



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

16th CONGRESS
First Regular Session

HOUSE BILL NO. 3125

Introduced by Representative REGINA ONGSIAKO REYES
Lone District, Marinduque

EXPLANATORY NOTE

The present Election Code provides for the mandatory services of public school teachers in the various positions in the Board of Election Inspectors during national as well as local election exercises. The law primarily requires them to constitute the Board of Election Inspectors.

Experiences, however, would validate that this particular tradition has been endowed with massive skepticisms not only on the system and mechanics upon which the process of elections are being conducted. Because of this, the integrity and character of public school teachers, who are mentors and models of the young are questioned. More so often, they are arbitrarily accused of being either partisan or involved in fraudulent election schemes.

This proposed bill, therefore, seeks to remedy that growing negative impressions upon the public school teachers. This specifically proposes to free public school teacher from engaging into compulsory election duties as currently practice thereby opening up election service to other government employees, members of Comelec accredited citizen arms and private citizens of known probity and competence.

Recent electoral history proves the vital role of private sectors in the conduct of clean and honest elections. Various NGOs, POs and even churches of every denomination participate and get actively involved in ensuring the credibility of election activities. Tapping, among others, the voluntary participation through accreditation of volunteer groups and individuals, including those coming from the public and private schools, qualified students, members of the National Service Reserve Corps, and

others, to serve in any electoral contest is an ideal innovation that will maximize community involvement, enhance people's social responsibility and, at the same time, excuse public school teachers from the bias scrutiny of the public.

It is earnestly sought that immediate passage of this bill is considered.



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AN ACT
DISENGAGING PUBLIC SCHOOL TEACHERS FROM
COMPULSORY ELECTION DUTIES BY MAKING SUCH ELECTION
SERVICE VOLUNTARY FOR THEM AND OTHER QUALIFIED CITIZENS,
PROVIDING THEM INSURANCE AND OTHER BENEFITS, AMENDING
FOR THE PURPOSE REPUBLIC ACT NO. 6646, OTHERWISE KNOWN
AS THE ELECTORAL REFORMS LAW OF 1987

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

Section 1. Section 13 Republic Act No. 6646 is hereby amended to read as follows:

"Section 13. Board of Election Inspectors. (a) The Board of Election Inspectors to be constituted by the Commission under Section 164 of Batas Pambansa Bilang 881 shall be composed of a Chairman and two (2) members, one of whom shall be designated as poll clerk, all of whom shall be [public school teachers, giving preference to those with permanent appointments. In case there are not enough public school teachers, teachers in private schools, employees in the civil service, or other citizens of known probity and competence who are registered voters of the city of municipality may be appointed for election duty.] VOLUNTEERS, WHO ARE REGISTERED

VOTERS OF THE CITY OR MUNICIPALITY WHERE THEY WISH TO SERVE ON ELECTION DAY, WHO SHALL BE APPOINTED FROM AMONG THE FOLLOWING SECTORS IN ORDER OF PREFERENCE:

- A. CIVIL SERVANTS OR GOVERNMENT EMPLOYEES;
- B. DEPED TEACHING AND NON-TEACHING PERSONNEL;
- C. OTHER GOVERNMENT OFFICIALS AND EMPLOYEES HOLDING REGULAR OR PERMANENT POSITIONS;
- D. PRIVATE SCHOOL TEACHERS;
- E. MEMBERS OF THE COMELEC-ACCREDITED CITIZENS ARMS AND OTHER CIVIL SOCIETY ORGANIZATIONS, NON-GOVERNMENTAL ORGANIZATIONS, OR PRIVATE ORGANIZATIONS DULY ACCREDITED BY COMELEC; AND
- F. ANY CITIZEN OF KNOWN PROBITY AND COMPETENCE, TO BE APPOINTED BY THE COMELEC."

Sec. 2. Section 14 of the same Act is hereby amended to read as follows:

"Section 14. *Per Diems AND OTHER BENEFITS of Boards of Election Inspectors (BEI), SPECIAL BOARD OF ELECTION INSPECTORS (SBEI), BOARD OF ELECTION TELLERS (BET) and Other Personnel.* - [The Chairman and the members of the boards of election inspectors shall be paid a per diem of One Hundred Pesos (P100.00) on each registration or revision day and Two Hundred Pesos (P200.00) on election day.

Support personnel from the DEPARTMENT OF EDUCATION shall each receive a per diem of P50.00 during election day. Supervisors, principals and other administrators of the DEPARTMENT OF EDUCATION, who may be required by the Commission to perform election duties shall each be entitled to a per diem of P100.00.

Provincial, city and municipal treasurers shall each receive a per diem of P200.00 on election day.]

