



COMMISSION ON ELECTIONS  
INTRAMUROS, MANILA

IN THE MATTER OF THE  
ELECTION SERVICE REFORM  
ACT - COMMITTEE ON CLAIMS  
AND ASSESSMENT RULES AND  
REGULATIONS"

Parreño, A.A.,  
Guia, L.T.F.,  
Guanzon, M.R.A.V.,  
Abas, S.M.,

Acting Chairman  
Commissioner  
Commissioner  
Commissioner

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Promulgated on May 2, 2018

RESOLUTION NO. 10320

**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*";

**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*";

**WHEREAS**, on September 5, 2017, the Commission promulgated Resolution No. 10194 entitled "*In The Matter of the Implementing Rules and Regulations of Republic Act No. 10756, Otherwise Known as the "Election Service Reform Act"*";

**WHEREAS**, Sec. 20 of the said IRR provides that, "*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.”; and

**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:

<p style="text-align:center"><b>COMMITTEE ON CLAIMS AND ASSESSMENT RULES AND REGULATIONS</b></p>
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These Rules and Regulations shall apply to the claims of persons who rendered election service, who suffered/experienced election-related risk as defined in Republic Act No. 10756 and its Implementing Rules and Regulations (COMELEC Resolution No. 10194).

**RULE I  
THE COMMITTEE ON CLAIMS AND ASSESSMENT (CCA)**

**SECTION 1. Composition .** - The CCA shall be composed of the Office of the Deputy Executive Director for Operations as its Head, and the Law Department, Personnel Department, Finance Services Department, and the Internal Audit as its Members.

**RULE II  
COVERAGE OF CLAIMS**

**SECTION 2. Coverage** -Claims under these rules and regulations shall start upon the issuance of the appointment by the Commission to render election-related service.

**RULE III  
DEATH BENEFITS AND/OR MEDICAL ASSISTANCE FOR  
ELECTION-RELATED RISKS**

**SECTION 3. Where to File Claims.** - Claims for death and/or medical assistance for election-related risks or other benefits shall be filed with the CCA through the Office of the Election Officer (OEO).

**SECTION 4. When to File Claims** - Claims for death benefits or medical assistance shall be filed within sixty (60) days after confinement and/or hospitalization, occurrence of injury/illness, or death of the person rendering election-related service.

The OEO shall endorse the same to the CCA within three (3) days from receipt thereof. The filing of the claim with the OEO shall suspend the running of the sixty (60) day period provided above.

**SECTION 5. *Who may File Death Claims.*** - Claims for death benefits may be filed by anyone in behalf of the Beneficiary.

**SECTION 6. *Who may Claim Death Claims.*** - Claims for death benefits may be done by any of the following beneficiaries in the order of their hierarchy:

- a. Spouse
- b. Legitimate child of legal age
- c. Legitimate parents
- d. Legitimate brothers/sisters
- e. Legitimate grandparents/grandchildren

If the surviving heir is a minor legitimate child, claims for death benefit may be done if represented by the minor's lawful guardian, preferably the guardian appointed by the Court, if any, or if there is none, any guardian as referred under the Civil Code of the Philippines and other pertinent laws.

**SECTION 7. *Documentary Requirements.*** - The beneficiaries mentioned in the preceding sub-section are required to submit the following documents to the CCA:

- a. Letter request for death benefit;
- b. Death Certificate;
- c. Specific civil registry document/s from the Philippine Statistics Authority (PSA) depending on who the beneficiary is:
  1. Spouse - Original or certified true copy of the marriage contract with official receipt;
  2. Legitimate child of legal age - Original or certified true copy of the certificate of live birth with official receipt;
  3. Legitimate parents - Original or certified true copies of the certificates of live birth of the deceased person and the person/s filing the claim with official receipts;
  4. Legitimate brothers/sisters - Original or certified true copies of the certificates of live birth of the deceased person and person/s filing the claim with official receipts;

5. Legitimate grandparents/grandchildren - Original or certified true copies of the certificates of live birth of the parents of the deceased person, the deceased person, and the person/s filing the claim with official receipts.

If the surviving heir is a minor legitimate child - Original or certified true copy of the certificate of live birth with official receipt and Original or certified true copy of the certificate of live birth with official receipt of the Guardian.

- d. Original Certification of the Election Officer that the deceased person actually served or rendered election-related service;
- e. Original Hospital Certification or Original Police Report indicating that the cause of death is due to election-related risk; and
- f. Brief narration of the circumstances of death.

**SECTION 8. Medical Claims.** - Evaluation of medical claim shall strictly depend on the diagnosis and prescription of the attending physician vis-à-vis the procedures undertaken, medicines and supporting documents submitted by the claimant.

