

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **3255**



Introduced by **REPRESENTATIVE ERIC L. OLIVAREZ**

EXPLANATORY NOTE

To protect the rights and privileges of those appointed to the BEI (Board of Election Inspectors) and thereby improve the integrity of elections, the bill likewise seeks to institutionalize a package of benefits and privileges for BEI members, as follows:

1. Honoraria and travel allowance;
2. Compulsory insurance coverage with the GSIS;
3. Legal assistance and indemnification;
4. Voting privilege in the precinct where he/she is assigned on election day
5. Options of public school teachers as BEI members

It 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 COMELEC.

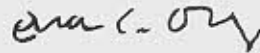
This bill has been a long-standing demand of public school teachers nationwide since the advent of elections in the country. Through the years, public school teachers are often subjected to harassment, humiliation, and hardship, and even violence during the election period.

Unfortunately, teachers cannot refuse to serve and can only refuse if he/she is: a) related within the fourth degree of consanguinity or affinity to any of the candidates or his spouse; b) Sick or otherwise pregnant; or for c) other physical incapacity.

The practice in other countries shows 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 world-wide trend is to open up election service to citizens of known probity and competence and not limit it to teachers. Since elections are fundamental in any democracy, election service must therefore be the burden of all citizens and not only by public school teachers.

Our election laws already provide for the participation of other sectors in elections such as the local government units, military and police, NBI, poll waters, canvassing watchers, hence, other sectors already participate in elections.

Moreover, should public school teachers be unavailable to serve, the country has a considerable number of civil society organization and 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.



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AN ACT
MAKING ELECTION SERVICE VOLUNTARY FOR PUBLIC SCHOOL
TEACHERS AND OTHER QUALIFIED CITIZENS, PROVIDING FOR
INSURANCE AND OTHER BENEFITS, AMENDING FOR THE
PURPOSE THE OMNIBUS ELECTION CODE, REPUBLIC ACT NO.
6646, AND OTHER ELECTION LAWS

Section 1. *Short Title* -- This act shall be known as the “BEI Reform Act of 2013.”

Section 2. *Definition of Terms* – in this Act:

- a) *Commission* or *COMELEC* refers to the Commission on Elections.
- b) *BEI* refers to the Board of Election Inspectors.
- c) *SBEI* refers to the Special Board of Election Inspectors.
- d) *BET* refers to Board of Election Tellers.
- e) *SBET* refers to Special Board of Election Tellers.
- f) *DepEd* refers to the Department of Education
- g) *PNP* refers to the Philippine National Police
- h) *AFP* refers to the Armend Forces of the Philippines and all its constituent commands and units
- i) *Election – related risk* refers to any death or injury happening on the occasion of during the performance of duties relating to the election.
- j) *Beneficiaries* refer to the spouse until the spouse remarries, the legitimate, legitimated or legally adopted, and illegitimate children, who shall be the primary beneficiaries of the member: *Provided*, That the illegitimate children shall be entitled to fifty percent (50%) of the share of the legitimate, legitimated or legally adopted children: *Provided, further*, That in the absence of the legitimate, legitimated children of the member, the dependent illegitimate children shall be entitled to one hundred percent (100%) of the benefits. In their absence, the parents shall be secondary beneficiaries of the member and, in the absence of all foregoing, any other person designated by the member as the secondary beneficiary shall be entitled to one hundred percent (100%) of the benefits

Section 3. *Voluntary Election Service* -- Section 13 of Republic Act No. 6646 is hereby amended to read as follows:

“Section 13. Board of Election Inspectors – 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 school teachers[, giving preference to those with permanent appointments. In case there are not enough public school teachers, teachers in public school 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.] **WHO VOLUNTEER TO SERVE: PROVIDED, THAT THEY ARE REGISTERED VOTERS OF THE CITY OR MUNICIPALITY WHERE THEY WISH TO SERVE ON ELECTION DAY.**

SHOULD THERE BE NO TEACHERS WILLING TO SERVE, THE BEI SHALL BE APPOINTED FROM AMONG THE FOLLOWING SECTORS IN ORDER OF PREFERENCE: PROVIDED, THEY ARE REGISTERED VOTERS OF THE CITY OR MUNICIPALITY WHERE THEY WISH TO SERVE, TO WIT:

- a. Civil Servants/Government Employees:
 - i. DepEd Non-Teaching Personnel
 - ii. Other government officials and employees holding regular or permanent positions.
- b. Private School Teachers;
- c. Members of COMELEC-accredited citizen's arms and other civil society organizations and non-governmental organizations duly accredited by COMELEC;
- d. Any citizen of known probity and competence.