THOSE APPOINTED BY THE COMMISSION AS MEMBERS OF THE ELECTION INSPECTORS (BEI), THE SPECIAL BOARD OF ELECTION INSPECTORS (SBEI), THE BOARD OF ELECTION TELLERS (BET), AND THEIR SUPPORT STAFF, SHALL BE ENTITLED TO HONORARIA IN THE AMOUNT OF P6,000.00, TRAVEL ALLOWANCE OF P1,000.00 AND OTHER BENEFITS AS MAY BE GRANTED BY THE COMMISSION. SUCH AMOUNTS SHALL BE REVIEWED BY THE COMMISSION EVERY THREE (3) YEARS THEREAFTER, BUT IN NO CASE SHOULD THE AMOUNT BE LOWER THAN THAT PROVIDED IN THIS SECTION. OTHER BENEFITS INCLUDE THE FOLLOWING:

A. *INSURANCE BENEFIT.* - COVERAGE IN THE INSURANCE SYSTEM SHALL BE COMPULSORY FOR ALL PERSONS RECEIVING HONORARIA FROM THE COMMISSION AS MEMBERS OF THE BEI, SBEI AND BET. THE INSURANCE COVERAGE SHALL COMMENCE FROM THE TIME THE INSURED IS EXPOSED TO ANY ELECTION-RELATED RISK, STARTING FROM, BUT NOT LIMITED TO, THE APPOINTMENT OF THE MEMBERS OF BEI, SBEI OR BET, AND SHALL END UPON THE TERMINATION OF THE APPOINTMENT OR UNTIL ANY ELECTION-RELATED RISK SHALL CEASE TO EXIST.

(1) PAYMENT OF PREMIUM. - IT SHALL BE MANDATORY FOR THE COMMISSION TO PAY THE CORRESPONDING PREMIUMS TO BE DETERMINED BY THE GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS).

i. THE COMMISSION SHALL INCLUDE IN ITS ANNUAL APPROPRIATIONS THE NECESSARY AMOUNTS FOR THE PREMIUMS AS DETERMINED BY THE GSIS.

ii. IT SHALL BE MANDATORY AND COMPULSORY FOR THE COMMISSION TO INCLUDE THE PAYMENT OF PREMIUMS IN ITS ANNUAL APPROPRIATIONS.

(2) COLLECTION AND REMITTANCE OF PREMIUM. -

THE COMMISSION SHALL REPORT TO THE GSIS THE NAMES OF ALL ITS APPOINTED OR DESIGNATED MEMBERS OF THE BEI, SBEI AND BET ON A GIVEN ELECTION, THEIR CORRESPONDING APPOINTMENT STATUS, POSITIONS, HONORARIA AND OTHER PERTINENT INFORMATION AS MAY BE REQUIRED BY THE GSIS.

THE COMMISSION SHALL REMIT DIRECTLY TO THE GSIS THE REQUIRED PREMIUMS WITHIN TEN (10) DAYS AFTER THE APPOINTMENT OF THE MEMBERS OF THE BEI, SBEI AND BET. THE COMMISSION SHALL FURNISH THE GSIS A LIST OF THOSE WHO ACTUALLY SERVED DURING THE ELECTION AS MEMBERS OF THE BEI, THE SBEI OR THE BET, WHO, AFTER THEIR APPOINTMENTS, ARE SUBSTITUTED BY OTHER TEACHERS, EMPLOYEES, OR BY PRIVATE CITIZENS.

(3) ADMINISTRATION OF FUNDS. - THE FUNDS COLLECTED BY THE GSIS SHALL NOT BE USED FOR PURPOSES OTHER THAN WHAT ARE PROVIDED FOR BY THIS ACT.

B. HOSPITALIZATION AND DEATH BENEFITS. - NOTWITHSTANDING ANY BENEFIT PROVIDED FOR BY THE GSIS OR ANY INSTITUTION GRANTING THE SAME TO THE INSURED, THE INSURED SHALL BE ENTITLED TO THE FOLLOWING BENEFITS:

(1) HOSPITALIZATION BENEFITS - THE INSURANCE SHALL COVER THE HOSPITALIZATION AND MEDICAL EXPENSES OF THE INSURED BENEFICIARY UNTIL RECOVERY.

(2) DEATH BENEFITS - THE AMOUNT OF TWO HUNDRED THOUSAND PESOS (P200,000.00) SHALL BE GIVEN TO THE BENEFICIARIES ON THE FIRST (1ST) YEAR OF IMPLEMENTATION OF THIS ACT. THIS AMOUNT SHALL BE REVIEWED BY THE GSIS EVERY

THREE (3) YEARS THEREAFTER, BUT IN NO CASE SHALL BE LOWER THAN THE AMOUNT AS PROVIDED IN THIS ACT.

C. *PRIVATE LEGAL ASSISTANCE.* - ALL MEMBERS OF THE BEI, SBEI AND BET AND THEIR SUPPORT STAFF RECEIVING HONORARIA FROM THE COMMISSION UNDER THIS SECTION ARE HEREBY AUTHORIZED TO ENGAGE THE SERVICES OF PRIVATE LAWYERS OR EXTERNAL COUNSEL IMMEDIATELY UPON RECEIPT OF COURT NOTICE THAT A CIVIL OR CRIMINAL ACTION, SUIT OR PROCEEDING IS FILED AGAINST THEM. THE LEGAL FEES SHALL BE PART OF THE INDEMNIFICATION PACKAGE FOR THE MEMBERS OF BEI, SBEI AND BET.

