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OF THE PHILIPPINES )  
Second Regular Session )



Senate  
Office of the Secretary

14 DEC 15 P3:24

**S E N A T E**  
**S.B. NO. 2516**

NO. 811 BY

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Introduced by **SENATOR LOREN LEGARDA**

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**AN ACT RENDERING 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 Department of Education estimates that up to 500,000 public school teachers are required to perform various duties during elections. By giving public school teachers the freedom of deciding on their responsibilities and allowing others to participate as election officers during elections, we are following the true spirit of participatory democracy. This bill seeks to give public school teachers the option of non-performance of election duties.

Under this measure, public school teachers are allowed to refuse service as members of the Board of Election Tellers (BETs) given valid health, age, and security reasons. The selection of BETs will now include private school teachers, national government employees, members of civil society and non-government organizations, as well as individuals of known probity and competence. Those who render their services during elections will be given adequate honorarium, benefits and protection because of the high risk of the work. The honoraria will range from P6,000 to P1,000 and will be given within 15 days after elections. Election volunteers will also get P1,000 travel allowance. Any costs due to medical emergency that arises during the rendering of election duty shall be paid for by the Commission. There will be a death benefit with the sum of P500,000. BEC members will also be entitled to a private lawyer or legal assistance should they need it. A trust fund will be established by the Commission to fund the payment of the BET members' needs.



**LOREN LEGARDA**

Senator

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AND OTHER ELECTION LAWS**

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

3  
4       **SEC. 2. Definition of Terms**

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

8       (b) Commission shall refer to the Commission on Elections.

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

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

16       (e) Election-related risk refers to any death or injury sustained by  
17       reason of or on the occasion of the official performance of election  
18       service or duties.

19       (f) Persons rendering election service refers to persons appointed by  
20       the Commission to render election-related service as Chairperson or  
21       member of the BEI, SBEI, BET, SBET, and DESO and their support  
22       staff.

23       (g) Other benefits shall refer to death and/or hospitalization benefits  
24       granted to persons rendering election service or to their qualified  
25       beneficiaries under this Act, including the provision for legal  
26       assistance and legal indemnification.  
27

1           **SEC. 3. Rendering of Election Service.** – The BEI, SBEI, BET or the  
2 SBET to be constituted by the Commission pursuant to the Omnibus  
3 Election Code and related laws, shall be composed of a chairperson and two  
4 (2) members, all of whom shall be public school teachers who are willing and  
5 available to render election service: Provided, that they are registered voters.  
6

7           Should there be not enough teachers willing, available or qualified to  
8 serve, the Commission may appoint any registered voter of the city or  
9 municipality who are of known probity and competence: Provided, that the  
10 Chairperson shall be a public school teacher. The appointment of other  
11 qualified citizens shall follow the order of preference herein provided:  
12

13           a. Private School Teachers;

14           b. National Government Employees:

15                 i. DepEd Non-Teaching Personnel;

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

23           c. Members of Commission-accredited citizen's arms and other civil  
24 society organizations and non-governmental organizations duly  
25 accredited by the Commission;

26           d. Any citizen of known probity and competence who is not involved  
27 with any candidate or political party.  
28

29           In cases when there may not be enough qualified voters, the  
30 Commission may oblige qualified public school teachers to render election  
31 service. All persons appointed to render election service shall meet all the  
32 other qualifications and possess none of the disqualifications set forth in the  
33 Omnibus Election Code and other election laws.  
34

35           **SEC. 4. Refusal from rendering election service.** - Notwithstanding  
36 the last paragraph in the immediately preceding section, a public school  
37 teacher may refuse from rendering election service on grounds, such as but  
38 not limited to, health, age, or security concerns.  
39

40           **SEC. 5. Honoraria and Allowances.** – Persons rendering election  
41 service shall be entitled to honoraria, travel allowance, and such other  
42 benefits as may be granted by the Commission.  
43

44           For the first implementation of this Act, the Chairperson, members,  
45 DepEd Supervisor Official and support staff shall each be entitled to  
46 honoraria of Six Thousand Pesos (P6,000.00), Five Thousand Pesos (P5,000),  
47 Four Thousand Pesos (P4,000.00) and Two Thousand Pesos (P2,000.00),  
48 respectively, and travel allowance of One Thousand Pesos (P1,000.00). Such

1 honoraria and allowances shall be paid not more than fifteen (15) days after  
2 the date of election.

