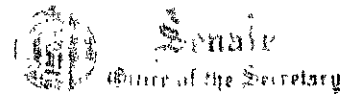


SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )



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SENATE  
S. No. 2443

SECRETARY *[Signature]*

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Introduced by Senator Miriam Defensor Santiago

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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

EXPLANATORY NOTE

The Constitution, Article 9.C, Section 2(4) provide:

SEC. 2. The Commission on Elections shall exercise the following powers and functions:

(4) Deputize, with the concurrence of the President, law enforcement agencies and instrumentalities of the Government, including the Armed Forces of the Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful and credible elections.

In response to the clamor of the ranks of public school teachers across the country, this proposed measure seeks to make election service non-compulsory for public school teachers; thereby opening up election service to other national government employees, members of COMELEC-accredited citizens arms, and private citizens of known integrity and competence.

To make election service attractive to other government employees and citizens and to protect the rights and privileges of those appointed to the Board of

Election Inspectors or Tellers, the bill likewise seeks to institutionalize the benefits and privileges of BEI/BET members as well as increase the present rate of honoraria and allowances they are receiving. The bill also seeks to provide them with legal assistance and indemnification.

This bill has been a long-standing demand of public school teachers since the advent of elections in the country. Through the years, public school teachers have been subjected to harassment, humiliation, hardship, and even violence during the election period.

The practice in other countries has shown that elections tellers (or BEI in the Philippine setting) are not necessarily public school teachers but come from all sectors of society. In fact, the worldwide trend is to open up election service to citizens of known integrity and competence and not limit it to teachers. Since elections are fundamental in any democracy, election service must be the burden of all citizens and not only of one sector.

It should be noted that our election laws already provide for the participation of other sectors in elections such as the local government units, military and police, NBI, poll waters, canvassing watchers, hence, other sectors already participate in elections.

Moreover, should public school teachers be unavailable to serve, the country has a large number of national government employees and civil society organizations or NGOs who are regularly involved in elections (such as PPCRV and NAMFREL) and they have the competence and integrity to take the place of teachers.

Through this package of reforms, we would be able to motivate greater citizen participation during elections, address the clamor of public school teachers, and further ensure the integrity of the electoral process that is the bedrock of our democracy.

*our* *Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO



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SENATE  
S. No. 2443

RECEIVED BY: lv

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Introduced by Senator Miriam Defensor Santiago

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

1 AN ACT

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

7 SECTION 1. *Short Title.* – This act shall be known as the “Election Service  
8 Reform Act of 2014.”

9 SECTION 2. . *Definitions.* – In this Act, the terms are defined as follows:

10 1. “Beneficiaries” shall refer to the qualified compulsory heirs of the  
11 deceased person rendering election service under this Act;

12 2. “Commission” shall refer to the Commission on Elections;

13 3. “Compensation” shall refer to per diem, honoraria or allowances granted  
14 to the Chairperson and members of the Board of Election Inspectors  
15 (BEI), Special Board of Election Inspectors (SBEI), Board of Election  
16 Tellers (BET), Special Board of Election Tellers (SBET), or DepEd  
17 Supervisor Official (DESO) and their support staff under this Act;

1 4. "Department or DepEd" shall refer to the Department of Education;

2 5. "Election-related risk" refers to any death or injury sustained by reason  
3 of or on the occasion of the performance of election service or duties; and

4 6. "Persons rendering election service" refers to persons appointed by the  
5 Commission to render election-related service as Chairperson or member  
6 of the BEI, SBEI, BET, SBET, and DESO and their support staff; and

7 7. "Other benefits" shall refer to death and/or hospitalization benefits  
8 granted to persons rendering election service or to their qualified  
9 beneficiaries under this Act, including the provision for legal assistance  
10 and legal indemnification.

