



Republic of the Philippines  
**COMMISSION ON ELECTIONS**  
 Intramuros, Manila

IN THE MATTER OF THE IMPLEMENTING  
 RULES AND REGULATIONS OF REPUBLIC ACT  
 NO. 10756, OTHERWISE KNOWN AS THE  
 "ELECTION SERVICE REFORM ACT"

x-----x

BAUTISTA, J. Andres D.,	<i>Chairman</i>
LIM, Christian Robert S.,	<i>Commissioner</i>
PARREÑO, Al A.,	<i>Commissioner</i>
GUIA, Luie Tito F.,	<i>Commissioner</i>
LIM, Arthur D.,	<i>Commissioner</i>
GUANZON, Ma. Rowena AmeliaV.,	<i>Commissioner</i>
ABAS, Sheriff M.,	<i>Commissioner</i>

Promulgated on : September 5, 2017

RESOLUTION NO: 10194  
*april 2017*

*WHEREAS, then President Benigno S. Aquino III approved on April 8, 2016 Republic Act No. 10756 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"; and*

*WHEREAS, Sec. 13 of said law states that, "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".*

*NOW, THEREFORE, the Commission, by virtue of the powers vested in it by the 1987 Philippine Constitution, the Omnibus Election Code (Batas Pambansa Bilang 881) and other relevant election laws, RESOLVED, as it hereby RESOLVES, to APPROVE the following Implementing Rules and Regulations of Republic Act 10756.*

## RULE I

### PRELIMINARY PROVISIONS

**SECTION 1. Title.** – These Rules and Regulations shall be referred to as the Implementing Rules and Regulations (IRR) of Republic Act No. 10756, otherwise known as the "Election Service Reform Act".

**SECTION 2. Definition of Terms.** – As used in this IRR, the following terms shall mean:

a) *Beneficiaries* shall refer to the qualified compulsory heirs of the deceased person rendering election service.

(a.1) *Qualified compulsory heirs* shall refer to persons defined under the Civil Code of the Philippines and other pertinent laws.

- b) *Commission* shall refer to the Commission on Elections.
- c) *Compensation* shall refer to *per diem*, honoraria, or allowances granted to the Members of the Electoral Boards, DESO, and their respective support staff.
- d) *DepEd* shall refer to the Department of Education.
- e) *DESO* shall refer to the Department of Education Supervisor Official designated to assist in a voting center.
- f) *Electoral Boards* shall refer to the Board of Election Inspectors (BEI), Special Board of Election Inspectors (SBEI), Board of Election Tellers (BET), and Special Board of Election Tellers (SBET).
- g) *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.
- h) *National Government Agencies* shall refer to government agencies, other than the DepEd, which have endorsed to the Commission, the list of their respective personnel who are qualified, willing and available to render election-related service.
- i) *National Government Employee* shall refer to any person in the service of the entire machinery of the central government, its agencies, divisions, subdivisions or instrumentalities as distinguished from the different forms of local governments, through which the functions of the government are exercised throughout the Philippines.
- j) *Persons rendering election service* shall refer to persons appointed by the Commission to render election-related service as Chairperson or Members of the Electoral Boards, DESO, and their respective support staff;
- k) *Public School Teacher* shall refer to all persons engaged in classroom teaching, in any level of instruction, on full-time basis, including guidance counselors, school librarians, industrial arts or vocational instructors, and all other persons performing supervisory and/or administrative functions in all schools, colleges and universities operated by the government or its political subdivisions; but shall not include school nurses, school physicians, school dentists, and other school employees.
- l) *Registered Voter* shall refer to a voter whose name is included in the book of voters.
- m) *Support Staff* shall refer to persons appointed to assist the Members of the Electoral Boards and the DESO in the performance of their duties.
- n) *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 of legal assistance and legal indemnification.
- o) *Trust Fund* shall refer to the fund, which shall be established by the Commission and from where other benefits due to persons rendering election - related services shall be drawn.

