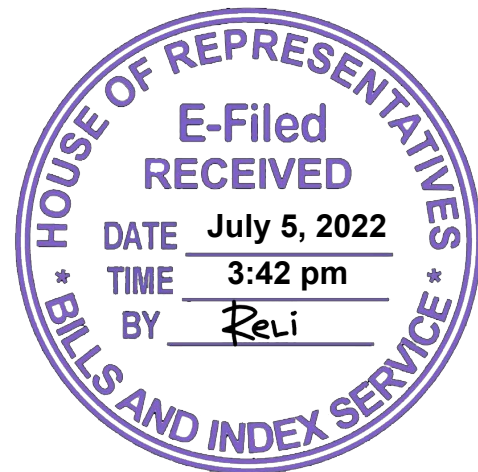


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **1221**



Introduced by Representative Stella Luz A. Quimbo

AN ACT AMENDING REPUBLIC ACT NO. 10366, OTHERWISE KNOWN AS "AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO DESIGNATE PRECINCTS ASSIGNED TO ACCESSIBLE POLLING PLACES EXCLUSIVELY FOR PERSONS WITH DISABILITIES AND SENIOR CITIZENS"

EXPLANATORY NOTE

The Commission on Elections (COMELEC) data shows that 318,013 Persons with Disabilities (PWDs) and 6.695 Million Senior Citizens registered to vote during the May 2016 elections.

After the 23 percent low voting turnout of PWDs and Senior Citizen during the 2013 midterm elections, there were clamors for disability inclusivity in elections.

In response, Aquino government enacted Republic Act 10366 which mandates COMELEC to establish accessible polling places (APPs) exclusively for PWDs and the elderly. COMELEC Resolution 10180, released two weeks before May 9, 2016 elections, provides specific guidelines in implementing Republic Act 10366.

Despite said measures in place, senior citizens Mia Esteban, 74, and Josefa Basarde, 65 had to wait in line under the heat for three (3) hours to vote at the designated emergency accessible polling places (EAPP) at President Corazon Aquino Elementary School in Batasan Hills, Quezon City during the recently concluded elections.

Legal Network for Truthful Elections (LENTE), a network of lawyers, paralegals engaged in vote monitoring and the electoral process also said that recently passed, Republic Act 10366, though commendable, proved to be a "band-aid" solution to the bigger problem of having a better mechanism of voter registration and voting process for the vulnerable sector.

Article V of the 1987 Constitution provides that all citizens, not otherwise disqualified by law, shall have the free exercise of the right to vote. Furthermore, the State shall also design a procedure for the disabled to vote without the assistance of other persons.

This bill aims to improve the voting experience of the vulnerable sector by mandating COMELEC to designate an “accessible polling place” within premises of the Municipal Hall or City Hall exclusively for PWDs and senior citizens. Under Republic Act 10366, an “accessible polling place” is defined as the venue where the Board of Election Inspectors (BEIs) conducts election-related proceedings and where the voters cast their votes. The accessible polling place shall be located at the ground floor, preferably near the entrance of the building, and is free of any physical barriers and provided with necessary services, including assistive devices.

This measure seeks to ensure disability-inclusivity but, more importantly, promote greater involvement of citizenry in the electoral process. This bill was originally approved on third reading in the 18th Congress.

The passage of this bill is earnestly sought.



STELLA LUZ A. QUIMBO, PhD
Representative
Second District, Marikina City

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ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO DESIGNATE
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FOR PERSONS WITH DISABILITIES AND SENIOR CITIZENS**

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

1 **SECTION 1.** Section 2(j) of Republic Act No. 10366 is hereby amended to read
2 as follows:

3 "SEC. 2. XXX

4 "xxx

5 "(j) Accessible polling place refers to the venue where the Board of
6 Election Inspectors (BEIs) conducts election-related proceedings and where
7 the voters cast their votes. The accessible polling place shall be located at the
8 ground floor, preferably near the entrance of the building, **SHALL BE READILY**
9 **ACCESSIBLE TO PUBLIC TRANSPORTATION**, and[is] **SHALL BE** free of
10 any physical barriers and provided with necessary **INFRASTRUCTURE AND**
11 services, including assistive devices[], **RAMPS, RAILINGS, SIDEWALKS,**
12 **ADEQUATE LIGHTING, VENTILATION AND OTHER FEATURES FOR**
13 **PERSONS WITH DISABILITIES AND SENIOR CITIZENS."**

14 **SEC. 2.** Section 9 of Republic Act No. 10366 is hereby
15 amended to read as follows:

16 "SEC. 9. [Creation of] *Precincts for Persons with Disabilities and Senior*
17 *Citizens.* - The Commission is hereby authorized to [establish] **DESIGNATE**
18 precincts [of a nonterritorial nature, exclusively for] **IN**
19 **ACCESSIBLE POLLING PLACES FOR THE EXCLUSIVE USE OF** persons
20 with disabilities and senior citizens, [who in their registration records manifest
21 their intent to avail of their right to a separate precinct under this section.
22 Pursuant hereto, the Commission shall establish at least one (1) such precinct,

1 assigned to accessible polling places, for every voting center.] **SUCH AS IN**
2 **PUBLIC SCHOOLS, TOWN HALLS OR PLAZAS, CIVIC CENTERS,**
3 **COMMUNITY CENTERS OR OTHER SIMILARLY DESIGNATED SPECIAL**
4 **VENUES OR AREAS, AND PREFERABLY THOSE DESIGNED WITH**
5 **SPECIAL FEATURES, TO ENSURE THEIR SAFETY AND COMFORT.** Such
6 precincts shall be provided with assistive devices **PURSUANT TO THE**
7 **PROVISIONS OF SECTION 2(J) OF THIS ACT** as well as the services of
8 experts in assisting persons with disabilities."

9 **SEC. 3.** Within sixty {60} days from its effectivity, the Commission shall
10 promulgate the rules and regulations for the implementation of this Act.

11 **SEC. 4.** If any portion or provision of this Act is declared unconstitutional, the
12 remainder of this Act or any provision not affected thereby shall remain in force and
13 effect.

14 **SEC. 5.** All other laws, acts, presidential decrees, executive orders, issuances,
15 presidential proclamations, rules and regulations or parts thereof, which are contrary
16 to and inconsistent with any provision of this Act, are hereby repealed, amended or
17 modified accordingly.

18 **SEC. 6.** This Act shall take effect fifteen {15} days after its publication in the
19 Official Gazette or in a newspaper of general circulation.

20
21 Approved,