

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL No. **3149**



Introduced by HON. LINABELLE RUTH R. VILLARICA
4th DISTRICT, BULACAN

AN ACT

PROVIDING FOR ALTERNATIVE MODES OF VOTING FOR PERSONS IN
VULNERABLE SITUATIONS TO EXERCISE THEIR RIGHT OF SUFFRAGE,
AMENDING FOR THE PURPOSE R.A. No. 10366, OTHERWISE KNOWN AS AN ACT
AUTHORIZING THE COMELEC TO ESTABLISH PRECINTS ASSIGNED TO
ACCESIBLE POLLING PLACES EXCLUSIVELY FOR PERSONS WITH DISABILITIES
AND SENIOR CITIZENS, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

Our present voting system has to be inclusive for it to be effective tool to strengthen our democracy. Those who are unable to vote or those who fail to participate in the voting process due to physical disabilities and other circumstances beyond their control have to be given the opportunity to exercise their right to suffrage. The state is mandated by the Constitution to provide the appropriate environment to this sector of our society by developing systems and procedure that are responsive to their needs as they actively participate in all political exercises.

Presently, however, while the COMELEC is authorized to establish precincts assigned to accessible polling places for person with disabilities and senior citizen in R.A. No. 10366, it is imperative that the special needs of the PWDs and senior citizens in the exercise of their right to suffrage be given primary attention and consideration. A local absentee voting system must also be in place to accommodate senior citizens, PWDs, pregnant women and internally displaced persons, health workers on official duty and quarantined and hospitalized persons, and repatriated overseas voters.

This proposed bill seeks to strengthen this law by providing for the needs of persons in vulnerable situations in exercising their right suffrage. Support for the enactment of this measure is earnestly requested.

REP. LINABELLE RUTH R. VILLARICA

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

SECTION 1. *Declaration of Policy.* – The State shall ensure that senior citizens, persons with disabilities (PWDs), pregnant women, indigenous people (Ips), internally displaced persons (IDPs), persons deprived of liberty (PDLs), and in special circumstances, health workers, quarantined and hospitalized persons, repatriated overseas voters, migrant workers, and Overseas Filipino Workers (OFWs) in distress, 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. 2. *Definition of Terms.* – As used in this Act, the following terms shall mean:

- (a) “Commission” refers to the Commission on Elections;
- (b) “Senior Citizens” refer to qualified voters where are sixty (60) years or older;
- (c) “Persons with disabilities” refer to qualified voters who have long term physical, mental, intellectual, or sensory impairments, which, in interacting 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 during election day regardless of the trimester of pregnancy. For purpose of local absentee voting, the term shall refer to qualified voters who are pregnant at the time of registration for absentee voting and are expected to remain pregnant during the period of absentee voting;

- (e) Indigenous peoples” refer to qualified voters who belong to a group of people or a homogenous society identified by self-ascription and ascription by others, who have continuously lived as an 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, become historically differentiated from the majority of Filipinos, Ips shall likewise include people 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 been resettled outside their ancestral domains;
- (f) Internally displaced person” refers to qualified voter who has been forced or obliged to flee or leave one’s home or place of habitual residence within the national borders as a result of, or in order to avoid or minimize, the effects of armed conflict, situations of generalized and/or organized violence, violations of human rights, implementation of development projects, or natural and human-induced or human-made hazards or disasters;
- (g) “Person deprived of liberty” refers to a qualified voter, who is a detainee, inmate, prisoner, or person under confinement or custody in any other manner;
- (h) “Health workers” shall mean qualified voters who are engaged in health-related work, and all persons employed in all hospitals, sanitarium, health infirmaries, health centers, rural health units, barangay health stations, clinics, and other health-related establishments owned and operated by the government or its political subdivisions with original charters and shall include medical, allied health professional, administrative and support personnel, regardless of their employment status;
- (i) “Quarantined and hospitalized persons” shall refer to qualified voters who are quarantined or are receiving medical treatment in quarantine facilities and hospitals accredited by the Commission due to an existing public health emergency;
- (j) “Repatriated overseas voters” refers to a citizen of the Philippines registered and allowed to vote under Republic Act No. 9189, as amended, but was repatriated due to special circumstances such as armed conflict, issue in international relations, state or emergency or calamity, or any other analogous circumstance beyond the control or fault of the voter.

SEC. 3. *Local Absentee Voting.* – The Commission shall extend all the right to vote under the Local Absentee Voting System to senior citizens, PWDs, pregnant women, and IDPs qualified to vote, as provided in existing laws and executive orders. They may cast their ballot at accessible establishments designated by the Commission, for a period of not less than two (2) days within seven (7) calendar days before the election.

In the event of a public health emergency, health workers on official duty and quarantined and hospitalized persons qualified to vote may avail of the right to Local Absentee Voting.

A repatriated overseas voter may avail of the right to Local Absentee Voting only if such voter's repatriation was due to special circumstances such as armed conflict, issues in the international relations, state of emergency or calamity, or any other analogous circumstances beyond the control or fault of the voter.

