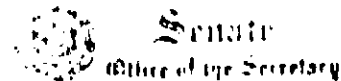
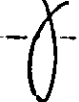


SIXTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
Third Regular Session

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15 DEC 14 P4:00

RECEIVED BY: 

**SENATE**

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**COMMITTEE REPORT NO. 336**

Submitted by the Committees on Electoral Reforms and People's Participation; and Finance on DEC 14 2015.

Re: Senate Bill No. 2178 taking into consideration Senate Bill Nos. 2443, 2516, and 2939.

Recommending its approval with amendments.

Sponsor: Senator Pimentel III

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**MR. PRESIDENT:**

The Committees on Electoral Reforms and People's Participation; and Finance, to which were referred Senate Bill No. 2178 introduced by Senator Aquino IV, entitled:

**"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"**

taking into consideration Senate Bill No. 2443 introduced by Senator Defensor Santiago, entitled:

**"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"**

Senate Bill No. 2516 introduced by Senator Legarda, entitled:

**"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"**

and Senate Bill No. 2939 introduced by Senator Pimentel III, entitled:

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

have considered the same and have the honor to report it back to the Senate with the recommendation that Senate Bill No. 2178 be approved with the following amendments; to wit:

1. On the first page of the bill, line 1 – after the phrase "Election Service Reform Act" delete the phrase "of 2014"
2. On the first page of the bill, line 3 – after the phrase "in this Act" delete the punctuation mark comma "," and the phrase "the following terms shall mean";
3. On the first page of the bill, line 10 – after the acronym "(SBET)," insert the phrase "HEREINAFTER COLLECTIVELY REFERRED TO AS "ELECTORAL BOARDS,"

4. On the same page and line – after the conjunction "or" delete the acronym "DepEd" and replace it with the phrase "**DEPARTMENT OF EDUCATION**";

5. On the same page and line – after the phrase "and their" insert the word "**RESPECTIVE**";

6. On the first page of the bill, line 13 – after the phrase "*Election-related risk*" delete the word "refers" and in lieu thereof insert the phrase "**SHALL REFER**";

7. On the first page of the bill, line 16 – after the phrase "*Persons rendering election service*" delete the word "refers" and in lieu thereof insert the phrase "**SHALL REFER**";

8. On the first page of the bill, line 17 – after the phrase "member of the" delete the acronyms "BEI, SBEI, BET, SBET," and in lieu thereof replace it with the phrase "**ELECTORAL BOARDS**";

9. On the first page of the bill, line 18 - after the phrase "and their" insert the word "**RESPECTIVE**";

10. On the first page of the bill, line 21 - after the phrase "or to their" delete the word "qualified";

11. On the second page of the bill, line 1 – after the article "The" delete the acronyms "BEI, SBEI, BET, SBET," and in lieu thereof insert the phrase "**ELECTORAL BOARDS**";

12. On the second page of the bill, line 2 – after the word "Commission" delete the phrase "pursuant to the Omnibus Election Code and related laws,";

13. On the second page of the bill, line 3 - after the phrase "composed of a" capitalize the small letter "c" on the word "chairperson";

14. On the second page of the bill, line 4 - after the word "service" delete the punctuation mark colon ":" and the phrase "Provided, that they are registered voters";

15. On the second page of the bill, line 6 - after the phrase "Should there be" delete the phrase "not enough" and replace it with the phrase "A LACK OF PUBLIC SCHOOL";

16. On the second page of the bill, line 7 - after the phrase "Commission may" delete the phrase "appoint any registered voter of the city or municipality who are of known probity and competence; Provided, that the Chairperson shall be a public school teacher, The appointment of the other qualified citizens shall follow the order of preference herein provided;" and replace it with the phrase "INSTEAD APPOINT THE FOLLOWING PERSONS IN THIS ORDER OF PREFERENCE";

17. On the second page of the bill, line 14 - after the phrase "excluding uniformed personnel of the" delete the phrase "Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP); Provided, that in cases where the peace and order situation so requires as determined by the Commission, uniformed personnel of the PNP may be deputized to render election service as a last resort," and replace it with the phrase "DEPARTMENT OF NATIONAL DEFENSE AND ALL ITS ATTACHED AGENCIES";