**RULE II**  
**THE ELECTORAL BOARD**

**SECTION 3. Authority to Constitute and Appoint the Electoral Boards.** - The Commission, through the Election Officer (EO), shall constitute and appoint the Electoral Boards for every clustered or grouped precinct in the district, city or municipality.

**SECTION 4. Composition of the Electoral Board.** - The Electoral Board shall be composed of a Chairperson, Poll Clerk and Third Member.

As far as practicable and in order to ensure the protection of women Electoral Board members, they may not be assigned in areas with security concern, far flung barangays, or areas likely to cause gender-based violence or are likely to result in, physical, sexual, or psychological harm, difficulty or suffering.

**SECTION 5. Right of Preference.** -In the appointment of the Members of the Electoral Boards, the EO shall give preference to public school teachers who are qualified, willing and available to render election service.

For this purpose, the highest DepEd official in the district, city or municipality shall submit to the EO, within five (5) days upon request, based on the Project of Precincts (POP), a certified lists of public school teachers and substitutes who are qualified, willing and available to render election-related service giving preference to those with permanent appointments and those who served in previous elections in the form prescribed by the Commission (See Annexes A and A-1). The request shall be accompanied by a copy of the POP.

The number of substitutes shall be 10% of the total number of Members of the Electoral Boards to be appointed (i.e. 20 clustered precincts x 3 = 60 x 10% = 6, hence, 6 substitutes).

In the preparation of such lists, the DepEd official shall exercise due diligence to ensure that the persons appearing therein are indeed public school teachers, who are qualified, willing and available to serve as Members of the Electoral Boards. Further, the lists are for recommendatory purposes only.

Within three (3) days from receipt of the lists, the EO shall immediately conduct verification on the qualifications of the persons appearing therein based on the parameters set forth in the succeeding section.

**SECTION 5.1.**Public School Teachers not included in the Lists, who are qualified, willing and available, may apply directly to the EO.

**SECTION 6. Qualifications of Members of the Electoral Board.** - No person shall be appointed as Member of the Electoral Board, whether regular, temporary or as a substitute, unless such person is:

- a) Of good moral character and irreproachable reputation;
- b) Of known integrity and competence;
- c) A registered voter;
- d) Has never been convicted of any election offense or of any crime punishable by more than six (6) months of imprisonment, or has no pending information for any election offense filed against him; and
- e) Able to speak and write Filipino, English or the local dialect.

**SECTION 7. Disqualification of Members of the Electoral Board.** - No person shall be appointed as Member of the Electoral Board if said person is related within the fourth (4<sup>th</sup>) civil degree of consanguinity or affinity to any member of the same Electoral Board or to any candidate to be voted for in the polling place of assignment or to the said candidate's spouse.

**SECTION 8. Posting of the List of the Constituted Members of the Electoral Boards.** - A day after the constitution of the Electoral Boards, the list of the constituted members of the board thereof shall be posted for five (5) days on the bulletin boards in the Office of the EO (OEO) and in the city or municipal hall.

**SECTION 9. Opposition to the Designated Members of the Electoral Boards.** - Within three (3) days from the posting of the list of appointed members of the Electoral Board or the posting of the final list of candidates, any interested party may file a written opposition under oath against any appointed Members of the Electoral Board at the OEO.

In case an opposition is filed, the EO shall observe the following procedures:

- a) Receive the written opposition. No opposition shall be acted upon by the EO, unless there is proof that a copy thereof has been furnished to the contested Member;
- b) Issue a notice to the opposed Member to answer the opposition filed against him/her within two (2) days from receipt thereof. No answer shall be considered by the EO unless there is proof that a copy thereof has been sent to the opposing party;
- c) With or without an answer, issue a notice stating the date, time and place of the evaluation of the opposition. The notice shall be personally delivered to the known address of the Parties.
- d) Within a period of seven (7) days from receipt of the opposition, the EO shall resolve the opposition in writing stating the reason/s thereof. The decision shall be final and non-appealable.
- e) Copies of resolution shall be furnished to the Parties and the concerned DepEd official.
- f) Non-appearance of the parties shall not be a ground for the dismissal of the opposition or disqualification of the opposed member nor effectively bars the EO from conducting further investigation on the qualifications of the contested Member, if he/she sees the need to do so.

