



Republic of the Philippines
Department of Education

29 APR 2016


DepEd MEMORANDUM
No. **67** s. 2016

DISSEMINATION OF REPUBLIC ACT NO. 10756

(An Act Rendering Election Service Non-Compulsory for Public School Teachers,
Authorizing the Appointment of Other Qualified Citizens, Providing
for Compensation and Other Benefits)

To: Undersecretaries
Assistant Secretaries
Bureau and Service Directors
Regional Directors
Schools Division Superintendents
Public Elementary and Secondary Schools Heads
All Others Concerned

1. For the information and guidance of all concerned, enclosed is a copy of Republic Act No. 10756 dated July 27, 2015 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.**
2. Immediate dissemination of this Memorandum is desired.


DINA S. OCAMPO
Undersecretary
Officer-in-Charge

Encl.:

As stated

Reference:

N o n e

To be indicated in the Perpetual Index
under the following subjects:

BUREAUS AND OFFICES
ELECTIONS
LEGISLATIONS
SCHOOLS
STRAND: Legal and Legislative Affairs
TEACHERS

(Enclosure to DepEd Memorandum No. 67, s. 2016)

S. No. 2178
H. No. 5412

Republic of the Philippines
Congress of the Philippines
Metro Manila

Sixteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh
day of July, two thousand fifteen.

[REPUBLIC ACT NO. 10756]

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

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

SECTION 1. *Short Title.* – This Act shall be known as
the “Election Service Reform Act”.

SEC. 2. *Definition of Terms.* – As used in this Act:

(a) *Beneficiaries* shall refer to the qualified compulsory
heirs of the deceased person rendering election service under
this Act;

(b) *Commission* shall refer to the Commission on
Elections;

(c) *Compensation* shall refer to *per diem*, honoraria, or allowances granted to the Chairperson and members of the Board of Election Inspectors (BEI), Special Board of Election Inspectors (SBEI), Board of Election Tellers (BET), Special Board of Election Tellers (SBET), hereinafter collectively referred to as "Electoral Boards", or Department of Education Supervisor Official (DESO), and their respective support staff under this Act;

(d) *Department* or *DepED* shall refer to the Department of Education;

(e) *Election-related risk* shall refer to any death or injury sustained by reason of or on the occasion of the performance of election service or duties;

(f) *Persons rendering election service* shall refer to persons appointed by the Commission to render election-related service as Chairperson or member of the Electoral Boards and DESO, and their respective support staff; and

(g) *Other benefits* shall refer to death and/or hospitalization benefits granted to persons rendering election service or to their beneficiaries under this Act, including the provision for legal assistance and legal indemnification.

SEC. 3. *Rendering of Election Service.* – The Electoral Boards to be constituted by the Commission shall be composed of a Chairperson and two (2) members, all of whom shall be public school teachers who are willing and available to render election service.

Should there be a lack of public school teachers willing, available or qualified to serve, the Commission may instead appoint the following persons in this order of preference:

- (a) Private school teachers;
- (b) National government employees:

 - (1) DepED nonteaching personnel;

(2) Other national government officials and employees holding regular or permanent positions, excluding uniformed personnel of the Department of National Defense and all its attached agencies;

(c) Members of the Commission-accredited citizen arms or other civil society organizations and nongovernmental organizations duly accredited by the Commission; and

(d) Any registered voter of the city or municipality of known integrity and competence who is not connected with any candidate or political party.

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.

SEC. 4. *Honoraria and Allowances.* – Persons rendering election service shall be entitled to honoraria, travel allowance, and such other benefits as may be granted by the Commission.

For the first implementation of this Act, the following shall be entitled to the corresponding honoraria:

Chairperson of Electoral Boards	P6,000.00
Members of Electoral Boards	P5,000.00
DESO	P4,000.00
Support Staff	P2,000.00

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.

Such amounts shall be reviewed by the Commission in consultation with the DepED every three (3) years from the effectivity of this Act, but in no case, shall the revised amounts be lower than herein provided.

SEC. 5. *Service Credit.* – A minimum of five (5) days service credit shall accrue to all government officials and employees serving as members of the Electoral Boards and DESO, and their respective support staff.

