

**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)**

23 AUG -9 P3 :22

SENATE

S.B. No. 2398

RECEIVED BY: 

Introduced by SEN. WIN GATCHALIAN

**AN ACT FURTHER AMENDING SECTION 32 OF REPUBLIC ACT NO. 8424,
OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE
OF 1997, AS AMENDED, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

In the recently-held 09 May 2022 national and local elections, some 647,812 teaching and non-teaching personnel of the Department of Education were trained and mobilized to serve across the 37,219 public schools nationwide that were used as polling centers, and were consequently deputized to be at the voting frontlines to man and serve in the said election.¹ These poll workers have continuously volunteered their time and energy to facilitate the exercise of the every Filipino's constitutionally guaranteed right to suffrage and to ensure an orderly and credible conduct of our national and local elections.

Notwithstanding their hard work, resourcefulness and perseverance, and after rendering more than 24 hours of continuous service to finish the transmission of results, the allowances and honoraria due to these poll workers are subject to income tax if their annual compensation income exceeds the PHP250,000 threshold under the TRAIN Law. In addition, these poll workers are required to go to their respective local Commission on Elections (COMELEC) offices just to claim their rightful compensation

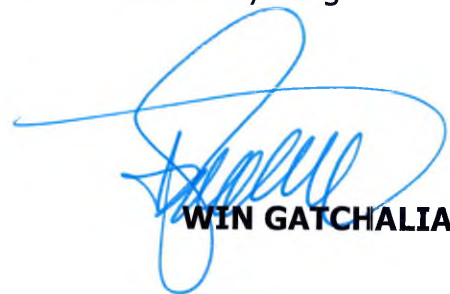
¹ <https://www.deped.gov.ph/2022/05/09/deped-officially-sends-off-personnel-to-assist-comelec-in-may-9-elections/>

- which again requires additional effort and transportation expenses - and to submit a declaration of tax exemptions for those earning below the threshold of PHP250,000 per year.

Considering what these poll workers had to put up with every election, and in order to lessen delays and complications in the release of the allowances and honoraria given to these hardworking poll workers, this bill seeks to exclude from their gross income and exempt from taxation the honoraria, travel allowance and such other benefits as may be granted by COMELEC to persons rendering election service pursuant to Section 4 of Republic Act No. 10756, also known as the Election Service Reform Act.

Giving the poll workers, especially the public teachers, the full amount of their election honoraria and allowances is the best way we can show them our gratitude and appreciation for their steadfast commitment to ensure a clean, honest and orderly conduct of elections in the country, as well as encourage and reward volunteerism in our election process

In view of the foregoing, the passage of this bill is earnestly sought.




WIN GATCHALIAN



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

1 **SECTION 1.** Section 32 of Republic Act No. 8424 is further amended to read
2 as follows:

3 "Section 32. Gross Income. —

4 (A) *General Definition.* — x x x

5 (B) *Exclusions from Gross Income.* — x x x

6 (1) x x x

7 (7) *Miscellaneous Items.* —

8 (a) x x x

9 (e) *13th Month Pay and Other Benefits.* Gross benefits received
10 by officials and employees of public and private entities:
11 Provided, however, That the total exclusion under this
12 subparagraph shall not exceed Ninety thousand pesos (P90,000)
13 which shall cover:

14 (i) x x x

15

1 (iii) Benefits received by officials and employees not
2 covered by Presidential Decree No. 851, as amended by
3 Memorandum Order No. 28, dated August 13, 1986;
4 [and]

5 (iv) Other benefits such as productivity incentives and
6 Christmas bonus[.]; **AND**

7 **(V) HONORARIA, TRAVEL ALLOWANCE AND SUCH**
8 **OTHER BENEFITS AS MAY BE GRANTED TO PERSONS**
9 **RENDERING ELECTION SERVICE BY THE COMMISSION**
10 **ON ELECTIONS (COMELEC) PURSUANT TO SECTION 4 OF**
11 **REPUBLIC ACT NO. 10756, OTHERWISE KNOWN AS THE**
12 **ELECTION SERVICE REFORM ACT.**

13 x x x. "

14
15 **SEC. 2. *Implementing Rules and Regulations.*** – The Department of Finance,
16 in consultation with the COMELEC and Department of Education, shall promulgate
17 implementing rules and regulations (IRR) to implement the provisions of this Act
18 within sixty (60) days from its approval.

19
20 **SEC. 3. *Separability Clause.*** – If any provision or part thereof is held invalid
21 or unconstitutional, the remainder of the law or the provision not otherwise affected
22 shall remain valid and subsisting.

23
24 **SEC. 4. *Effectivity.*** – This Act shall take effect after fifteen (15) days from its
25 publication in the Official Gazette or in any newspaper of general circulation.

26
27 *Approved,*