18. On the second page of the bill, line 19 – after the phrase "Commission-accredited" delete the phrase "citizen's arms and" and in lieu thereof insert the phrase "**CITIZEN ARMS OR**";

19. On the second page of the bill, line 22 –delete the phrase "Any citizen of known probity and competence who is not involved" and replace it with the phrase "**ANY REGISTERED VOTER OF THE CITY OR MUNICIPALITY OF KNOWN INTEGRITY AND COMPETENCE WHO IS NOT CONNECTED**";

20. On the second page of the bill, lines 24 to 27 – delete the entire paragraph and in lieu thereof replace it with a new paragraph to read as follows:

**"IN CASES WHERE THE PEACE AND ORDER SITUATION SO REQUIRES AS DETERMINED BY THE COMMISSION AND WHERE THERE ARE NO QUALIFIED VOTERS WILLING TO SERVE, UNIFORMED PERSONNEL OF THE PHILIPPINE NATIONAL POLICE SHALL BE DEPUTIZED TO RENDER ELECTION SERVICE AS A LAST RESORT.";**

21. On the second page of the bill, lines 28 to 31 – delete the entire "**SECTION 4**";

22. On the second page of the bill, line 32 - renumber "**SECTION 5**" to "**SECTION 4**";

23. On the second page of the bill, lines 35 to 40 – delete the entire second paragraph and in lieu thereof insert the following new paragraphs to read as:

**"FOR THE FIRST IMPLEMENTATION OF THIS ACT, THE FOLLOWING SHALL BE ENTITLED TO THE CORRESPONDING HONORARIA:**

<b>CHAIRPERSON OF ELECTORAL BOARDS</b>	<b>P6,000.00</b>
<b>MEMBERS OF ELECTORAL BOARDS</b>	<b>P5,000.00</b>
<b>DESO</b>	<b>P4,000.00</b>
<b>SUPPORT STAFF</b>	<b>P2,000.00</b>

**ALL OF THE FOREGOING SHALL BE ENTITLED TO AN ADDITIONAL TRAVEL ALLOWANCE OF ONE THOUSAND PESOS (P1,000.00) EACH.**

**SUCH HONORARIA AND ALLOWANCES SHALL BE PAID WITHIN FIFTEEN (15) DAYS FROM THE DATE OF ELECTION.";**

24. On the second page of the bill, line 42 – after the phrase "(3 years" delete the phrase "hereafter but in no case shall" and in lieu thereof insert the phrase **"FROM THE EFFECTIVITY OF THIS ACT BUT IN NO CASE SHALL THE REVISED AMOUNTS";**

25. On the third page of the bill, line 1 - renumber **"SECTION 6"** to **"SECTION 5";**

26. On the third page of the bill, line 2 – after the phrase "members of the" delete the acronym **"BEI"** and replace it with the phrase **"ELECTORAL BOARDS AND DESO, AND THEIR RESPECTIVE SUPPORT STAFF";**

27. On the third page of the bill, line 3 - renumber **"SECTION 7"** to **"SECTION 6";**

28. On the third page of the bill, line 6 – after the phrase "The amount of" capitalize the first letters on the phrase "five hundred thousand pesos";

29. On the third page of the bill, line 7 – after the article "the" delete the phrase "qualified beneficiaries" and replace it with the phrase **"BENEFICIARIES IN ACCORDANCE WITH THE IMPLEMENTING RULES AND REGULATIONS OF THIS ACT"**;

30. On the third page of the bill, line 8 – after the phrase "in no case shall" insert the phrase **"THE REVISED AMOUNT"**;

31. On the third page of the bill, line 12 - renumber **"SECTION 8"** to **"SECTION 7"**;

32. On the third page of the bill, line 14 – after the phrase "filed against them" insert the phrase **"IN CONNECTION WITH THEIR ELECTION SERVICE"**;

33. On the third page of the bill, line 17 - renumber **"SECTION 9"** to **"SECTION 8"**;

34. On the third page of the bill, line 25 – after the phrase "personal capacity or" delete the word "in" and replace it with the word **"ON"**;

