

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
Second Regular Session



COMMITTEE REPORT NO. 1522

Submitted by the Committee on Suffrage and Electoral Reforms on
22 NOV 2011.

Re : House Bill No. 5509

Recommending Its Approval In Substitution Of House Bill Nos. 2296 and 4048

Sponsors : Representatives Elpidio F. Barzaga, Jr.,
Godofredo V. Arquiza, Teddy A. Casino,
Neri Javier Colmenares, Luzviminda C. Ilagan,
Rafael V. Mariano, Emerenciana A. De Jesus,
Antonio L. Tinio and Raymond V. Palatino

Mr. Speaker:

The Committee on Suffrage and Electoral Reforms, to which were referred House Bill No. 2296 introduced by the Honorable Representative Godofredo V. Arquiza, entitled:

“AN ACT
PROVIDING FOR A SPECIAL POLLING PLACE FOR
THE DISABLED, THE ELDERLY AND THE EXPECTANT MOTHERS
IN A LOCALITY”

and House Bill No. 4048 introduced by the Honorable Representatives Teddy A. Casino, Neri Javier Colmenares, Luzviminda C. Ilagan, Rafael V. Mariano, Emerenciana A. De Jesus, Antonio L. Tinio and Raymond V. Palatino, entitled:

“AN ACT
MANDATING THE USE OF GROUND-FLOOR POLLING PLACES
FOR PERSONS WITH DISABILITIES AND SENIOR CITIZENS”

has considered the same and recommends that the attached House Bill No. 5509 entitled:

**"AN ACT
MANDATING THE USE OF HIGHLY ACCESSIBLE POLLING PLACES FOR
PERSONS WITH DISABILITIES,
SENIOR CITIZENS AND EXPECTANT MOTHERS"**

be approved in substitution of House Bill Nos. 2296 and 4048 with Reps. Arquiza, Casino, Colmenares, Ilagan, Mariano, De Jesus, Tinio and Palatino as authors thereof.

Respectfully submitted:



HON. ELPIDIO F. BARZAGA, JR.
Chairman
Committee on Suffrage and
Electoral Reforms

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5509

(In substitution of House Bill Nos. 2296 and 4048)

Introduced by the Honorable Representatives
GODOFREDO V. ARQUIZA, TEDDY A. CASIÑO, NERI JAVIER COLMENARES,
LUZVIMINDA C. ILAGAN, RAFAEL V. MARIANO, EMERENCIANA A. DE JESUS,
ANTONIO L. TINIO, and RAYMOND V. PALATINO

AN ACT
MANDATING THE USE OF HIGHLY ACCESSIBLE POLLING PLACES FOR
PERSONS WITH DISABILITIES, SENIOR CITIZENS AND EXPECTANT MOTHERS

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Polling Center Accessibility
2 Act of 2011.”
3

4 **SECTION 2. Declaration of Policy.** – The State shall ensure the right to suffrage of all
5 Filipinos, unless disqualified by law. The government shall establish procedures to
6 make polling centers accessible and responsive to the physical limitations of persons
7 with disabilities, senior citizens and expectant mothers.
8
9

10 **SECTION 3. Definition of Terms.** – As used in this Act, the term:
11

- 12 a) **Highly Accessible Polling Place** refers to the place where the Board of Election
13 Inspectors (BEI) conduct election-related proceedings such as registration, voting
14 and the likes, that is located on the ground floor, preferably near the entrance of
15 the building where these election-related activities are held, thus facilitating the

1 exercise of the right to suffrage by persons with disabilities, senior citizens and
2 expectant mothers;

3
4 b) **Voting center** refers to the building or place where special polling activities take
5 place;

6
7 c) **Persons with disabilities or PWDs** refer to those persons with physical,
8 physiological or sensory impairment or those persons suffering from restrictions
9 of different abilities to perform an activity in the manner or within the range
10 considered normal to a human being and at the same time, possess the
11 qualifications and none of the disqualifications of a voter;

12
13 d) **Senior citizens** refer to those who have physical limitations due to age and at
14 the time, possess the qualifications and none of the disqualifications of a voter;

15
16 e) **Expectant mothers** refer to visibly pregnant women and may have difficulty
17 going to the polling precinct due to the fact that they are expecting, and at the
18 same time, possess the qualifications and none of the disqualifications of a voter;

19
20 f) **Commission** refers to the Commission on Elections.