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

7  
8 **SEC. 6. Service Credit.** A minimum of five (5) days service credit  
9 shall accrue to all government officials and employees serving as members of  
10 the BEI.

11  
12 **SEC. 7. Other benefits.** – Persons rendering election service shall be  
13 entitled to death and/or medical assistance for election-related risks to be  
14 drawn from the Trust Fund provided in this Act.

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

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

23  
24 **SEC. 8. Legal Assistance.** – Persons rendering election service are  
25 hereby authorized to engage the services of government or private lawyers  
26 immediately upon receipt of notice that a civil or criminal action, suit or  
27 administrative proceeding is filed against them. The lawyer's fee shall be  
28 part of the indemnification package under this Act, subject to the provisions  
29 of the immediately succeeding section.

30  
31 **SEC. 9. Indemnification.** – The Commission shall establish an  
32 equitable legal indemnification package for persons rendering election  
33 service which shall be in the form of legal assistance and other forms of legal  
34 protection and indemnification for all legal costs and expenses reasonably  
35 incurred by such persons in any administrative, civil or criminal action, suit  
36 or proceeding to which they have been made a party by reason of the  
37 performance of their functions or duties, unless they are finally adjudged in  
38 such action or proceeding to be guilty of an election offense.

39  
40 The legal assistance and indemnification shall not cover any action or  
41 suit initiated by a person rendering election service in his or her personal  
42 capacity or in behalf of the Commission, unless such action, proceeding, or  
43 claim was authorized by the Commission.

44  
45 **SEC. 10. Procedure.** – The claimant shall file their respective claims  
46 for legal assistance and indemnification with their respective agencies and  
47 shall secure the approval of their respective heads of agencies on the terms  
48 and conditions of the engagement of counsel. Private individuals rendering  
49 election service shall file their claims with the Commission.

1  
2 If the claimant is found to be not guilty of an election offense, he shall  
3 liquidate his cash advances or be allowed reimbursement for reasonable  
4 expenses, as the case maybe. However, if the claimant is found to be guilty  
5 of an election offense, he shall be denied reimbursement or if cash advances  
6 have been made, he shall return the cash advance made through salary  
7 deduction or reimbursement, as may be applicable.

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

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

16  
17 **SEC. 12. Establishment and Administration of a Trust Fund.** –  
18 The Commission shall establish a special trust fund for medical assistance,  
19 death benefits, legal assistance and indemnification as provided under this  
20 Act. The funds allocated to the Commission shall not be used for purposes  
21 other than what are provided for by this Act.

22  
23 **SEC. 13. Appropriation Clause.** – The initial funding of this Act shall  
24 be charged against the current year's appropriations of the Commission on  
25 Elections. Thereafter, such amount as may be necessary for the continued  
26 implementation of this Act shall be included in the annual General  
27 Appropriations Act.

28  
29 **SEC. 14. Implementing Rules and Regulations.** – Within ninety (90)  
30 days from the promulgation of this Act, the Commission with the assistance  
31 of the Department of Education, Office of the Solicitor General, Department  
32 of Justice, National Teacher Organizations, Election Monitoring  
33 Organizations and such other civil society organizations as may be  
34 determined by the Commission shall formulate the Implementing Rules and  
35 Regulations of this Act.

36  
37 **SEC. 15. Repealing Clause.** – All laws, presidential decrees, executive  
38 orders, resolutions, rules and regulations, other issuances, and parts  
39 thereof, which are inconsistent with the provisions of this Act, are hereby  
40 repealed or modified accordingly.

41  
42 **SEC. 16. Separability Clause.** – If any part or provision of this Act  
43 shall be declared unconstitutional or invalid, other provisions hereof which  
44 are not affected thereby shall continue to be in full force and effect.

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

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5           **Approved.**

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