35. On the third page of the bill, line 27 – renumber **"SECTION 10"** to **"SECTION 9"**;

36. On the same page and line – after the article "the" delete the word "claimant" and in lieu thereof insert the word **"CLAIMANTS"**;

37. On the third page of the bill, line 31 – after the phrase "claimant is found" delete the phrase "to be";

38. On the third page of the bill, line 38 - renumber **"SECTION 11"** to **"SECTION 10"**;

39. On the third page of the bill, line 40 – after the phrase "shall be liable" delete the word "of" and in lieu thereof insert the word "FOR";

40. On the third page of the bill, line 42 - renumber "SECTION 12" to "SECTION 11";

41. On the fourth page of the bill, line 1 – after the article "The" delete the phrase "funds allocated to the Commission" and in lieu thereof insert the phrase "TRUST FUND";

42. On the fourth page of the bill, line 3 - renumber "SECTION 13" to "SECTION 12";

43. On the fourth page of the bill, line 7 - renumber "SECTION 14" to "SECTION 13";

44. On the fourth page of the bill, line 8 – after the phrase "assistance of" delete the phrase "the Department of Education" and replace it with the acronym "DEPED";

45. On the fourth page of the bill, line 12 – insert a new "SECTION 14" to read as follows:

**"SECTION 14. TRANSITORY CLAUSE. - WITHIN THIRTY (30) DAYS AFTER THE EFFECTIVITY OF THIS ACT, THE COMMISSION SHALL DETERMINE IF IT STILL HAS MATERIAL TIME TO IMPLEMENT SECTION 3 HEREOF ON THE NON-COMPULSORY ELECTION SERVICE OF PUBLIC SCHOOL TEACHERS IN THE 2016 NATIONAL AND LOCAL ELECTIONS, OTHERWISE THE SAME SHALL BE IMPLEMENTED IN SUBSEQUENT ELECTIONS.";**



46. On the fourth page of the bill, line 12 – delete the entire provision of "SECTION 15" and replace it with a new provision to read as follows:

**"SECTION 15. REPEALING CLAUSE. – ALL LAWS, DECREES, ORDERS, AND ISSUANCES, OR PROVISIONS THEREOF, WHICH ARE INCONSISTENT WITH THE PROVISIONS OF THIS ACT, ARE HEREBY REPEALED, AMENDED OR MODIFIED ACCORDINGLY.";**

47. On the fourth page of the bill, line 15 – delete the entire provision of "SECTION 16" and replace it with a new provision to read as follows:

**"SECTION 16. SEPARABILITY CLAUSE. – SHOULD ANY PROVISION OF THIS ACT OR PART HEREOF BE DECLARED UNCONSTITUTIONAL, THE OTHER PROVISIONS OR PARTS NOT AFFECTED THEREBY SHALL REMAIN VALID AND EFFECTIVE.";**

48. On the fourth page of the bill, line 18 – after the phrase "shall take effect" delete the phrase "fifteen (15) days following" and replace it with the phrase "IMMEDIATELY AFTER";

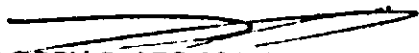
49. On the fourth page of the bill, line 19 – after the phrase "publication in" delete the phrase "at least"; and

50. The title of the bill is amended to read as follows:

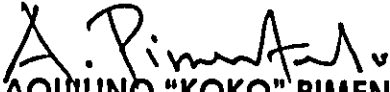
**"AN ACT  
RENDERING ELECTION SERVICE NON-COMPULSORY FOR PUBLIC  
SCHOOL TEACHERS, AUTHORIZING THE APPOINTMENT OF  
OTHER QUALIFIED CITIZENS, PROVIDING FOR COMPENSATION  
AND OTHER BENEFITS"**

Respectfully submitted:

Chairpersons

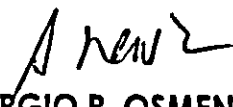


**LOREN B. LEGARDA**  
Committee on Finance  
Member, Committee on Electoral Reforms &  
People's Participation



**AQUILINO "KOKO" PIMENTEL III**  
Committee on Electoral Reforms &  
People's Participation  
Member, Committee on Finance