D. *INDEMNIFICATION.* - THE COMMISSION SHALL ESTABLISH AN EQUITABLE LEGAL INDEMNIFICATION PACKAGE FOR MEMBERS OF BEI, SBEI AND BET RENDERING ELECTION SERVICE WHICH SHALL BE IN THE FORM OF LEGAL ASSISTANCE OR OTHER FORMS OF LEGAL PROTECTION AND INDEMNIFICATION FOR ALL COSTS AND EXPENSES INCURRED BY THE MEMBERS IN ANY CIVIL OR CRIMINAL ACTION, SUIT OR PROCEEDING TO WHICH THEY HAVE BEEN MADE A PARTY BY REASON OF THE PERFORMANCE OF THEIR FUNCTIONS OR DUTIES, UNLESS THEY ARE FINALLY ADJUDGED IN THE ACTION OR PROCEEDING TO BE LIABLE FOR GROSS NEGLIGENCE OR MISCONDUCT OR GRAVE ABUSE OF DISCRETION.

IN THE EVENT OF SETTLEMENT OR COMPROMISE, INDEMNIFICATION SHALL BE CONFINED ONLY TO MATTERS COVERED BY THE SETTLEMENT, WHERE THE COMMISSION HAD BEEN ADVISED BY COUNSEL THAT THE OFFICIALS TO BE INDEMNIFIED HAVE NOT COMMITTED GROSS NEGLIGENCE OR MISCONDUCT IN THE PERFORMANCE OF THEIR FUNCTIONS AND DUTIES.

E. *TRAINING.* - THE COMMISSION SHALL ESTABLISH A REGULAR TRAINING PROGRAM FOR MEMBERS OF BEI, SBEI AND BET AND SUPPORT STAFF BEFORE THE CONDUCT OF EACH ELECTION WHICH SHALL COMMENCE AT LEAST A YEAR BEFORE THE ELECTION.

F. *SECURITY MEASURES.* - THE COMMISSION SHALL ENSURE THE PHYSICAL SECURITY, SAFETY AND WELL-BEING OF ALL MEMBERS OF BEI, SBEI AND BET AND SUPPORT STAFF IN THE PERFORMANCE OF ELECTION DUTIES. TOWARDS THIS END, THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG), NATIONAL POLICE COMMISSION (NAPOLCOM), PHILIPPINE NATIONAL POLICE (PNP) AND, IF NECESSARY, THE ARMED FORCES OF THE PHILIPPINES (AFP), ARE HEREBY TASKED TO PROVIDE COMPREHENSIVE SECURITY TO ALL MEMBERS OF BEI, SBEI, BET AND SUPPORT STAFF ESPECIALLY WHEN THEY ARE IN POSSESSION OF ELECTION PARAPHERNALIA, EQUIPMENT, FORMS AND SUPPLIES.

SECURITY MEASURES AND SAFEGUARDS SHALL BE PROVIDED FOR ALL POLLING PLACES, POLLING AND VOTING CENTERS, ELECTION PARAPHERNALIA, EQUIPMENT, FORMS AND SUPPLIES, AND OTHER PLACES OR BUILDINGS, AS THE COMMISSION THROUGH ITS ELECTION OFFICER SO REQUIRES.

G. *VOTING PRIVILEGES.* - MEMBERS OF THE BEI, SBEI AND BET, AND THEIR SUPPORT STAFF MAY VOTE IN THE POLLING PLACE WHERE THEY ARE ASSIGNED ON ELECTION DAY: *PROVIDED*, THAT THEY ARE REGISTERED VOTERS OF THE CITY OR MUNICIPALITY WHERE THEY ARE ASSIGNED: AND *PROVIDED FINALLY*, THAT THEIR VOTING IN THE PRECINCT WHERE THEY ARE NOT REGISTERED VOTERS BE INCLUDED IN THE MINUTES OF THE BEI, SBEI AND BET.

H. *EXEMPTION FROM TAXES AND LEGAL PROCESSES.* - THE PREMIUMS FOR THE LIFE INSURANCE PAID BY THE COMMISSION TO THE GSIS AND THE BENEFITS PAID BY THE COMMISSION AND THE GSIS TO THE MEMBERS OF BEI, SBEI, BET AND THEIR SUPPORT STAFF SHALL BE EXEMPTED FROM INCOME TAX. IT SHALL LIKEWISE BE EXEMPTED FROM ATTACHMENT, GARNISHMENT, EXECUTION, LEVY OR OTHER PROCESSES ISSUED BY THE COURTS, QUASI-JUDICIAL BODIES OR OTHER ADMINISTRATIVE AGENCIES INCLUDING THE COMMISSION ON AUDIT."

Sec. 3. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation.

APPROVED.