11 SECTION 3. *Qualifications and Disqualifications for Appointment.* – No  
12 person shall be appointed by the Commission as chairman, member or substitute  
13 member of the BEI, SBEI, BET or SBET unless he is a registered voter, of good  
14 moral character, of known integrity and competence, and able to speak, read, and  
15 write English and Filipino. He must not have been convicted of any election  
16 offense or of any crime punishable by more than six (6) months imprisonment, and  
17 at the time of appointment, must not have any pending case or information for any  
18 election offense.

19 No person shall serve as chairman or member of the BEI, SBEI, BET or  
20 SBET: (1) if he is related within the fourth civil degree of consanguinity or affinity  
21 to any member of the BEI, SBEI, BET or SBET or to any candidate to be voted for  
22 in the polling place or to the latter's spouse; or (2) if he is directly or indirectly  
23 involved or associated with any candidate or political party.

1           SECTION 4. *Rendering of Election Service.* – The BEI, SBEI, BET or the  
2 SBET to be constituted by the Commission shall be composed of a chairperson and  
3 two (2) members, all of whom shall be public school teachers who are willing and  
4 available to render election service.

5           Should there be a lack of teachers willing, available or qualified to serve, the  
6 Commission may instead appoint the following in the order of preference:

- 7           1. Private School Teachers;
- 8           2. National Government Employees:
  - 9               a. DepEd Non-Teaching Personnel;
  - 10              b. Other national government officials and employees holding regular  
11              or permanent positions, excluding uniformed personnel of the  
12              Department of National Defense and all its attached agencies.
- 13          3. Members of Commission-accredited citizen’s arms and other civil society  
14          organizations and non-governmental organizations duly recognized by  
15          the Commission;
- 16          4. Any registered voter of the city or municipality of known integrity and  
17          competence.

18           In cases where the peace and order situation so requires as determined by the  
19 Commission or where there are no qualified voters willing to serve, uniformed  
20 personnel of the Philippine National Police shall be deputized to render election  
21 service as a last resort.

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

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

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

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

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

19 1. Death Benefits - The amount of five hundred thousand pesos  
20 (P500,000.00) shall be awarded to the qualified beneficiaries. Such  
21 amount shall be reviewed by the Commission every three (3) years  
22 thereafter, but in no case shall be lower than provided in this Act.

1           2. Medical Assistance - Persons rendering election service shall be entitled  
2           to medical assistance in such amount as may be determined by the  
3           Commission.

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

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

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

22          SECTION 10. *Procedure.* – The claimant shall file their respective claims  
23 for legal assistance and indemnification with their respective agencies and shall



1 secure the approval of their respective heads of agencies on the terms and  
2 conditions of the engagement of counsel. Private individuals rendering election  
3 service shall file their claims with the Commission.

4 If the claimant is found to be not guilty of an election offense, he shall  
5 liquidate his cash advances or be allowed reimbursement for reasonable expenses,  
6 as the case maybe. However, if the claimant is found to be guilty of an election  
7 offense, he shall be denied reimbursement or if cash advances have been made, he  
8 shall return the cash advance made through salary deduction or reimbursement, as  
9 may be applicable.

10 The funds to be used for the grant of legal assistance and indemnification  
11 shall be drawn from the agency's annual appropriation and from the special fund  
12 provided under this Act.

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

17 SECTION 12. *Establishment and Administration of a Special Fund*. – The  
18 Commission shall establish a special fund for medical assistance, death benefits,  
19 legal assistance and indemnification as provided under this Act. The funds  
20 allocated shall not be used for purposes other than what are provided for by this  
21 Act.

22 SECTION 13. *Appropriation Clause*. – The initial funding of this Act shall  
23 be charged against the current year's appropriations of the Commission on

1 Elections. Thereafter, such amount as may be necessary for the continued  
2 implementation of this Act shall be included in the annual General Appropriations  
3 Act.

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

10 SECTION 15. *Repealing Clause.* – Any law, presidential decree or issuance,  
11 executive order, letter of instruction, administrative order, rule or regulation  
12 contrary to or is inconsistent with the provision of this Act is hereby repealed,  
13 modified, or amended accordingly.

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

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

19 Approved,

/apm10312014