Section 4. *Honoraria and Allowances* – 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 Special Board of Election Tellers (SBET) and their support staff, shall be entitled to honoraria in the amount of at least P6,000.00, travel allowance of at least P1,000.00, and such other benefits as may be granted by the Commission. Such amounts shall be reviewed by the Commission in consultation with the DepEd every three (3) years thereafter, but in no case shall be lower than the above provided amount.

Section 5. *Insurance* – Coverage in an insurance system shall be compulsory for all persons receiving honoraria from the Commission as members of the BEI, SBEI, BET, and SBET as provided in Section 4 above.

Section 6. *Commencement /Termination of Coverage* – The insurance coverage shall commence from the time the insured is exposed to any election-related risk, starting from his/her appointment to the BEI, SBEI, BET or SBET, as the case may be, and shall terminate at the end of the election period as determined by the Commission.

Section 7. *Payment of Premium.* – It shall be mandatory for the Commission to pay the corresponding premium to a private insurance company to be selected by the Commission.

(a) The Commission shall include in its annual appropriation the necessary amounts for the premiums.

(b) It shall be mandatory and compulsory for the Commission to include the payment of the premiums in its annual appropriations.

Section 8. *Collection and Remittance of Premium.* – (a) The Commission shall submit to the insurance company the names of all its appointed or designated BEI, SBEI, BET or SBET on a given election, their corresponding appointment status, positions, honoraria and such other pertinent information as may be required.

(a) The Commission shall remit directly to the insurance company the required premiums within ten (10) days after the appointment of the BEI, SBEI, BET or SBET. The Commission shall furnish the insurance company a list of those who actually served during the election as members of the BEI, SBEI, BET, or SBET who, after their appointment, are substituted by other teachers, employees, or by private citizens.

Section 9. *Benefits.* – the insured shall be entitled to the following benefits:

(a) *Death Benefits* – The amount of Two hundred thousand pesos (P200,000.00) shall be awarded to the beneficiaries on the first (1st) year of implementation of this law. Such amount shall be reviewed by the Commission every three (3) years thereafter, but in no case shall be lower than the above provided amount.

(b) *Hospitalization Benefits* – The insurance shall cover the hospitalization and medical expenses of the insured beneficiary until recovery.

Section 10. *Administration of Funds.* – The funds allocated to the Commission for insurance coverage shall not be used for purposes other than what are provided for by this Act.

Section 11. *Legal Assistance* – All members of the BEI, SBEI, BET and SBET and their support staff receiving honoraria from the Commission under Section 4 of this Act are hereby authorized to engage the services of government or private lawyers immediately upon receipt of notice that a civil or criminal action, suit or proceeding is filed against them. The lawyers fees shall be part of the indemnification package for BEI members, subject to the provision of Section 12 hereof.

Section 12. *Indemnification* – The Commission shall establish an equitable legal indemnification package for BEI members rendering election service which shall be in the form of legal assistance or other forms of legal protection and indemnification for all legal costs and expenses incurred by such persons 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 such 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, as to which the Commission had been advised by counsel that the public officials to be indemnified have not committed gross negligence or misconduct in the performance of their functions and duties.

Section 13. *Voting Privileges of BEI Members* – Members of the BEI, SBEI, BET or SBET 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 noted in the minutes of the BEI.

Pursuant thereto, the Election Officer, whether in acting or permanent capacity, or in his absence, the Election Assistant of the city or municipality shall, after elections, record in the Election Day Certified Voters List (EDCVL) of the proper precincts the voting privilege exercised by the chairmen and members of the BEI, SBEI, BET, and SBET and their support staff using as basis the separate minutes of voting where exercise of said privilege was recorded.

Section 14. *Exemption from Tax and Legal Processes*. – Premiums for the life insurance paid by the Commission and the benefits paid by the Commission and the insurance company to the BEI, the SBEI, the BET, and SBET and their support staff shall be exempted from income tax.

Section 15. *Implementing Rules and Regulations* – Within sixty (60) days from the promulgation of this Act, the Commission with the assistance of the Department of Education, Insurance Commission, Office of the Solicitor General, and such other civil society organizations as may be determined by COMELEC shall formulate the Implementing Rules and Regulations of this Act.

Section 16. *Repealing Clause* – The provisions of the Omnibus Election Code (B.P. Blg. 881), Republic Act No. 6646, Republic Act 6679, Republic Act No. 7166, Republic Act 8189, regulations, or other issuance or any part thereof inconsistent with the provision of the Act are hereby repealed or modified accordingly. All other laws, rules and regulations that may be inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 17. *Separability Clause*. – If any of the sections or provisions of this Act is adjudged invalid, all its other provisions not affected thereby shall remain in force.

SEC. 18. *Effectivity Clause*. – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,