


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



15 SEP -8 19:30

SENATE
S. B. No. 2939

RECEIVED BY: 

Introduced by Senator Aquilino "Koko" Pimentel III

AN ACT
PROVIDING HONORARIA AND ALLOWANCES, SERVICE
CREDITS, LEGAL ASSISTANCE AND INDEMNIFICATION
PACKAGE, AND OTHER BENEFITS FOR PERSONS
RENDERING ELECTION SERVICE

EXPLANATORY NOTE

Due to the high esteem we place on teachers, they are considered as the most honest and credible members of the civil service. For this reason, the law placed in their hands the solemn duty of ensuring the sanctity of our elections. *Section 13 of Republic Act No. 6646*, otherwise known as "*The Electoral Reforms Law of 1987*," provides that the Board of Election Inspectors (BEI) shall be public school teachers while *Section 40 of Batas Pambansa Blg. 881*, otherwise known as the "*The Omnibus Election Code*," provides that the Chairman of the Board of Election Tellers (BET) shall be a public elementary school teacher.


However, because of their election duty, our public school teachers and other persons rendering election service have been subjected to harassment by rival parties and goons, have been vulnerable to criminal prosecution without adequate legal support, and have endured long, tension-filled work at meager allowances.

Not only will this bill increase the honoraria and allowances of public school teachers and other persons rendering election service, but it will also institutionalize government assistance to those serving as poll workers in the forms of legal, medical, death assistance, and other benefits package as protection for election-related risks.


AQUILINO "KOKO" PIMENTEL III

SIXTEENTH CONGRESS OF THE)
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**AN ACT
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RENDERING ELECTION SERVICE**

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

1 **SECTION 1. Definition of Terms.** – As used in this Act, the
2 following terms shall mean:

3
4 (a) “Beneficiaries” shall refer to the qualified compulsory heirs of
5 the deceased person rendering election service under this Act.

6
7 (b) “Commission” shall refer to the Commission on Elections.

8
9 (c) “Compensation” shall refer to *per diem*, honoraria, or
10 allowances granted to the Chairperson and members of the Board of
11 Election Inspectors (BEI), Special Board of Election Inspectors (SBEI),
12 Board of Election Tellers (BET), Special Board of Election Tellers
13 (SBET), hereinafter collectively referred to as “Electoral Boards,” or

1 Department of Education Supervisor Official (DESO), and their support
2 staff under this Act.

3
4 (d) "Department or DepEd" shall refer to the Department of
5 Education.

6
7 (e) "Election-related risk" shall refer to any death or injury
8 sustained by reason of or on the occasion of the performance of election
9 service or duties.

10
11 (f) "Persons rendering election service" shall refer to persons
12 appointed by the Commission to render election-related service as
13 Chairperson or member of the BEI, SBEI, BET, SBET, and DESO, and
14 their support staff.

15
16 (g) "Other benefits" shall refer to death and/or hospitalization
17 benefits granted to persons rendering election service or to their qualified
18 beneficiaries under this Act, including the provision for legal assistance
19 and legal indemnification.

20
21 **SECTION 2. *Honoraria and Allowances.*** – Persons rendering
22 election service shall be entitled to honoraria, travel allowance, and such
23 other benefits as may be granted by the Commission.

24
25 For the first implementation of this Act, the following shall be
26 entitled to the corresponding honoraria:

27

28	Chairperson of Electoral Boards	P6,000.00
29	Members of Electoral Boards	P5,000.00

1	DESO	P4,000.00
2	Support Staff	P2,000.00

3

4 All of the foregoing shall be entitled to an additional travel
5 allowance of One Thousand Pesos (P1,000.00) each.

6

7 Such honoraria and allowances shall be paid within fifteen (15) days
8 from the date of election.

9

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

13

14 **SECTION 3. *Service Credit.*** – A minimum of five (5) days service
15 credit shall accrue to all government officials and employees serving as
16 members of the BEI.

17

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

21

22 (a) **Death Benefits** – The amount of Five Hundred Thousand
23 Pesos (P500,000.00) shall be awarded to the qualified beneficiaries. Such
24 amount shall be reviewed by the Commission every three (3) years
25 thereafter, but in no case shall be lower than herein provided.

26

27 (b) **Medical Assistance** – persons rendering election service shall
28 be entitled to medical assistance in such amount as may be determined by

1 the Commission, sufficient to answer for medical and hospitalization
2 expenses, until recovery.

3
4 **SECTION 5. *Legal Assistance.*** – Persons rendering election service
5 are hereby authorized to engage the services of government or private
6 lawyers immediately upon receipt of notice that a civil or criminal action,
7 suit, or administrative proceeding is filed against them. The lawyer’s fee
8 shall be part of the indemnification package under this Act, subject to the
9 provisions of the immediately succeeding section.

10
11 **SECTION 6. *Indemnification.*** – The Commission shall establish an
12 equitable legal indemnification package for persons rendering election
13 service which shall be in the form of legal assistance and other forms of
14 legal protection and indemnification for all legal costs and expenses
15 reasonably incurred by such persons in any administrative, civil, or
16 criminal action, suit or proceeding to which they have been made a party
17 by reason of the performance of their functions or duties, unless they are
18 finally adjudged in such action or proceeding to be guilty of an election
19 offense.

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

25
26 **SECTION 7. *Procedure.*** – The claimants shall file their respective
27 claims for legal assistance and indemnification with their respective
28 agencies and shall secure the approval of their respective heads of agencies
29 on the terms and conditions of the engagement of counsel. Private

1 individuals rendering election service shall file their claims with the
2 Commission.

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

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

14
15 **SECTION 8. *Election Offense.*** – Any person who makes or causes
16 the delay in the payment of the honoraria and allowances due persons
17 rendering election service beyond the prescribed period of fifteen (15) days
18 from the date of election shall be liable for an election offense.

19
20 **SECTION 9. *Establishment and Administration of a Trust Fund.*** –
21 The Commission shall establish a special trust fund for medical assistance,
22 death benefits, legal assistance and indemnification as provided under this
23 Act. The funds allocated to the Commission shall not be used for purposes
24 other than what are provided for by this Act.

25
26 **SECTION 10. *Appropriation.*** – The initial funding of this Act shall
27 be charged against the current year's appropriations of the Commission.
28 Thereafter, such amount as may be necessary for the continued

1 implementation of this Act shall be included in the annual General
2 Appropriations Act.

3
4 **SECTION 11.** *Implementing Rules and Regulations.* – Within
5 ninety (90) days from the promulgation of this Act, the COMELEC with
6 the assistance of DepEd, Office of the Solicitor General, Department of
7 Justice, National Teacher Organizations, Election Monitoring
8 Organizations, and such other civil society organizations as may be
9 determined by the COMELEC shall formulate the Implementing Rules and
10 Regulations of this Act.

11
12 **SECTION 12.** *Separability Clause.* - Should any provision of this
13 Act or part hereof be declared unconstitutional, the other provisions or
14 parts not affected thereby shall remain valid and effective.

15
16 **SECTION 13.** *Repealing Clause.* - All laws, decrees, orders, and
17 issuances, or portions thereof, which are inconsistent with the provisions of
18 this Act, are hereby repealed, amended or modified accordingly.

19
20 **SECTION 14.** *Effectivity.* - This Act shall take effect after fifteen
21 (15) days after its publication in two (2) newspapers of general circulation.

Approved,