

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

16th Congress
First Regular Session

HOUSE BILL NO. **3458**



Introduced by Representative Lawrence Lemuel H. Fortun

EXPLANATORY NOTE

Elections are indispensable to a democracy, the same being an imperative mechanism for direct consultation with the people for the purpose of determining in whose hands the reins of government are to be entrusted for a given period. Such being the case, the manner by which elections are conducted is critical to the shaping of the future of a country. Because of the utmost importance of the exercise, participation therein either by voting or performing election duty, has been considered an essential civic duty of every citizen.

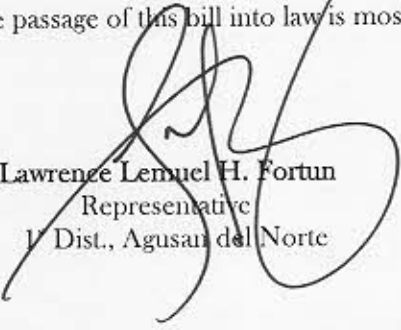
In the Philippines, election duty has been relegated specifically to public school teachers who are, by law, mandated to serve during the conduct of elections. It is only under limited circumstances that professionals or persons of probity, other than public school teachers, may be designated to perform election duty. Because the requirement is mandatory, public teachers cannot refuse to serve during elections except in a few cases such as: a) when he or she is related within the fourth civil degree of consanguinity or affinity to a candidate or the latter's spouse; b) when he or she is sick or is suffering from physical incapacity. Worse, the law does not provide for sufficient remuneration and benefits and security for public school teachers performing election duty. In many cases, they are subjected to humiliation, threats, harassment and violence without sufficient protection under our laws.

The practice in other countries, however, is more consistent with the principle that election service is a civic duty of every citizen. In many other countries, the election boards are composed not necessarily of teachers but also of other members coming from different sectors. The world-wide trend is to open up election service to citizens of known probity and competence. The conduct of elections being a democratic exercise, the voluntary participation of citizens from different sectors should be encouraged.

This bill, therefore, seeks to make membership in the Board of Election Inspectors, Board of Election Tellers or Special Board of Election Inspectors in precincts or clustered precincts voluntary and not limited only to teachers. This measure has been for the longest time the appeal of public school teachers anywhere in the country. The time has come to address it by passing this measure into law now.

The bill seeks not only to make election duty voluntary, but also to provide for reasonable honoraria, allowance, and other benefits and privileges such as compulsory insurance coverage, legal assistance and indemnification and special voting privilege, to citizens assigned to perform election duty.

In view of the foregoing, the immediate passage of this bill into law is most earnestly sought.


Lawrence Lemuel H. Fortun
Representative
1st Dist., Agusan del Norte

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AN ACT
MAKING MEMBERSHIP IN PRECINCT ELECTION BOARDS VOLUNTARY,
PROVIDING FOR HONORARIA AND OTHER BENEFITS THEREFOR, AMENDING
R.A. 6646 FOR THE PURPOSE AND FOR OTHER PURPOSES

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

Section 1. Short Title. This Act shall be known as the "Election Board Reform Act of 2013".

Section 2. Section 13 of Republic Act 6646 is hereby amended to read as follows:

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Section 13. Board of Election Inspectors, **SPECIAL BOARD OF ELECTION INSPECTORS AND THE BOARD OF ELECTION TELLERS.** - A board of election inspectors, **SPECIAL BOARD OF ELECTION INSPECTORS AND THE BOARD OF ELECTION TELLERS**, to be constituted in every precinct or cluster of precincts, as the case may be, by the Commission on Elections [under Section 164 of Batas Pambansa Blg. 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 or municipality may be appointed for election duty.] **WHO HAVE VOLUNTEERED TO SERVE AND PERFORM ELECTION DUTY; PROVIDED THAT, THEY ARE REGISTERED VOTERS OF THE CITY OR MUNICIPALITY WHERE THEY WILL SERVE ON ELECTION DAY.**

IN CASES WHERE A BEI, THE SBEI OR A BET CANNOT BE CONSTITUTED BY REASON OF THE LACK OR INSUFFICIENCY OF THE NUMBER OF TEACHERS WHO ARE WILLING TO SERVE, THE CHAIRMANSHIP OR MEMBERSHIPS THEREOF SHALL BE FILLED FROM AMONG THE FOLLOWING WHO MAY ALSO VOLUNTEER TO RENDER ELECTION DUTY, IN NO ORDER OF PREFERENCE:

- a. Government Employees including Non-Teaching Personnel and 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, non-government organizations, or private organizations duly accredited by COMELEC;
- d. Any citizen of known probity and competence.