**SECTION 10. Appointment of Public School Teachers as Substitutes.** - In case the EO decides in favor of the disqualification of a Member of the Electoral Board, a substitute, who is qualified, willing and available, shall be appointed.

In the appointment of substitutes, the EO shall observe the procedures in Sections 8 and 9 hereof.

If the designation of public school teachers as substitutes is no longer feasible, qualified substitutes as enumerated in the succeeding rule may be appointed.

### RULE III

#### QUALIFIED SUBSTITUTES

**SECTION 11. Grounds for Appointment of Qualified Substitutes.** -In case there are not enough public school teachers, who are qualified, willing and available, qualified

substitutes may be appointed by the Commission, through the EO, in either of the following cases:

- a) There is a lack of public school teachers to be constituted as Members of the Electoral Boards based on the certified list submitted by the DepEd official to the EO *vis-à-vis* the number of clustered or grouped precincts in the district, city or municipality ; or
- b) One or more of the public school teachers in the certified list has or have been disqualified by the EO and there are no other public school teachers in the locality who are qualified, willing and available to be appointed as substitute/s.

Substitutes shall be on - call on election day. The EO shall cause the deployment of substitute in case any member of the Electoral Board fails to report in their designated polling place, except in the following instances where the members of the Electoral Board present, may appoint a registered voter as temporary member, until the regular member appears:

- a) There is considerable distance between the residence of the substitute and the location of the polling place;
- b) Lack or difficulty of means of transportation; and
- c) Inability of the Electoral Board to inform the EO of the non appearance of any of the member.

**SECTION 12. Order of Preference.** – In case any of the circumstance mentioned in the preceding section exists, the EO may appoint the following persons based on their order of preference, who shall likewise be qualified, willing and available to render election-related service, to *wit*:

- a) Private school teachers, giving preference to:
  - a.1 Those employed in private schools being utilized by the Commission as voting centers;
    - a.1.1 If the voting center is a public building, private school teachers whose place of employment is within the vicinity may be appointed as member of the Electoral Board in that particular area.
  - a.2 Those teaching in high school or college level, holding regular positions or those who have previously served as member of the Electoral Board.

For this purpose, the highest private school official shall submit to the EO, within five (5) days upon request, a certified list of private school teachers who are qualified, willing and available to render election-related service (See Annex C).

- b) National government employees;
  - 1. DepEd non-teaching personnel;
  - 2. Other national government officials and employees holding regular or permanent positions, excluding uniformed personnel of the Department of National Defense (DND) and all its attached agencies and the Philippine National Police (PNP) except in cases provided in Sec. 15, Rule IV, hereof;

- c) Members of the Commission-accredited citizens' arms or other civil society organizations (CSOs) and non-government organizations (NGOs) 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;
  - d.1.) Connection with any candidate shall mean:
    - d.1.1) relationship within the fourth civil degree of consanguinity and affinity, including the spouse of the candidate;
    - d.1.2) supporter
    - d.1.3) contributor, donor;
    - d.1.4) analogous cases.
  - d.2.) Connection with any political party shall mean:
    - d.2.1) members or officials of the political party and their spouses and member of the family within the fourth civil degree of consanguinity and affinity;
    - d.2.2) contributor, donor
    - d.2.3) supporter
    - d.2.4) analogous cases

For this purpose, the following shall endorse to the EO, within three (3) days upon request, based on the Project of Precincts (POP), a certified list of their respective personnel, who are qualified, willing and available to render election-related service, to *wit*:

1. The highest official of the private school in the district, city or municipality, in case of letter (a) above. In case there are two or more private schools in the district, city or municipality, the EO shall send a request simultaneously (See Annex C);
2. The DepEd official mentioned in the 2<sup>nd</sup> paragraph of Section 5, Rule II hereof, in case of letter (b) (1) above (See Annex B);
3. The highest official of other national government agencies in the district, city or municipality in case of letter b (2) above, if any;
4. The highest officer or authorized representative of the local chapter of Commission-accredited citizens' arms or other CSOs and NGOs duly accredited by the Commission in the district, city or municipality, in case of letter c above. In case there are two or more organizations in the district, city or municipality, the EO shall send the request simultaneously (See Annex D);

In cases of numbers 1 and 4, the EO shall observe the policy on first come first served basis.