**SECTION 9. Exclusion on the Grant of Medical Assistance.** - No reimbursement shall be allowed if the injury or illness suffered by the person who rendered election-related service is due to either of the following:

- a) Gross or contributory negligence which is determined to be the proximate cause of the illness or injury; or
- b) Direct or indirect participation in the commission of a crime or violation of a law or ordinance.

**SECTION 10. Documentary Requirements** - The claimant shall submit the following documents:

- a) Letter request for reimbursement of medical expenses;
- b) Medical Certificate by the attending physician stating the nature and cause of illness or injury and/or medical abstract;
- c) Laboratory examinations and results;
- d) Doctor's prescription/s;
- e) Statement of Account issued by the hospital's Chief Accountant;
- f) Original official receipts;
- g) Original Certification of the Election Officer that the claimant actually served or rendered election-related service;

- h) Original Hospital Certification or Original Police Report indicating that the cause of the injury is due to election-related risk; and
- i) Brief narration of the circumstances of injury.

**SECTION 11. Duties of the CCA.** - Upon receipt of the claim, together with all its supporting documents, the CCA shall immediately proceed to its evaluation. In case the supporting documents are incomplete, the CCA shall not automatically deny or dismiss the claim. Instead, a **Notice of Incomplete Documents** shall be sent to the claimant. The notice shall specify the lacking documents and emphasize that the same must be submitted to the CCA within ten (10) days from receipt thereof, otherwise the claim shall be dismissed.

In case the lacking requirements are filed with the OEO, the EO shall endorse the same to the CCA within three (3) days from receipt thereof. The submission of the lacking documents with the OEO shall suspend the running of the ten (10) day period provided above.

**SECTION 12. Decision on the Request** - Within thirty (30) days from receipt of the claim, the CCA, shall issue a decision in writing, either granting or denying the claim and stating the reasons thereon. In case of incomplete documents, the thirty (30) day period shall commence from receipt of the lacking documents.

**SECTION 13. Approval or Disapproval on the Request / Request for Reconsideration.** - The decision of the CCA shall be furnished to the claimant within twenty-four (24) hours from rendition thereof.

- a) In case of approval, the amount to be reimbursed shall be released to the claimant by the CCA within seven (7) days from its receipt of the decision, subject to the usual accounting and auditing rules and regulations of the Commission on Audit (COA).
- b) In case of disapproval of the claim, the claimant shall be allowed to request for reconsideration within ten (10) days from receipt of the decision of the CCA only once to the Commission *En Banc*. However, a request for reconsideration shall only be entertained on the basis of new evidence, in the absence of which, the request for reconsideration shall be dismissed outright.
- c) The decision/resolution of the Commission *En Banc* is immediately final and executory. If the request for reconsideration is granted, the procedure mentioned in letter (a) above shall apply.

**SECTION 14. Availment** - The grant of financial assistance provided under this Rule can only be availed of once (1) per service period, which shall include, special election, plebiscite, initiative and recall.

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## RULE IV

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

**SECTION 15. Requirements** - Claims for legal indemnification, legal assistance, Lawyer's fees, and legal costs be availed of with the concurrence of the following requirements:

1. The administrative, civil or criminal case arose from the performance of the claimant's election-related service;
2. The case is filed before any court or those under the supervision of the Supreme Court; and
3. The claim is filed with the respective agency/ies of the claimant/s or with the Commission in case of private persons.

**SECTION 16. Eligible legal expenses** - Eligible legal expenses shall be claimed and be limited to the following types and amount of expenses per case and can only be availed of once:

Payee	Type of Expense	Maximum Amount Inclusive of Taxes
Claimant	Bail bond	Payment of bond premiums. No reimbursement of cash bond shall be allowed
Claimant	Transportation expenses for every hearing, appearance, meeting or conference with the claimant's lawyer	Amount, supported by receipts and subject to the following: (i) travel authority by the head of agency or his duly authorized representative; (ii) for meetings and conferences, limited to four (4) in a month; and (iii) compliance with accounting and auditing rules and regulations.
Claimant	Expenses for photocopying of documents, required certifications, and transcript of stenographic notes	Photocopying expenses shall be based on the actual amount incurred while the other expenses shall be based on the prescribed legal fees under Rule 141 of the Rules of Court, as amended, but not to exceed a total amount of