21
22 **SECTION 4. Use of Ground Floor Polling Places for PWDs, Senior Citizens and**
23 **Expectant Mothers.** -The government, through the Commission, shall designate highly
24 accessible polling rooms for PWDs, senior citizens and expectant mothers. The rooms
25 shall be located at the ground floor of each polling center preferably near the entrance
26 of the building. Instead of proceeding to their precincts, PWDs, senior citizens and
27 expectant mothers shall be allowed to vote in the special rooms where extra ballot
28 boxes of their assigned precincts shall be provided. At the end of voting, the counting of
29 ballots and transmission of votes shall likewise take place in the same polling precinct.

30
31 **SECTION 5. Number of Highly Accessible Polling Rooms.** - The Commission will
32 determine the number of highly accessible polling rooms to be designated based on the
33 number of elderly and disabled registered voters.

34
35 **SECTION 6. Appropriations.** - The Chairman of the Commission shall include in the
36 Commission's program the implementation of this Act, the initial funding of which shall
37 be charged against the current year's appropriations or from any available savings of
38 the commission. Thereafter, such amount as maybe necessary for the continued
39 implementation of this Act shall be included in the annual General Appropriations Act.

40
41 **SECTION 7. Implementing Rules and Regulations.** - Within sixty (60) days from the
42 effectivity of this Act, the Commission shall promulgate and issue the rules and
43 regulations for the implementation of this Act.

1 **SECTION 8. Separability Clause.** – Should any provision of this Act be declared invalid
2 or unconstitutional, the validity or constitutionality of the other provisions shall not be
3 affected thereby.

4
5 **SECTION 9. Repealing Clause.** – All laws, decrees, letters of instructions, resolutions,
6 orders, ordinances or parts thereof which are inconsistent with the provisions of this Act,
7 are hereby repealed, amended, or modified accordingly.

8
9 **SECTION 10. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
10 publication in two (2) newspapers of general circulation.

11
12
13
14 Approved,

Republic of the Philippines

HOUSE OF REPRESENTATIVES

Quezon City, Metro Manila

FIFTEENTH CONGRESS

HOUSE BILL NO. 2296

Introduced by:

Rep. Godofredo V. Arquiza

EXPLANATORY NOTE

A "polling place" as defined in the Omnibus Election Code, Section 152, is the building or place where the Board of Election Inspectors conducts its proceedings and where the voters cast their votes.

It also provides that "each polling place shall be, as far as practicable, a ground floor and shall be of sufficient size to admit and comfortably accommodate forty voters at one time..." In line with this, the Magna carta for Disabled Persons (Republic Act No. 7277) Section 29 also provides that "polling places should be made accessible to disabled persons during national and local elections."

Despite the above provisions, pregnant mothers and the elderly and the disabled are often hindered by the inaccessibility of the polling Place. This proposed bill seeks to address the needs of the disadvantaged and seeks to provide for a special polling place for the disabled, the elderly, and visibly expectant mothers.


GODOFREDO V. ARQUIZA

Republic of the Philippines

HOUSE OF REPRESENTATIVES

Quezon City, Metro Manila

FIFTEENTH CONGRESS

HOUSE BILL NO. 2296

Introduced by:

Rep. Godofredo V. Arquiza

AN ACT

**PROVIDING FOR A SPECIAL POLLING PLACE FOR THE DISABLED,
THE ELDERLY, AND THE EXPECTANT MOTHERS IN A LOCALITY**

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

SECTION 1. Short Title. – This Act may be cited as “The Special Polling
Place Act of 2010”

SECTION 2. Definition of Terms. – As used in this act, the term:

- (A) “*Special polling place*” refers to the place where the board of election inspectors conduct election-related proceedings such as registration, voting and the like, that is easily accessible to the disabled, the elderly, and expectant mothers.
- (B) “*Barrier free environment*” refers to an area where the special polling place within a voting center is located, having such architectural features, reasonably enhancing the mobility of the disabled, the elderly, and expectant mothers, such as sidewalks, ramps, railing, and the like or easily accessible to wheelchairs;
- (C) “*Voting center*” refers to the building or place where special polling activities take place.
- (D) “*Disabled*” refers to those persons with physical, physiological or sensory impairment, or those persons from suffering from restrictions of

different abilities to perform an activity in the manner or within the range considered normal to a human being and at same time, possess the qualifications and none of the disqualifications of a voter;

- (E) "*Elderly*" refers to senior citizens who have physical limitations due to age or sickness and at the time, possess the qualifications and none of the disqualifications of a voter;
- (F) "*Expectant mothers*" refers to visibly pregnant women who are on their sixth month of pregnancy, and may have difficulty going to the polling precinct due to the fact they are expecting, and at the same time, possess the qualifications and none of the disqualifications of a voter; and
- (G) "*Shuttle service*" refers to free transportation that will deliver the disabled, the elderly, and the expectant mothers to the special polling precincts in order to allow them to exercise suffrage without hindrance.

