizations and such other civil society organizations as may be determined by
11 the Commission shall formulate the Implementing Rules and Regulations of this Act.

12 **SECTION 15. *Repealing Clause.*** – All laws, presidential decrees, executive orders,
13 resolutions, rules and regulations, other issuances, and parts thereof, which are inconsistent
14 with the provisions of this Act, are hereby repealed or modified accordingly.

15 **SECTION 16. *Separability Clause.*** – If any part or provision of this Act shall be declared
16 unconstitutional or invalid, other provisions hereof which are not affected thereby shall
17 continue to be in full force and effect.

18 **SECTION 17. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days following its
19 publication in at least two (2) newspapers of general circulation.

20 *Approved,*