		Ten Thousand Pesos (P10,000) for every case.
Claimant	Fees to be paid to private counsel for the preparation or filing of pleadings and/or motions, excluding Motions to Reset Hearing and for Extension of Time	Total amount not to exceed Twenty Thousand Pesos (P20,000) per case
Claimant	Acceptance and/or attorney's fee to be paid to private counsel	Total amount not to exceed Fifty Thousand Pesos (P50,000) per case
Claimant	Appearance fee to be paid to private counsel for every hearing or appearance before a court	Amount based on the prescribed minimum rates of the local Integrated Bard of the Philippines (IBP) chapter, or if not available, the rates of the nearest IBP chapter where the case is being heard or tried. If the IBP rates are not available, the appearance fee shall not be more than Five Thousand Pesos (P5,000) per hearing.
Government Legal Counsel	Transportation and other travel expenses for every hearing or appearance before any court and for interviews with client or preparation of documents	For transportation expenses, the amount supported by receipts and subject to the following: (i) travel authority by the head of agency or his duly authorized representative; (ii) for meetings and conferences, limited to four (4) in a month; and (iii) compliance with accounting and auditing rules and regulations.
		For Other Travel

		Expenses, those provided under EO No. 248, s. 1995 ( <i>Prescribing Rules and Regulations and New Rates of Allowances For Official Local and Foreign Travels Of Government Personnel</i> ), and any amendments and guidelines thereto.
Government Legal Counsel	Appearance Fee	Amount authorized for Special Counsel Allowance under the General Provisions of the annual GAA

All legal expenses in excess of those, and not included above, shall not be allowed.

The maximum allowable amounts abovementioned shall be applied per case, and consolidated cases shall be considered as one case.

The claimant/s shall be required to execute the deed of undertaking that they will return the amounts granted to them by the Board when they are found guilty by final judgment by the Court in relation to the offense charged.

The claimant may engage a private or government legal counsel, subject to pertinent laws, rules and regulations.

The claim shall be in a form of cash advance or reimbursement for legal expenses incurred by qualified claimants in relation to their court defense.

The claim in the form of cash advances may only be granted to incumbent personnel for transportation expenses to be supported by a Directive indicating the duration of the travel and the authorized travel allowance to be granted.

All other authorized legal expenses shall be on a reimbursement basis.

**SECTION 17. Procedure** - The claimant/s (private individuals) shall file their respective claims with the CCA.

1. The CCA shall examine, review, verify, and validate the authenticity of the documents presented by the claimant/s.
2. Upon finding that all the requirements have been duly complied with and that all the necessary documents submitted are complete and genuine, the CCA shall approve the claim, otherwise, it shall require completion of documents or deny the same.

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3. The CCA shall submit its decision to the Commission *En Banc* for resolution.
4. Upon approval by the Commission *En Banc*, the CCA shall order the processing of claims and the subsequent release of funds for the approved claims.

**SECTION 18. Documentary Requirements** - Claims for legal assistance and indemnification shall be subject to the submission of the following documents:

1. Letter request;
2. Original Certification of the Election Officer that the claimant actually served or rendered election-related service;
3. Copy of the complaint;
4. Copy of the subpoena/notice/summons; and
5. The following applicable additional documents:

Type of Expense	Supporting Documents
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**A. To be paid to Claimant**

1. Bail bond	Proof of payment of bond premiums
2. Transportation (for every hearing, appearance, meeting or conference with the claimant's lawyer)	(1) Travel authority by the head of agency or his duly authorized representative (2) Proof/certification of attendance to hearing/appearance/meeting/conference with the lawyer, limited to four in a month (3) Corresponding Official Receipts (ORs)
3. Photocopying of documents, required certifications and transcript of stenographic notes	Official Receipts (ORs)
4. Fees to be paid to private counsel for the preparation of filing of pleadings and/or motions	Official Receipts (ORs)
5. Acceptance and/or attorney's fee to be paid	Official Receipts (ORs)

to private counsel

- 6. Acceptance fee to be paid to private counsel for every hearing or appearance before a court

Official Receipts (ORs)

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**B. To be paid to Government Legal Counsel**

- 7. Transportation and other travel expenses for every hearing or appearance before any court and for interviews with client or preparation of documents
  - (1) Travel authority by the head of agency or his duly authorized representative
  - (2) Proof/certification of attendance to hearing/appearance/meeting/conference with the lawyer, limited to four in a month
  - (3) Corresponding Official Receipts (ORs)

- 8. Appearance fee

Approved Office Order

**RULE V**

**EFFECTIVITY AND PUBLICATION**

**SECTION 19. Effectivity.**—This resolution shall take effect immediately upon publication in two (2) newspapers of general circulation. The Education and Information Department of the Commission shall cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines.

SO ORDERED.

  
 AL A. PARREÑO  
COO0102332  
 Acting Chairman

  
 LUIE TITO F. GUIA  
 Commissioner

  
 MARIA ROWENA AMELIA V. GUANZON  
 Commissioner

  
 SHERIFF M. ABAS  
 Commissioner

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