

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

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8963



Introduced by HON. GUS S. TAMBUNTING

AN ACT
ENHANCING ACCESSIBILITY IN THE VOTING OF SENIOR CITIZENS, PERSONS
WITH DISABILITIES, PREGNANT WOMEN, AND INDIGENOUS PEOPLES,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10366, PROVIDING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

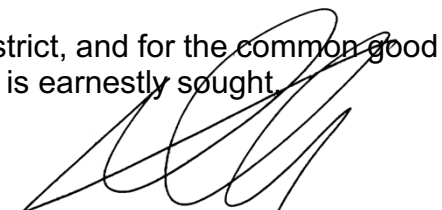
Section 1, Article V of the 1987 Constitution provides that, “[s]uffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months immediately preceding the election.” However, there are persons who do not vote during elections although qualified and willing to exercise their right, not by reason of disqualification but due to incapacity brought by their physical condition such as PWDs and pregnant women. There are also people who are unable to exercise their right to vote because of the distance of polling precincts from their respective home particularly experienced by the members of the indigenous community.

Out of the 61.8 million Filipinos who registered to vote in the 2019 National and Local Elections as recorded by the Commission on Elections (COMELEC), 9.1 million or 14 percent are senior citizens based on COMELEC while at least 342,300 are persons with disabilities (PWDs) as estimated by The Asia Foundation. Data showed elderly voters continue to be disenfranchised as only three percent or 200,000 of nine million registered senior citizens were able to cast their ballots in the 2019 midterm polls. On the other hand, Comelec data as of May 14, 2022 showed that only 50,068 senior citizens voted during the 2022 election out of the 10,085,956 registered voters under this sector. Meanwhile, Comelec's Vulnerable Sectors Office's (VSO) data provides that there are almost 512,000 registered voters who are persons with disabilities in 2022, up from just 348,000 in 2019. Of this number, 109,299 has physical disabilities while 75,941 has visual disabilities.⁴ However, according to the Comelec data as of May 14, 2022, only 2,293 out of the 511,612 persons with disabilities had cast their votes. In addition, as per the National Commission on Indigenous Peoples, there are approximately 11.3 million Indigenous people in the Philippines, amounting to 11- 12 per cent of the population.⁶ Based on Comelec data as of May 14, 2022, a total of 40,319 indigenous people participated in the 2022 general elections. The figure

represents only 6.05 percent of the total number of registered voters among the said sector which was at 666,308.

The proposed measure seeks to amend Republic Act No. 10366, otherwise known as An Act Authorizing The Commission On Elections To Establish Precincts Assigned To Accessible Polling Places Exclusively For Persons With Disabilities And Senior Citizens, to authorize the COMELEC to designate precincts in accessible polling places for the exclusive use of PWDs and senior citizens, such as in public schools, town halls or plazas, civic centers, community centers or other similarly designated special venues.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.



REP. GUS S. TAMBUNTING
2nd District, Parañaque City

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THEREFOR, AND FOR OTHER PURPOSES**

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

SECTION 1. Short Title. – This Act shall be known as the *"Better Voting Accessibility for Seniors, PWDs, Pregnant Women, and IPs Act"*

SEC. 2. Declaration of Policy. – The State shall ensure that senior citizens, persons with disabilities (PWDs), pregnant women, and indigenous peoples (IPs) are able to exercise their right to political participation without restrictions. The State shall devise systems and procedures that will enhance accessibility in their voting process.

SEC 3. Sec. 2. Definition of Terms. – As used in this Act, the term:

- (a) "Commission" refers to the Commission on Elections.
- (b) "Senior citizens" refer to qualified voters who are sixty (60) years or older.
- (c) "Persons with disabilities" or "PWDs" refer to qualified voters who have long term physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.
- (d) "Pregnant women" refer to qualified voters who are pregnant at the time of the period for early voting and during election day regardless of the number of trimester.
- (e) "Indigenous peoples" refer to qualified voters who belong to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically

differentiated from the majority of Filipinos. IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.

SEC. 4. *Early Voting.* – For national and local elections, there shall be early voting where senior citizens, PWDs, pregnant women, and IPs qualified to vote early may choose to cast their ballot for a period of not less than two (2) days within thirty (30) calendar days before election day at accessible establishments designated by the Commission.