A Commission shall designate accessible polling places, define/under Section 2 (j) of Republic Act No. 10366, as amended, for senior citizens, PWDs, and pregnant women.

There shall be a nationwide registration of senior citizens, PWDs, pregnant women, IDPs, and in special circumstances health workers, quarantined and hospitalized persons, and repatriated overseas voters, who wish to avail of the Local Absentee Voting. Those who are not registered number the Local Absentee Voting system shall be allowed to vote on election day.

SEC. 4. *Emergency Accessible Polling Places (EAPP)* – During election day, the Commission shall designate rooms or makeshift or temporary polling places at residences for senior citizens; jails, prison facilities or detention center; quarantine and hospital facilities; areas with a substantial number of IDPs, remote areas, and in such other places as may be necessary to ensure an efficient and expeditious voting process for senior citizens, PWDs, pregnant women, IDPs, Ips and in special circumstances, health care workers on duty and qualified repatriated overseas voters.

The Commission shall ensure that, as far as practicable and necessary, and the EAPPs shall have the same features and offer the same assistive services found in Accessible Polling Places defines under Section 2 (j) of Republic Act No. 10366, as amended, and that the voting procedure in the EAPPs, including the facilities and materials, is adequate, appropriate, accessible, easy to understand and use, and that reasonable accommodation shall be granted to the persons named in the preceding paragraph to ensure the full exercise of their right of suffrage.

SEC. 5. Section 2 (j) of Republic Act No. 10366 is hereby amended as follows:

“SEC. 2. *Definition of Terms* – XXX

(j) Accessible polling place refers to the venue where the ELECTORAL BOARD [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, READILY ACCESSIBLE TO PUBLIC TRANSPORTATION, free of any physical barriers and provided with [necessary service, including assistive devices] NECESSARY INFRASTRUCTURE INCLUDING ASSISTIVE DEVICES, TRANSPORT WHEELCHAIRS, RAMPS, RAILINGS, SIDEWALKS, ADEQUATE LIGHTNING, VENTILATION, SUFFICIENT SIGNAGE AND DIRECTIONAL SIGNS, LIST OF CANDIDATES TRANSCRIBED IN BRAILLE, AND OTHER FEATURES FOR PWDs, PREGNANT WOMEN, AND SENIOR CITIZENS, AS WELL AS SUPPORT SERVICES OF EXPERTS IN ASSISTING PERSONS WITH DISABILITIES SUCH AS SIGN LANGUAGE INTERPRETERS, ACCESSIBLE POLLING PLACES SHALL BE

LOCATED IN PUBLIC SCHOOLS, TOWN HALLS OR PLAZAS, CIVIC CENTERS, COMMUNITY CENTERS, OR OTHER SIMILARLY DESIGNATED VENUES DESIGNED WITH SPECIAL FEATURES TO ENSURE THE SAFETY AND COMFORT OF SENIOR CITIZENS, PREGNANT WOMEN, AND PWDs.”

SEC. 6. Section 9 of Republic Act No. 10366 is hereby deleted and a new Section 9 shall be inserted as follows:

“SEC. 9. DESIGNATION OF ACCESSIBLE POLLING PLACES FOR SENIOR CITIZENS, PWDs, AND PREGNANT WOMEN. – THE COMMISSION SHALL DESIGNATE AND ESTABLISH ACCESSIBLE POLLING PLACES IN EVERY VOTING CENTER FOR THE EXCLUSIVE USE OF PWDs, SENIOR CITIZENS, AND PREGNANT WOMEN IN SUCH NUMBER AS MAY BE SUFFICIENT TO ENSURE AN EXPEDIENT, SAFE, AND COMFORTABLE VOTING PROCESS, NO MENTIONED HEREIN TO AVAIL OF THE RIGHT TO VOTE IN ACCESSIBLE POLLING PLACES.”

SEC. 7. *Provision for Transportation/Shuttle Service.* – The Commission shall provide a system of transportation/shuttle services for the senior citizens, PWDs, pregnant women, Ips, and IDPs during the period of Local Absentee Voting under this Act and during election day to ensure that these sectors have means of transportation to and from the polling places.

SEC. 8. *Establishment of a Vulnerable Sectors Office (VSO) Under the Commission.* – The Commission is hereby authorized to establish a VSO tasked specifically to oversee and supervise the effective implementation of this Act: *Provided*, That its Secretariat shall come from the existing Secretariat personnel of the Commission.

SEC. 9. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Commission shall, in consultation with other relevant government, non-governmental organizations, civil society organizations, promulgate the rules and regulations necessary to implement this Act.

SEC. 10. *Appropriation.* – The initial amount for the implementation of this Act shall be charged against the available appropriations of the Commission. Thereafter, the amount necessary for its continuous implementation shall be included in the annual General Appropriation Act.

SEC. 11. *Separability Clause.* - If any part or provision of this Act is declared unconstitutional or invalid, the other parts of provisions hereof not affected thereby shall remain in full force and effect.

SEC. 12. *Repealing Clause.* – All laws, decreed, executive orders, rules and regulations or other issuances or parts thereof, inconsistent with provision of this Act are hereby repealed, amended or modified accordingly.

SEC. 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,