

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



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SENATE

S.B. No. 1160

RECEIVED BY:

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT
PROVIDING ALTERNATIVE MODES OF VOTING FOR HIGHLY VULNERABLE
SECTORS TO EXERCISE THEIR RIGHT OF SUFFRAGE, AMENDING FOR THE
PURPOSE REPUBLIC ACT NO. 10366, PROVIDING FUNDS THEREFOR, AND
FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article V, Section 2 of the Constitution states that the "Congress shall provide a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad." Furthermore, the Constitution provides that "No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage." Corollary to the said mandate is the duty to design a system and a set of procedures that shall encourage and ensure a wide participation in electoral exercises, plebiscites, or referenda by those belonging to the vulnerable sectors, particularly senior citizens, pregnant women, persons with disabilities (PWDs) and indigenous peoples.

The need for aforesaid system and procedures has become even more pronounced in light of the ongoing pandemic. According to the World Health Organization (WHO), COVID-19 is the infectious disease caused by the most recently discovered coronavirus. COVID-19 is a global pandemic and the Philippines alone has well more than three million recorded cases which in turn caused more than sixty thousand deaths.

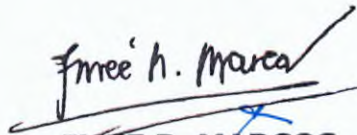
The United States Center for Disease Control (CDC) has reported that one's risk of getting severely ill from COVID-19 increases as one gets older. As with the case of senior citizens, the CDC also mentioned that pregnancy might increase the risk for severe illness from COVID-19.

Aside from the ongoing pandemic, notice may be taken of the fact that senior citizens, PWDs, and pregnant women oftentimes have reduced mobility and may thus require special assistance to simply get to and from the voting centers. This reduced mobility is aggravated by conditions prevailing during the day of the elections when thousands flock into voting centers to cast their votes. For many of these individuals, braving the crowded voting centers on election day entails physical and health hazards which may, in turn, effectively dissuade them from casting their votes. Although the Commission has exerted effort in ensuring access to the polls for these individuals, more can be done.

In addition and even prior to the COVID-19 pandemic, numerous public hearings and technical working group meetings conducted by the Senate Committee on Electoral Reforms and People's Participation have already discussed and recognized the plight of PWDs and the indigenous peoples (IPs) in remote areas during election day due to inaccessibility of polling places.

Hence, there is a need to provide alternative modes of voting for the members of the vulnerable sectors in order to ensure that they have sufficient access and opportunity to effectively and safely participate in the democratic process of this nation.

In view of the foregoing, the passage of this measure is earnestly sought.


IMEE R. MARCOS

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

1 **SECTION 1.** *Declaration of Policy.* – The State shall ensure that senior citizens,
2 persons with disabilities (PWDs), pregnant women, indigenous peoples (IPs), internally
3 displaced persons (IDPs), persons deprived of liberty (PDLs), and in special
4 circumstances, health workers, quarantined and hospitalized persons, and repatriated
5 overseas voters are able to exercise their right to political participation without
6 restrictions. The State shall devise systems and procedures that will enhance
7 accessibility in their voting process.

8
9 **SEC. 2.** *Definition of Terms.* – As used in this Act, the term:

10
11 (a) "*Commission*" refers to the Commission on Elections.

12
13 (b) "*Senior citizens*" refer to qualified voters who are sixty (60) years or older.

14
15 (c) "*Persons with disabilities*" or "*PWDs*" refer to qualified voters who have long
16 term physical, mental, intellectual, or sensory impairments which, in interaction
17 with various barriers, may hinder their full and effective participation in society
18 on an equal basis with others.
19

1 (d) "*Pregnant women*" refer to qualified voters who are pregnant during election
2 day regardless of the number of trimesters. For purposes of local absentee
3 voting, the term shall refer to qualified voters who are pregnant at the time of
4 registration to avail of absentee voting and who, in the natural course of events,
5 are expected to remain pregnant during the period of absentee voting.

6
7 (e) "*Indigenous peoples*" refer to qualified voters who belong to a group of people
8 or homogenous societies identified by self-ascription and ascription by others,
9 who have continuously lived as organized community on communally bounded
10 and defined territory, and who have, under claims of ownership since time
11 immemorial, occupied, possessed and utilized such territories, sharing common
12 bonds of language, customs, traditions and other distinctive cultural traits, or
13 who have, through resistance to political, social and cultural inroads of
14 colonization, non-indigenous religions and cultures, became historically
15 differentiated from the majority of Filipinos. IPs shall likewise include peoples
16 who are regarded as indigenous on account of their descent from the
17 populations which inhabited the country, at the time of conquest or colonization,
18 or at the time of inroads of non-indigenous religions and cultures, or the
19 establishment of present state boundaries, who retain some or all of their own
20 social, economic, cultural and political institutions, but who may have been
21 displaced from their traditional domains or who may have resettled outside their
22 ancestral domains.