SECTION 3. *Special Polling Place for the Disable, the Elderly, and the Expectant Mothers.* – The Commission on Elections in coordination with local government units, concerned government agencies and other concerned groups and organizations shall conduct a study on the disabled, the elderly, and the expectant mothers in a locality to get data on their number, distribution, the extent of their limitations which may restrict their ability to participate in election-related activities, and other relevant information. Afterwards, the COMELEC shall provide for special polling places, for the disabled, the elderly, and the expectant mothers; Provided that the number and location of the special polling places shall be determined by the outcome of the study; provided further, that the designation of special polling places shall not compromise nor alter the principle or territorial jurisdiction used in election-related activities such that no special precincts shall be created for the purpose; provided further, that as a safety measure, once the COMELEC determines who among the disabled, the elderly, and the expectant mothers require a special polling place, it shall make a separate list containing the name, address, brief description of the disability or physical limitation, the precinct and the city or municipality where he/she belongs, and if already available, the voter's identification number. The list shall be posted one (1) month before any election-related activity, in two (2) conspicuous places in the city or municipal hall for one (1) week and shall be regularly updated. Those who are in the list shall not be allowed to use his/her designated polling place, while others who are not in the list, shall not be allowed to use the same. Those in the list are also to be provided free transportation by a shuttle service from his/her address to the designated polling place and back again; provided finally that the special polling places shall be located in a barrier-free environment, easily accessible to the disabled and the elderly.

SECTION 4. *Information and Education Campaign.* – The commission shall conduct an information and education campaign for the effective implementation of this Act.

SECTION 5. *Rules and Regulations.* – The Commission on Elections shall issue the necessary rules and regulations for the effective implementation of this Act.

SECTION 6. *Separability Clause.* If any provision or part hereof is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* Any law, presidential decree or issuance, executive order, letter of instruction, administrative rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 8. *Effectivity Clause.* This Act shall take effect immediately after its approval.

Approved,


GODOFREDO V. ARQUIZA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 4048

Introduced by Reps. TEDDY A. CASIÑO, NERI JAVIER COLMENARES,
LUZVIMINDA C. ILAGAN, RAFAEL V. MARIANO, EMERENCIANA A. DE JESUS,
ANTONIO L. TINIO, and RAYMOND V. PALATINO

EXPLANATORY NOTE

Suffrage or the right to vote for government officials is a constitutionally afforded right of all Filipino citizens, unless disqualified by law. Being the sole determinant of electoral succession, it is a highly valued right and widely regarded as an exercise of democracy.

While there are no literacy or economic requirements to qualify as a voter, physical limitations have hindered senior citizens and persons with disabilities (PWDs) from casting their votes. During the last elections, news programs showed footage of senior citizens leaving polling centers instead of climbing two flights of stairs to reach their assigned voting precinct.

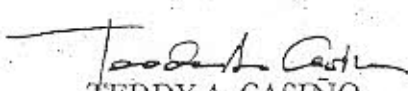
Relying on a wheeled contraption for mobility, Pepito Manio, co-director of the non-government organization Breaking Barriers for Children with Disabilities, had to seek the help of others to climb four floors and reach his precinct. This is amid the issuance of the Commission on Elections' Resolution No. 8739 which orders the use of ground-level rooms for precincts of disabled voters.

This bill seeks to remedy the said lapses and problems of existing regulations.

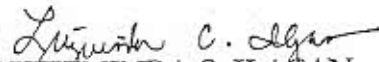
With around a million PWDs and almost five million senior citizens, it will be impossible to ensure that all their precincts will be situated at ground-level. With the approval of this bill, PWDs and senior citizens will instead be assigned to special voting rooms on election day. Their ballots will be collected on basis of their actual assigned precincts and will later be forwarded to the corresponding precincts.

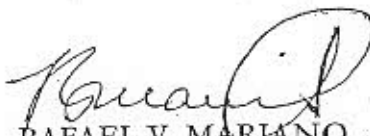
In view of the foregoing, immediate approval thereof is highly recommended.

