

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

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 45

HOUSE OF REPRESENTATIVES

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Introduced by **HONORABLE ROMERO "MIRO" S. QUIMBO**

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 elections¹, 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.²

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.

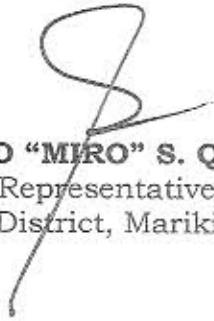
¹ Disability sector dealt another blow as voting in malls cancelled, 05 May 2016, retrieved from <http://verafiles.org/disability-sector-dealt-another-blow-as-voting-in-malls-cancelled/>

² "Despite EAPPs, voting not any easier for many PWDs and senior citizens", 31 May 2016, retrieved from <http://pwdfiles.verafiles.org/despite-eapps-voting-not-any-easier-for-many-pwds-and-senior-citizens/>

This bill aims to improve the voting experience of the vulnerable sector by assigning an earlier voting day for our elderly and the PWDs, thus ensuring an expedited, streamlined and convenient voting process. The bill also mandates 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.

The passage of this bill is earnestly sought.



ROMERO "MIRO" S. QUIMBO
Representative
Second District, Marikina City

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Introduced by HONORABLE ROMERO "MIRO" S. QUIMBO

1 **AN ACT AMENDING SECTION 9 OF REPUBLIC ACT 10366, OTHERWISE**
2 **KNOWN AS THE "ACT AUTHORIZING THE COMMISSION ON ELECTIONS**
3 **TO ESTABLISH PRECINCTS ASSIGNED TO ACCESSIBLE POLLING**
4 **PLACES EXCLUSIVELY FOR PERSONS WITH DISABILITIES AND**
5 **SENIOR CITIZENS"**

6
7 *Be it enacted by the Senate and the House of Representatives of the*
8 *Philippines in Congress assembled:*
9

10
11 **SECTION 1.** *Short Title* – This Act shall be known as "Senior Citizens and
12 PWDs Absentee Voting Act of 2016."

13 **SECTION 2.** Section 9 of Republic Act 10366 otherwise known as the "Act
14 Authorizing The Commission On Elections To Establish Precincts Assigned
15 To Accessible Polling Places Exclusively For Persons With Disabilities And
16 Senior Citizens" is hereby amended to read as follows:

17 SECTION. 9. [~~Creation of~~] Precincts for Persons with Disabilities and
18 Senior Citizens. – The Commission is hereby authorized to [~~establish~~]
19 **DESIGNATE** precincts [~~of a nonterritorial nature~~] **ASSIGNED TO**
20 **ACCESSIBLE POLLING PLACES WITHIN THE PREMISES OF THE**
21 **MUNICIPAL HALL OR CITY HALL**, exclusively for persons with

1 disabilities and senior citizens [~~who in their registration records~~
2 ~~manifest their intent to avail of their right to a separate precinct~~
3 ~~under this section. Pursuant hereto, the Commission shall establish~~
4 ~~at least one (1) such precinct, assigned to accessible polling places, for~~
5 ~~every voting center.] Such precincts shall be provided with assistive~~
6 devices as well as the services of experts in assisting persons with
7 disabilities.

8 **THE COMMISSION SHALL EXTEND THE RIGHT TO VOTE UNDER**
9 **THE LOCAL ABSENTEE VOTING SYSTEM PROVIDED UNDER THE**
10 **EXISTING LAWS AND EXECUTIVE ORDERS, TO PERSONS WITH**
11 **DISABILITIES AND SENIOR CITIZENS WHO ARE DULY**
12 **REGISTERED VOTERS.**

13 **SECTION 3.** *Implementing Rules and Regulations.* – Within sixty (60) days
14 from the effectivity of this Act, the Commission shall promulgate the
15 implementing rules and regulations.

16 **SECTION 4.** *Separability Clause.* – Should any provision of this Act or any
17 part hereof be declared unconstitutional, the other provisions or parts not
18 affected thereby shall remain valid and effective.

19 **SECTION 5.** *Repealing Clause.* – All laws, presidential decrees, executive
20 orders, resolutions, rules and regulations or parts thereof which are
21 inconsistent with the provisions of this Act are hereby repealed, amended or
22 modified accordingly.

1 **SECTION 5. *Effectivity Clause.*** – This Act shall take effect after fifteen (15)
2 days following its publication in the *Official Gazette* or in two (2) newspapers
3 of general circulation.

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5 Approved,