23
24 (f) "*Internally Displaced Person*" refers to a person who has been forced or obliged
25 to flee or to leave home or place of habitual residence within the national borders
26 as a result of, or in order to avoid or minimize, the effects of armed conflict,
27 situations of generalized and/or organized violence, violations of human rights,
28 implementation of development projects, or natural and human-induced or
29 human-made hazards or disasters.

30
31 (g) "*Person Deprived of Liberty*" refers to a detainee, inmate, or prisoner, or other
32 person under confinement or custody in any other manner.

33
34 (h) "*Health Workers*" shall mean all persons who are engaged in health and health-
35 related work, and all persons employed in all hospitals, sanitarium, health
36 infirmaries, health centers, rural health units, barangay health stations, clinics,
37 and other health-related establishments owned and operated by the government
38 or its political subdivisions with original charters and shall include medical, allied

1 health professional, administrative and support personnel employed regardless
2 of their employment status.

3
4 (i) "*Quarantined and Hospitalized Persons*" shall refer to persons who are
5 quarantined or receiving medical treatment in quarantine facilities and hospitals
6 accredited by the Commission due to the existing public health emergency.

7
8 (j) "*Repatriated Overseas Voter*" refers to a citizen of the Philippines registered and
9 allowed to vote under Republic Act No. 9189, as amended, but was repatriated
10 due to special circumstances such as armed conflict, issues in international
11 relations, state of emergency or calamity, or any other analogous circumstances
12 beyond the control or fault of the voter.

13
14 **SEC. 3. Local Absentee Voting.** – The Commission shall extend the right to vote
15 under the Local Absentee Voting System provided under existing laws and executive
16 orders to senior citizens, PWDs, pregnant women, and IDPs qualified to vote. They may
17 cast their ballot for a period of not less than two (2) days within seven (7) calendar
18 days before election at accessible establishments designated by the Commission.

19
20 In the event of a public health emergency, health workers and quarantined and
21 hospitalized persons qualified to vote may avail of the right to Local Absentee Voting:
22 *provided*, that duty on the day of election is an additional qualification for a health
23 worker to avail of this right.

24
25 A repatriated overseas voter may avail of the right to Local Absentee Voting only
26 if such voter's repatriation was due to special circumstances such as armed conflict,
27 issues in international relations, state of emergency or calamity, or any other analogous
28 circumstances beyond the control or fault of the voter.

29
30 The Commission shall designate accessible polling places, as defined under
31 Section 2 (j) of Republic Act 10366, as amended, for senior citizens, PWDs, and
32 Pregnant Women.

33
34 There shall be nationwide registration of senior citizens, PWDs, pregnant
35 women, IDPs, and in special circumstances, health workers, quarantined and
36 hospitalized persons, and repatriated overseas voters, who may wish to avail of the
37 local absentee voting. Only those who are not registered under this system shall be
38 allowed to vote on election day.

1
2 **SEC. 4. *Emergency Accessible Polling Places (EAPP).*** – During election day, the
3 Commission shall designate rooms or makeshift or temporary polling places at
4 residences for senior citizens, jails, prison facilities or detention centers, quarantine
5 facilities, hospital facilities, areas with a substantial number of IDPs, remote areas, and
6 in such other places as may be necessary to ensure an efficient and expeditious voting
7 process for senior citizens, PWDs, pregnant women, IDPs, PDLs, IPs, hospitalized or
8 quarantined persons, healthcare workers on duty, and qualified repatriated overseas
9 voters.

10
11 The Commission shall ensure that, as far as practicable, and insofar as may be
12 necessary, the EAPPs shall have the same features and shall offer the same assistive
13 services as those found in Accessible Polling Places, as defined under Section 2 (j) of
14 Republic Act 10366, as amended, and that the voting procedure in the EAPPs, including
15 the facilities and materials, is adequate, appropriate, accessible, and easy to
16 understand and use, and that reasonable accommodation shall be granted to the
17 persons mentioned in the preceding paragraph so that they may fully exercise their
18 right of suffrage.

19
20 **SEC. 5.** Section 2 (j) of Republic Act No. 10366 is hereby amended to read as
21 follows:

22 "SEC. 2. Definition of Terms. – xxx

23
24 (a) xxx.

25
26 xxx.