Section 2. Honoraria and Allowances. -Members of the Board of Election Inspectors (BEI), the Special Board of Election Inspectors (SBEI), and the Board of Election Tellers (BET) shall be entitled to honoraria in the amount of NOT LESS THAN P6,000, travel allowance of NOT LESS THAN P1,000 and such other benefits as may be granted by the Commission on Elections (COMELEC). The said honoraria, travel allowance and other benefits shall be reviewed by the COMELEC in consultation with the DepEd every three (3) years from the enactment of this law for possible adjustments, but in no case shall any adjustment result in the diminution thereof.

Section 3. Insurance. - There shall be a compulsory insurance coverage of all members of the BEI, SBEI, and BET which shall commence upon their appointment to the Board by the COMELEC and end fifteen (15) days after the election.

The members of the BEI, SBEI, and BET shall be entitled to following benefits:

(a) **Death Benefits** - The amount of Two Hundred Thousand Pesos (P200,000) shall be awarded to the beneficiaries a member of the BEI, SBEI, and BET who has on the occasion of or during the performance of his/her duties or for reasons related to the performance of his/her functions as such member;

(b) **Medical Benefits** - The member of the BEI, SBEI and BET shall be entitled to health insurance benefits covering hospitalization and medical expenses for illnesses that arose on the occasion of or during the performance of his/her duties.

Section 4. Payment of Premium. The COMELEC shall assume payment of insurance premiums of the mandatory insurance coverage as provided in Section 3 hereof which shall be included in the Annual Appropriations Act.

Section 5. Beneficiaries. The beneficiaries as provided in Sec. 3 (a) are primarily the legitimate dependent spouse until the person remarries and the dependent legitimate, legitimated, or legally adopted, and illegitimate children of the member. In the absence of primary beneficiaries, the parents of the deceased member shall be the secondary beneficiaries. In the absence of any primary or secondary beneficiaries, any other person designated by the member as his/her beneficiary.

Section 6. Legal Aid and Assistance Indemnification Package. The COMELEC shall establish an equitable legal indemnification package FOR MEMBERS OF THE BEI, SBEI and the BET who may be charged criminally, administratively or civilly for actions arising from the performance of their duties.

Members of the BEI, SBEI and BET shall be entitled to free legal services and counselling by either a lawyer in private practice or from the Public Assistance Office of his/her own choosing, as well as indemnification for all legal costs incurred on account of a criminal, administrative or civil case maliciously filed against him/her by reason of the performance of his/her duties.

In the event that a member of the BEI, SBEI and BET is found criminally, administratively or civilly liable by final judgment of a competent court, he or she shall be personally liable for all the monetary judgement, including, but not limited to, attorney's fees and damages.

Section 7. Voting Rights. Members of the BEI, SBEI, BET and their support staff may vote in the precinct or cluster of precincts 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 the fact of such voting shall be recorded in the minutes of voting of such precinct or cluster of precincts.

The Election Officer, 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 their support staff using as basis the separate minutes of voting where exercise of said privilege was recorded. Violation of this provision shall constitute an election offense punishable under Section 264 of the Omnibus Election Code.

Section 8. Exemption from Tax. The insurance premium and the indemnification in the form of death benefits arising from the insurance shall be exempt from tax.

Section 9. Implementing Rules and Regulations. Within ninety (90) days from the promulgation of this Act, the COMELEC with the assistance of the Department of Education, Insurance Commission, Office of the Solicitor General, Philippine National Police, Armed Forces of the Philippines, and such other civil society organizations as may be determined by the COMELEC shall formulate the Implementing Rules and Regulations of this Act.

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126 **Section 10.** Repealing Clause. The provisions of the Omnibus Election Code (BP Blg. 8810,
127 Republic Act No. 6646, Republic Act No. 7166, Republic Act 8189, regulations, or other issuance
128 or any part thereof inconsistent with the provisions of this Act are hereby repealed or amended
129 accordingly.

130 **Section 11.** Separability Clause. In the event any of the sections or provisions of this Act is
131 adjudged invalid, illegal or unconstitutional, the remaining sections and provisions not affected
132 thereby shall remain in force and effect.

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134 **Section 12.** Effectivity Clause. This Act shall take effect fifteen (15) days from its complete
135 publication in the Official Gazette or in a newspaper of generation circulation.

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137 *Approved.*