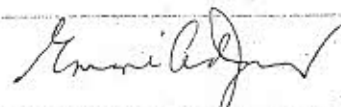
Approved,


TEDDY A. CASIÑO
Bayan Muna Party-list


NERI JAVIER COLMENARES
Bayan Muna Party


LUZVIMINDA C. ILAGAN
Gabriela Women's Party


RAFAEL V. MARIANO
Anakpawis Party-list


EMERENCIANA A. DE JESUS
Gabriela Women's Party


ANTONIO L. TINIO
ACT Teachers Party-list


RAYMOND V. PALATINO
Kabataan Party-list

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4048

Introduced by Reps. TEDDY A. CASIÑO, NERI JAVIER COLMENARES,
LUZVIMINDA C. ILAGAN, RAFAEL V. MARIANO, EMERENCIANA A. DE JESUS,
ANTONIO L. TINIO, and RAYMOND V. PALATINO

AN ACT
MANDATING THE USE OF GROUND-FLOOR POLLING PLACES FOR PERSONS
WITH DISABILITIES AND SENIOR CITIZENS

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 “Polling Center Accessibility Act of 2011.”

SECTION 2. *Declaration of policy.* – The State shall ensure the right to suffrage of all Filipinos, unless disqualified by law. In response to physical limitations of senior citizens and persons with disabilities, the government shall design procedures to make polling centers accessible.

SECTION 3. *Use of ground-floor polling places for persons with disabilities and senior citizens.* The government, through the Commission on Elections (COMELEC), shall designate special polling rooms for senior citizens and persons with disabilities. The rooms shall be located at the ground floor of each polling center. Instead of proceeding to their precincts, the elderly and persons with disabilities will be allowed to vote in the special rooms where extra ballot boxes of their assigned precincts will be provided. At the end of day, before the counting of ballots or transmission of votes, the assigned board of election inspectors shall submit the ballot boxes to the corresponding precincts for consolidation.

SECTION 4. *Number of special polling rooms.* – COMELEC will determine the number of special polling rooms based on the number of elderly and disabled registered voters.

SECTION 5. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the COMELEC shall promulgate and issue the rules and regulations for the implementation of this Act.

SECTION 6. *Constitutionality.* – Should any provision of this Act be declared invalid or unconstitutional, the validity or constitutionality of the other provisions shall not be affected thereby.

SECTION 5. *Repealing Clause.* - All laws, decrees, letters of instructions, resolutions, orders, ordinances or parts thereof which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

SECTION 6. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,

COMMITTEE ON SUFFRAGE AND ELECTORAL REFORMS
15th Congress

MINUTES OF THE MEETING

August 9, 2011, Tuesday, 1:30 PM
Conference Rooms 1 & 2, RVM Bldg.,
House of Representatives, Batasan Complex

I. CALL TO ORDER

The meeting was called to order 1:57 PM.

II. ROLL CALL

Upon the duly seconded motion of Rep. Tinio, the calling of the roll was dispensed with.

III. READING AND APPROVAL OF THE MINUTES OF THE JUNE 7, 2011 MEETING

Upon the duly seconded motion of Rep. Tinio, the minutes of the June 7, 2011 were approved.
The reading of the same was dispensed with.

IV. ACKNOWLEDGMENT OF MEMBERS, GUESTS AND RESOURCE PERSONS

The Committee Secretary acknowledged the members of the committee in attendance. COMELEC Commissioner Velasco was at hand. Likewise present were officers of different public school teachers' associations.

V. MEETING PROPER

Vice-Chairman Andres D. Salvacion, Jr. was the presiding officer.

A. On the Highly Accessible Polling Places for Persons with Disabilities, Senior Citizens and Expectant Mothers

Approval of the Substitute Bill on HB Nos. 2296 and 4048 by Reps. Godofredo V. Arquiza, Teddy A. Casino, Neri Javier Colmenares, Luzviminda C. Ilagan, Rafael V. Mariano, Emerenciana A. De Jesus, Antonio L. Tinio and Raymond V. Palatino

"AN ACT MANDATING THE USE OF HIGHLY ACCESSIBLE POLLING PLACES FOR PERSONS WITH DISABILITIES, SENIOR CITIZENS AND EXPECTANT MOTHERS"

As there had been several rounds of deliberation on the substitute bill on the highly accessible polling places for persons with disabilities, senior citizens and expectant mothers, Rep. Tinio moved to approve the same subject to style and amendments. The motion was carried.