The endorsement of the heads of the agencies shall serve as an authority for their respective employees who shall render election-related service to be on official business for purposes of attending trainings or seminars relative to their appointments as Members of the Electoral Boards.

In the preparation of the list, the aforementioned officials shall exercise due diligence to ensure that the persons appearing therein are indeed qualified, willing and available to render election-related service.

Private school teachers, national government employees, DepEd non-teaching personnel, 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 and members of the Commission-accredited citizen arms or other civil society organizations and non-governmental organizations duly accredited by the Commission,

not included in the Lists, who are qualified, willing and available, may apply directly to the EO.

With regard to letter d, the Commission shall provide, **FREE of CHARGE**, an application form, which shall be made available at the OEOs for any registered voter who intends to be appointed as a Member of the Electoral Board. The Information and Technology Department (ITD) of the Commission shall ensure that the said form may be downloaded from its official website for easy access thereto.

**SECTION 12.1. Posting of Notice of Date, Time and Place of Filing of Application of Qualified Substitutes.** - The Commission shall set the period within which applications for qualified substitutes falling in Section 12, letter d may be filed. At least three (3) days before the start of the period for the filing of applications, the notice of the date, time and place of filing shall be posted on the bulletin boards in the OEO, in the city or municipal hall.

**SECTION 13. Posting of the List of Applicants and Filing of Opposition.** - Upon receipt of the certified lists mentioned in Section 12 above and after the last day of the period for filing of applications, the EO shall observe the procedure mentioned in Sections 8 and 9 hereof.

**SECTION 14. Authority to Administer Oath.** - The EO shall have the power to administer oath in all cases where said oath is required under this IRR.

#### RULE IV

##### DEPUTIZATION OF UNIFORMED PERSONNEL OF THE PHILIPPINE NATIONAL POLICE

**SECTION 15. Deputization of Members of the Philippine National Police (PNP).** - Uniformed personnel of the PNP may be deputized as a Member of the Electoral Board, if the following circumstances are present:

- a) The peace and order situation in the area requires the appointment of PNP uniformed personnel; and
- b) There are no other qualified, willing and available persons to render election service in the affected area based on the certification issued by concerned officials mentioned in Section 12, hereof.

#### RULE V

##### HONORARIA, ALLOWANCES, SERVICE CREDITS AND OTHER BENEFITS

**SECTION 16. Entitlement of Honoraria, Allowances, Service Credits and Other Benefits.** - Persons rendering election-related service shall be entitled to the following:

- a. **Honoraria.** - For the first implementation, the Chairperson and Members of the Electoral Board, the DESO and their respective Support Staff shall be entitled to the corresponding honoraria:

Chairperson of the Electoral Board	P6,000.00
Member of the Electoral Board	P5,000.00
DESO	P4,000.00
Support Staff	P2,000.00

- b. *Travel Allowance.* - The Chairperson and Members of the Electoral Board, the DESO and their respective Support Staff shall be entitled to a travel allowance of One Thousand Pesos (P1,000.00) each.
- c. *Service Credit.* - A minimum of five (5) days service credit shall accrue to all government officials and employees serving as Chairpersons and Members of the Electoral Boards, DESO, and Support Staff.

**SECTION 17. *Period of Payment.*** -The honoraria and allowances mentioned in the immediately preceding section shall be paid within fifteen (15) days from the date of election.

**SECTION 18. *Review by the Commission.*** - The amounts mentioned in Section 16 above shall be reviewed by the Commission in consultation with the DepEd every three (3) years from the effectivity of this IRR, but in no case shall the revised amounts be lower than herein provided.

In reviewing the amount, the Commission shall consider among other factors, the current/prevaling Consumer Price Index and Inflation Reports of the Philippine Statistics Authority.