SEC. 6. *Other Benefits.* – Persons rendering election service shall be entitled to death and/or medical assistance for election-related risks to be drawn from the trust fund provided in this Act.

(a) *Death Benefits* – The amount of Five hundred thousand pesos (P500,000.00) shall be awarded to the beneficiaries in accordance with the implementing rules and regulations of this Act. Such amount shall be reviewed by the Commission every three (3) years thereafter, but in no case shall the revised amount be lower than herein provided.

(b) *Medical Assistance* – Persons rendering election service shall be entitled to medical assistance in such amount as may be determined by the Commission, sufficient to answer for medical and hospitalization expenses, until recovery.

SEC. 7. *Legal Assistance.* – Persons rendering election service 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 administrative proceeding is filed against them in connection with their election service. The lawyer's fee shall be part of the indemnification package under this Act, subject to the provisions of the immediately succeeding section.

SEC. 8. *Indemnification.* – The Commission shall establish an equitable legal indemnification package for persons rendering election service which shall be in the form of legal assistance and other forms of legal protection and indemnification for all legal costs and expenses reasonably incurred by such persons in any administrative, 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 guilty of an election offense.

The legal assistance and indemnification shall not cover any action or suit initiated by a person rendering election service in his or her personal capacity or on behalf of the Commission, unless such action, proceeding, or claim was authorized by the Commission.

SEC. 9. *Procedure.* – The claimants shall file their respective claims for legal assistance and indemnification with their respective agencies and shall secure the approval of their respective heads of agencies on the terms and conditions of the engagement of counsel. Private individuals rendering election service shall file their claims with the Commission.

If the claimant is found not guilty of an election offense, he or she shall liquidate his or her cash advances or be allowed reimbursement for reasonable expenses, as the case may be. However, if the claimant is found to be guilty of an election offense, he or she shall be denied reimbursement or if cash advances have been made, he or she shall return the cash advance made through salary deduction or reimbursement, as may be applicable.

The funds to be used for the grant of legal assistance and indemnification shall be drawn from the agency's annual appropriation and from the trust fund provided under this Act.

SEC. 10. *Election Offense.* – Any person who makes or causes the delay in the payment of the honoraria and allowances due persons rendering election service beyond the prescribed period of fifteen (15) days from the date of election shall be liable for an election offense.

SEC. 11. *Establishment and Administration of a Trust Fund.* – The Commission shall establish a special trust fund for medical assistance, death benefits, legal assistance and indemnification as provided under this Act. The trust fund shall not be used for purposes other than what are provided for by this Act.

SEC. 12. *Appropriation Clause.* – The initial funding of this Act shall be charged against the current year’s appropriations of the Commission. Thereafter, such amount as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 13. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Commission with the assistance of the DepED, Office of the Solicitor General, Department of Justice, National Teacher Organizations, Election Monitoring Organizations and such other civil society organizations as may be determined by the Commission shall formulate the implementing rules and regulations of this Act.


SEC. 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.

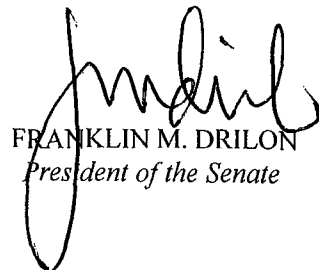
SEC. 15. *Repealing Clause.* – All laws, decrees, orders, and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

SEC. 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.

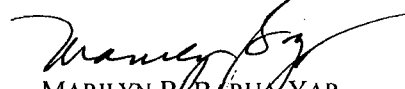
SEC. 17. *Effectivity Clause.* – This Act shall take effect immediately after its publication in two (2) newspapers of general circulation.

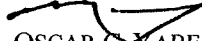
Approved,


 FELICIANO BELMONTE JR.
 Speaker of the House
 of Representatives


 FRANKLIN M. DRILON
 President of the Senate


Senate Bill No. 2178, which was approved by the Senate on January 25, 2016, was adopted as an amendment to House Bill No. 5412 by the House of Representatives on January 26, 2016.


 MARILYN B. BARUA-YAP
 Secretary General
 House of Representatives


 OSCAR C. YABES
 Secretary of the Senate

APR 08 2016

Approved:


 BENIGNO S. AQUINO III
 President of the Philippines