27
28 (j) Accessible polling place refers to the venue where the Board of Election
29 Inspectors (BEIs) conducts election-related proceedings and where the
30 voters cast their votes. The accessible polling place shall be located at the
31 ground floor, preferably near the entrance of the building, [~~and is~~]
32 **SHALL BE READILY ACCESSIBLE TO PUBLIC TRANSPORTATION,**
33 **SHALL BE** free of any physical barriers, and provided with [~~necessary~~
34 ~~services, including assistive devices.~~] **THE NECESSARY**
35 **INFRASTRUCTURE INCLUDING ASSISTIVE DEVICES,**
36 **TRANSPORT WHEELCHAIRS, RAMPS, RAILINGS, SIDEWALKS,**
37 **ADEQUATE LIGHTING, VENTILATION, SUFFICIENT SIGNAGE**
38

1 **AND DIRECTIONAL SIGNS, LISTS OF CANDIDATES**
2 **TRANSCRIBED IN BRAILLE, AND OTHER FEATURES FOR PWDS,**
3 **PREGNANT WOMEN, AND SENIOR CITIZENS, AS WELL AS**
4 **SUPPORT SERVICES OF EXPERTS IN ASSISTING PERSONS WITH**
5 **DISABILITIES SUCH AS SIGN LANGUAGE INTERPRETERS.**
6 **ACCESSIBLE POLLING PLACES SHALL BE LOCATED IN PUBLIC**
7 **SCHOOLS, TOWN HALLS OR PLAZAS, CIVIC CENTERS,**
8 **COMMUNITY CENTERS, OR OTHER SIMILARLY DESIGNATED**
9 **VENUES. IN DESIGNATING THE ACCESSIBLE POLLING PLACES,**
10 **THE COMMISSION SHALL GIVE PREFERENCE TO VENUES**
11 **DESIGNED WITH SPECIAL FEATURES TO ENSURE THE SAFETY**
12 **AND COMFORT OF SENIOR CITIZENS, PREGNANT WOMEN, AND**
13 **PERSONS WITH DISABILITIES.”**

14
15 **SEC. 6.** Section 9 of Republic Act No. 10366 is hereby deleted and a new Section
16 9 shall be inserted which shall read as follows:

17
18 **“SEC.9. DESIGNATION OF ACCESSIBLE POLLING PLACES FOR**
19 **SENIOR CITIZENS, PERSONS WITH DISABILITIES, AND**
20 **PREGNANT WOMEN. – IN EVERY VOTING CENTER, THE**
21 **COMMISSION SHALL DESIGNATE AND ESTABLISH ACCESSIBLE**
22 **POLLING PLACES, AS DEFINED IN SECTION 2 (J) OF THIS ACT,**
23 **FOR THE EXCLUSIVE USE OF PWDS, SENIOR CITIZENS, AND**
24 **PREGNANT WOMEN IN SUCH NUMBER AS MAY BE SUFFICIENT**
25 **TO ENSURE AN EXPEDIENT, SAFE, AND COMFORTABLE VOTING**
26 **PROCESS. NO PRIOR MANIFESTATION SHALL BE REQUIRED IN**
27 **ORDER THAT THE PERSONS MENTIONED HEREIN MAY AVAIL OF**
28 **THEIR RIGHT TO VOTE IN ACCESSIBLE POLLING PLACES.”**

29
30 **SEC. 7.** *Provision for Transportation/Shuttle Services.* – The Commission shall
31 provide a system of transportation/shuttle services for the senior citizens, PWDs,
32 pregnant women, IPs, and IDPs during the period of local absentee voting under this
33 act and during election day to ensure that these sectors have means of transportation
34 to and from the polling places.

35
36 **SEC. 8.** *Implementing Rules and Regulations.* – Within ninety (90) days from
37 the approval of this Act, the Commission shall, in consultation with other relevant

1 government agencies, non-governmental organizations, and civil society organizations,
2 promulgate the rules and regulations necessary to implement this Act.

3
4 **SEC. 9. Appropriations.** – The initial appropriation to carry out the provisions of
5 this Act shall be charged against the current appropriations of the Commission.
6 Thereafter, the amount necessary for the continued implementation of this Act shall be
7 included in the annual General Appropriations Act.

8
9 **SEC. 10. Separability Clause.** – Should any provision of this Act or part hereof
10 be declared unconstitutional, the other provisions or parts not affected thereby shall
11 remain valid and effective.

12
13 **SEC. 11. Repealing Clause.** – All laws, decrees, orders, and issuances, or
14 portions thereof, which are inconsistent with the provisions of this Act, are hereby
15 repealed, amended, or modified accordingly.

16
17 **SEC. 12. Effectivity.** – This Act shall take effect fifteen (15) days after its
18 publication in two (2) newspapers of general circulation.

Approved,