## RULE VI

### DEATH BENEFITS AND/OR MEDICAL ASSISTANCE FOR ELECTION-RELATED RISKS

**SECTION 19. *Other Benefits.*** - Persons rendering election-related service shall be entitled to the following:

- a. *Death Benefits* - The amount of Five Hundred Thousand Pesos (P500,000.00) shall be awarded to the beneficiaries of persons who rendered election-related service as defined in Section 2 (a) of Rule I hereof.
- b. *Medical Assistance* - An amount not exceeding Two Hundred Thousand Pesos (P200, 000.00) shall be awarded to the person who rendered election-related service and suffered election-related injury or illness.

**SECTION 20. *Committee on Claims and Assessment.*** - Claims for other benefits shall be filed with the Committee on Claims and Assessment (CCA) through the EO. The CCA shall be composed mainly of the Office of the Deputy Executive Director for Operations, Law Department, Personnel Department and Finance Services Department.

Upon the constitution of the CCA, it shall promulgate its rules and regulations within thirty (30) days.

**SECTION 21. *Availment*** - The grant of financial assistance provided under this Rule can only be availed of once (1) per election service, which shall include, special election, plebiscite, initiative, referendum and recall.

## RULE VII

### LEGAL INDEMNIFICATION, LEGAL ASSISTANCE, LAWYER'S FEES, LEGAL COSTS AND PROCEDURE

**SECTION 22. *Legal Indemnification Package.***- An equitable legal indemnification package for persons who rendered election-related service and have been made a party in any administrative, civil, or criminal action, suit or proceeding, by reason of or on the occasion of performance of their functions or duties as such is hereby established in the form of:

- a) Legal assistance;
- b) Lawyer's fees;
- c) Indemnification for legal costs and expenses reasonably incurred; and
- d) Other forms of legal protection.

The legal indemnification shall not cover any action or suit initiated by the Claimant in his or her personal capacity or on behalf of the Commission, unless such action, proceeding or claim was authorized by the Commission.

**SECTION 23. Committee on Claims and Assessment.** – Claims for legal indemnification package shall likewise be filed with the CCA.

**SECTION 24. Funds for Legal Indemnification Package.** – The amount of Fifty Thousand Pesos (P50,000) as legal indemnification package shall be made available to each claimant. Such amount shall be earmarked from the Trust Fund to be established by the Commission pursuant to this IRR.

**SECTION 25. Legal Assistance.** – A person who rendered election-related service is hereby authorized to engage the services of a government or private lawyer immediately upon receipt of a notice that a civil or criminal action, suit or administrative proceeding has been filed against him/her in connection with his/her election related-service.

For this purpose, the Commission may enter into a memorandum of agreement (MOA) with the Public Attorney's Office (PAO) and Integrated Bar of the Philippines (IBP) for the implementation of this provision.

**SECTION 26. Lawyer's Fees.** – In the engagement of the services of a government lawyer, no claims for lawyer's fees shall be awarded.

Should the claimant prefers to engage the services of a private lawyer, the Commission, upon the recommendation of the CCA or the concerned national government agency shall bear the reasonable lawyer's fees of the counsel of choice, which, in no case, shall exceed the maximum limit of the legal indemnification package herein provided, otherwise, the former shall bear the excess.

In the event that private lawyers accept the case "*pro bono*", no claims for lawyer's fees shall be awarded.

**SECTION 27. Legal Costs and Other Reasonable Expenses.** – Legal costs shall constitute the expenses directly incurred by reason of the case, such as but not limited to:

- a) Filing fees, if applicable;
- b) Mailing;
- c) Notarial fees; and
- d) Gathering of and photocopy of evidence.

A reasonable amount from the legal indemnification package shall be allocated by the Commission for the payment of the actual expenses incurred for legal costs and other reasonable expenses.

**SECTION 28. Other Forms of Legal Protection.** – The claimant may avail of any legal protection and remedies available under existing laws by filing a request for legal protection with the CCA.