B. On the Compulsory Insurance for members of the Board of Election Inspectors (BEI)

HB No. 3710 by Rep. Julieta R. Cortuna

"AN ACT INSTITUTING A COMPULSORY INSURANCE FOR MEMBERS OF THE BOARD OF ELECTION INSPECTORS FOR EVERY NATIONAL AND LOCAL ELECTIONS"

Rep. Piamonte manifested his intent to co-author HB No. 3710 sponsored by Rep. Cortuna. He stated that "it is only fair and just to look after the welfare of teachers as elections cause harm to them." He likewise stated that the comments from the Commission on Elections submitted to the committee should be integrated into the bill.

Commissioner Velasco informed the body that such insurance for teachers actually exists. He suggested that all members of the Board of Election Inspectors (BEI) should be covered by the same whether they are teachers or not.

Rep. Piamonte concurred with Commissioner Velasco's comments to include in the coverage the volunteers.

Ms. France Castro of the Alliance of Concerned Teachers suggested that the proposed amount of two hundred thousand pesos (P200,000.00) must be doubled.

Rep. Tinio stated that "instead of paying for premiums, COMELEC should just set aside 30 million pesos for the purpose." He furthered that the insurance should not be dependent on savings but should be funded separately.

Rep. Piamonte moved to approve HB No. 3710 subject to style and amendments. The same was seconded by Rep. Tinio and was carried.

Reps. Tinio and Salvacion manifested their intent to co-author the said measure.

C. On the voluntary election service of public school teachers and other citizens

HB No. 4096 by Rep. Antonio L. Tinio

"AN ACT AMENDING SECTION 13 OF REPUBLIC ACT NO. 6646, OTHERWISE KNOWN AS "THE ELECTORAL REFORMS LAW OF 1987," MAKING ELECTION SERVICE VOLUNTARY FOR PUBLIC SCHOOL TEACHERS AND OTHER CITIZENS"

The officers of the different public school teachers' associations in attendance expressed their full support for House Bill No. 4096 as those who render election service, they say, are often subjected to harassment, humiliation and hardship.

Rep. Tinio enumerated several countries whose equivalent of the members of the Board of Election Inspectors in the Philippines are not necessarily public school teachers.

Commissioner Velasco expressed his apprehension on the proposal as "to make voluntary the services of teachers in the conduct of electoral exercises will diminish the credibility of the results as volunteers cannot be trusted."

Rep. Tinio reacted that the trend worldwide is "to open up election service to volunteers." The Presiding Officer stated that the Implementing Rules and Regulations must be very well-crafted.

Rep. Piamonte suggested that compensation must be increased to enhance volunteerism. "Security, legal assistance, insurance, etceteras for teachers must be in place," he added. He then moved to approve HB No. 4096. The same was carried.

VI. ADJOURNMENT

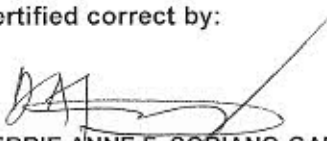
The meeting was adjourned at 3:20 PM.

Prepared by:



CARLA MAY F. BAUTISTA
SLSO-II

Certified correct by:



DEBBIE ANNE F. SORIANO-GARCIA
Committee Secretary

Approved by:

ELPIDIO F. BARZAGA, JR.
Chairman

FACT SHEET

House Bill No. 5509

(In substitution of House Bill Nos. 2296 & 4048)

AN ACT

**MANDATING THE USE OF HIGHLY ACCESSIBLE POLLING PLACES FOR
PERSONS WITH DISABILITIES, SENIOR CITIZENS AND EXPECTANT MOTHERS**

*Introduced by: Reps. Godofredo V. Arquiza, Teddy A. Casiño, Neri Javier Colmenares,
Luzviminda C. Ilagan, Rafael V. Mariano, Emerenciana A. De Jesus,
Antonio L. Tinio and Raymond V. Palatino*

*Committee Referral: Committee on Suffrage and Electoral Reforms
Committee Chairperson: HON. ELPIDIO F. BARZAGA, JR.*

OBJECTIVE:

- To give persons with disabilities, senior citizens and expectant mothers a better opportunity to exercise their right to vote despite their physical limitations.

KEY PROVISIONS:

- Mandates the Commission on Elections to designate highly accessible polling rooms for senior citizens, persons with disabilities and expectant mothers. These rooms shall be located at the ground floor of each polling center preferably near the entrance of the building.
- Provides that the Commission on Elections shall determine the number of highly accessible polling rooms based on the number of elderly and disabled registered voters.

RELATED LAWS:

- Section 152 of the Omnibus Election Code
- Republic Act No. 7277