Vice Chairpersons



**SERGIO R. OSMENA III**  
Committee on Finance  
Member, Committee on Electoral Reforms &  
People's Participation

**GRACE POE**  
Committee on Electoral Reforms &  
People's Participation  
Member, Committee on Finance

**TEOFISTO L. GUINGONA III**  
Committee on Finance  
Member, Committee on Electoral Reforms &  
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**CYNTHIA A. VILLAR**  
Committee on Finance  
Member, Committee on Electoral Reforms &  
People's Participation



**SONNY ANGARA**  
Committee on Finance




**PAOLO BENIGNO "BAM" AQUINO IV**  
Committee on Finance

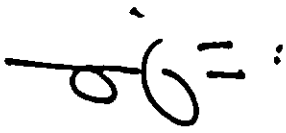
Members:



**ANTONIO "SONNY" TRILLANES IV**  
*Committee on Electoral Reforms &  
People's Participation*

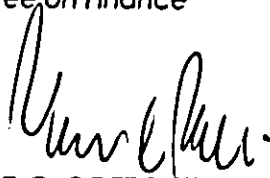


**FRANCIS "CHIZ" G. ESCUDERO**  
*Committee on Electoral Reforms &  
People's Participation  
Committee on Finance*




**JOSEPH VICTOR G. EJERCITO**  
*Committee on Electoral Reforms &  
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*Committee on Finance*



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*Committee on Finance*



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**RAMON BONG REVILLA, JR.**  
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**JINGGOY EJERCITO ESTRADA**  
*Committee on Finance*

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*Committee on Finance*

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*Minority Leader*

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*Senate President*  
*Senate of the Philippines*

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SENATE  
S.B. No. 2178

RECEIVED BY: ji

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

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#### 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.



Senator Paolo Benigno "Bam" A. Aquino IV

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

'14 MAR 26 P4 32

SENATE  
S.B. No. 2178

RECEIVED BY: 

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Introduced by: 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.

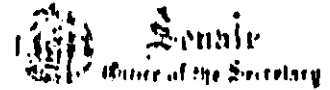
12       **SECTION 15. Repealing Clause.** – All laws, presidential decrees, executive orders,  
13 resolutions, rules and regulations, other issuances, and parts thereof, which are inconsistent  
14 with the provisions of this Act, are hereby repealed or modified accordingly.

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,*

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



74 NOV -4 P2 03

SENATE  
S. No. 2443

RECEIVED BY *JNV*

---

Introduced by Senator Miriam Defensor Santiago

---

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 COMLEC-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.

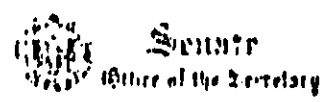
It should be noted that our election laws already provide for the participation of other sectors in elections such as the local government units, military and police, NBI, poll watchers, canvassing watchers, hence, other sectors already participate in elections.

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.

*Miriam Defensor Santiago*  
alt. MIRIAM DEFENSOR SANTIAGO

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



14 NOV -4 P2:03

SENATE  
S. No. 2143

RECEIVED BY: *[Signature]*

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Introduced by Senator Miriam Defensor Santiago

---

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

AN ACT

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

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

SIXTEENTH CONGRESS OF THE REPUBLIC )  
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

OFFICE OF THE SECRETARY

BY: *J*

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Introduced by SENATOR LOREN LEGARDA

---

**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.

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**LOREN LEGARDA**  
Senator



'14 DEC 15 P3 24

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

RECEIVED BY: *Ji*

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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**

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.  
45  
46  
47  
48

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.


4  
5           **Approved.**  
6

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



15 SEP -8 19:30

SENATE  
S. B. No. 2939

RECEIVED BY: 

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Introduced by Senator Aquilino "Koko" Pimentel III

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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 )  
REPUBLIC OF THE PHILIPPINES )  
Third Regular Session )

'15 SEP -8 A9 30

RECEIVED BY: 

SENATE  
S. B. No. 2939

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Introduced by Senator Aquilino "Koko" Pimentel III

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

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,*