If, upon evaluation, the CCA finds the request to be meritorious due to existing or imminent threat, violence, harassment or intimidation against the claimant or any

immediate member of his/her family, it shall recommend to the Commission *En Banc*, the deputization of law enforcement agencies to provide security to the claimant and/or his/her immediate family within a specified period of time or until such time that the condition for the protection no longer exists.

**SECTION 29. Entitlement to Legal Indemnification Package** -The Claimant shall be allowed reimbursement for reasonable legal expenses incurred if found not guilty of an election offense or exonerated from civil, criminal or administrative case filed against him, in relation to election related service, subject to usual accounting and auditing rules and regulations of the COA.

#### RULE VIII TRUST FUND

**SECTION 30. Establishment of Trust Fund by the Commission.** - The Commission, through the Finance Services Department, shall establish a special Trust Fund from which the medical assistance, death benefits and legal indemnification package due to persons rendering election-related service shall be drawn.

The trust fund shall not be used for purposes other than what are provided for in Republic Act No. 10756 and this IRR.

#### RULE IX ELECTION OFFENSE

**SECTION 31. Election Offense.** - Any person who makes or causes delay in the payment of honoraria and allowances due to persons who rendered election-related service beyond fifteen (15) days from the date of election shall be liable for an election offense, subject to the following procedures:

- a) Complaints for election offense herein provided may be initiated *motu proprio* by the Commission or upon written complaint by the offended party.
- b) *Motu proprio* complaints may be signed by the Chairman of the Commission, or any of its authorized officials and need not be verified.
- c) *Written* complaint by the offended party must be verified and supported by affidavits and/or any other relevant documentary evidence.
- d) The complaint shall be filed with the Law Department or OEO or any other prosecuting arms of the government having concurrent jurisdiction over election offense cases with the Commission. In case the complaint is filed with the OEO, the EO shall endorse the same to the Law Department within three (3) days from receipt thereof.
- e) If the case is filed with the Law Department, the provisions of Batas Pambansa Bilang 881 (otherwise known as the *Omnibus Election Code of the Philippines*), other election laws, the Rules of Procedure of the Commission and its pertinent resolutions shall be applied to the proceedings and penalties to be imposed in relation to the election offense mentioned under this Rule.

**RULE X**  
**ADMINISTRATIVE SANCTIONS**

*SECTION 32. Administrative Sanctions.* - Any person who violates or fails to comply with any of the provision of this IRR shall constitute a ground for administrative liability for dereliction of duty, malfeasance, misfeasance and/or nonfeasance in office and, if found guilty, the corresponding administrative penalty shall be imposed, after due notice and hearing.

**RULE XI**  
**FINAL PROVISIONS**

*SECTION 33. Appropriations.* - The initial funding requirement necessary to carry out the provisions of this IRR shall be charged against the Commission's current year appropriations. Thereafter, such amount as may be necessary for the continuous implementation of this IRR shall be included in the annual General Appropriations Act.

*SECTION 34. Construction in favor of persons who rendered election-related service.* - All doubts in the interpretation of the provisions of this IRR shall be liberally construed in favor of persons who rendered election-related service.

*SECTION 35. Separability Clause.* - If any of the provision of this IRR is held invalid, the other provisions not affected thereby shall remain in full force and effect.

*SECTION 36. Repealing Clause.* - All rules and regulations inconsistent with this IRR are hereby repealed or modified accordingly.

*SECTION 37. Effectivity Clause.* - This IRR shall take effect fifteen (15) days after the completion of its publication in, at least, two (2) newspapers of general circulation in the Philippines.

SO ORDERED.



**J. ANDRES D. BAUTISTA**  
*Chairman*



**CHRISTIAN ROBERT S. LIM**  
*Commissioner*



**AL A. PARRENO**  
*Commissioner*



**LUE TITO F. GUIA**  
*Commissioner*



**ARTHUR D. LIM**  
*Commissioner*

*On leave* 

**MA. ROWENA AMELIA V. GUANZON**  
*Commissioner*



**SHERIFF M. ABAS**  
*Commissioner*