



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Sixteenth Congress
First Regular Session

HOUSE BILL NO. **3205**



Introduced by Honorable Erlinda M. Santiago

EXPLANATORY NOTE

This bill seeks to make the election service voluntary for public school teachers thereby opening up election service to other government employees, members of COMELEC-accredited citizens arms, and private citizens of known probity and competence, amending for the purpose Republic Act No. 6646, otherwise known as "*The Electoral Reforms Law of 1987*."

As of now, teachers cannot refuse to serve and can only refuse if the teachers are: a) related within the fourth degree of consanguinity or affinity to any of the candidates or spouse; b) sick or otherwise pregnant; or c) physically incapacitated.

The practices in other countries show that election 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 probity and competence and is not limited to teachers. Since elections are fundamental in any democracy, election service must therefore be the burden of all citizens and not only of public school teachers.

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 (BEI), Special Board of Election Inspectors (SBEI), and Board of Election Tellers (BET), the bill likewise seeks to institutionalize the benefits and privileges of BEI, SBEI, and BET members, as follows: (a) compulsory insurance coverage with the GSIS; (b) legal assistance and indemnification; and (c) voting privilege in the precinct where the member is assigned on election day.

This proposed measure also provides for regular and adequate training program for all BEI members and institutionalizes the provision of security for BEI members to be provided by law enforcement units under the direction of the Commission on Elections (COMELEC).

Our election laws already provide for the participation of other sectors in elections such as the local government units, military and police, poll watchers, canvassing watchers. Getting other sectors to fill-up BEI positions will no longer be a new development therefore.

In view of the foregoing, approval of this bill is earnestly recommended.

Erlinda M. Santiago
ERLINDA M. SANTIAGO



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AN ACT
MAKING THE ELECTION SERVICE VOLUNTARY FOR PUBLIC
SCHOOL TEACHERS AND OTHER QUALIFIED CITIZENS,
PROVIDING FOR 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 the House of Representatives of the Philippines in Congress assembled:

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

"SEC. 13. *Board of Election Inspectors.* – (a) The board of election inspectors to be constituted by the Commission under Section 164 of Batas Pambansa Blg. 881 shall be composed of chairman and two (2) members, one of whom shall be designated as poll clerk, all of whom shall be [public schoolteachers, 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 or 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, BASED ON THE FOLLOWING ORDER OF PREFERENCE:

A. CIVIL SERVANTS OR GOVERNMENT EMPLOYEES:

I. PUBLIC SCHOOL TEACHERS AND NON-TEACHING PERSONNEL; AND

II. OTHER GOVERNMENT OFFICIALS AND EMPLOYEES HOLDING REGULAR OR PERMANENT POSITIONS.

B. PRIVATE SCHOOL TEACHERS;

C. MEMBERS OF THE COMELEC-ACCREDITED CITIZENS ARMS AND OTHER CIVIL SOCIETY ORGANIZATIONS, NON-GOVERNMENTAL ORGANIZATIONS, OR PRIVATE ORGANIZATIONS DULY ACCREDITED BY COMELEC; AND

D. 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:

“SEC. 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 each 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, Culture and Sports shall each receive a *per diem* of P50.00 during election day. Supervisors, principals and other administrators of the Department of Education, Culture and Sports, 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 BOARD OF 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 P3,000.00, 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 TO 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 THE 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, SBE 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 APPOINTMENT, 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 OR 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. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,