For this purpose, accessible establishments shall be located at the ground floor, preferably near the entrance of a building, shall be readily accessible to public transportation, and shall be free of any physical barriers and provided with necessary infrastructure and disability support services, including assistive devices, transport wheelchairs, ramps, railings, sidewalk, adequate lighting, ventilation, and other features for the senior citizens, PWDs, and pregnant women.

Aside from structural accessibility, the Commission shall provide live assistance for PWDs such as sign language interpreters.

There shall be a nationwide registration of senior citizens, PWDs, pregnant women, and IPs who may wish to avail of their early voting privileges to qualify them for early voting. Only those who are not registered under the early voting system shall vote on election day.

SEC. 5. *Option for Postal Early Voting.* – Senior citizens, PWDs, pregnant women, and IPs who registered for early voting shall have the option to cast their ballot via post in designated precincts: Provided, That voters who wish to vote via post must first be registered to do so with the Commission.

The Commission shall provide rules, necessary safeguards, and confirmation procedures to properly implement this provision.

SEC. 6. *Emergency Accessible Polling Places (EAPP).* – During election day, the Commission shall designate a room or a makeshift or temporary polling place established at the ground of a voting center or outside of it but in close proximity thereto, where senior citizens, PWDs, and pregnant women voters may vote on election day.

The Commission shall ensure that the voting procedure in the EAPP, including the facilities, materials, and a voting machine in the event of automated elections, are adequate, appropriate, accessible, and easy to understand and use, and that reasonable accommodation shall be granted to PWDs, senior citizens, and pregnant women in order that they may fully exercise their right of suffrage. The Commission shall provide live assistance for PWDs such as sign language interpreters.

SEC. 7. Section 2(j) of Republic Act No. 10366 is hereby amended to read as follows:

"SEC. 2. *Definition of Terms.* - xxx (a) xxx.
xxx.

(j) Accessible polling place refers to 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, **SHALL BE READILY ACCESSIBLE TO PUBLIC TRANSPORTATION**, and [is] **SHALL BE** free of any physical barriers and provided with necessary **INFRASTRUCTURE AND** services, including assistive devices, **TRANSPORT WHEELCHAIRS, RAMPS, RAILINGS, SIDEWALKS, ADEQUATE LIGHTING, VENTILATION, AND OTHER FEATURES FOR PERSONS WITH DISABILITIES AND SENIOR CITIZENS.**"

SEC. 8. Section 9 of Republic Act No. 10366 is hereby amended to read as follows:

"SEC. 9. [Creation of] Precincts for Persons with Disabilities and Senior Citizens. – The Commission is hereby authorized to [establish] **DESIGNATE** precincts [of a nonterritorial nature,] **IN ACCESSIBLE POLLING PLACES FOR THE** exclusive[ely for] **USE OF** persons with disabilities and senior citizens [who in their registration records manifest their intent to avail of their right to a separate precinct under this section. Pursuant-here to, the Commission shall establish at least one (1) such precinct, assigned to accessible polling places for every voting- enter.], **SUCH AS IN PUBLIC SCHOOLS, TOWN HALLS OR PLAZAS, CIVIC CENTERS, COMMUNITY CENTERS, OR OTHER SIMILARLY DESIGNATED SPECIAL VENUES OR AREAS, WITH PREFERENCE FOR VENUES DESIGNED WITH SPECIAL FEATURES TO ENSURE THEIR SAFETY AND COMFORT.** Such precincts shall be provided with assistive devices **PURSUANT TO THE PROVISIONS OF SECTION 2(J) OF THIS ACT** as well as the services of experts in assisting persons with disabilities, **SUCH AS SIGN LANGUAGE INTERPRETERS.**

SEC. 9. *Implementing Rules and Regulations.* – Within ninety (90) days after the approval of this Act, the DMW shall, in consultation with appropriate government agencies and stakeholder representatives, shall issue the necessary rules and regulations for the effective implementation of this Act.

SEC 10. *Appropriations.* – The initial appropriation to carry out the provisions of this Act shall be charged against the current appropriations of the Commission. Thereafter, the amount necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 11. *Separability Clause.* – If any portion of this Act is declared unconstitutional or invalid, the portions or provisions which are not affected shall continue to be in full force and effect.

SEC. 12. *Repealing Clause.* – All laws, decrees, executive issuances, rules and regulations inconsistent with this Act are hereby repealed and/or modified accordingly.

SEC. 13. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,