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Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

GENERAL INSTRUCTIONS ON	BAUTISTA, J.A.D.	Chairman
VOTING BY PERSONS WITH	LIM, C.R.S.	Commissioner
DISABILITY (PWD) AND	PARREÑO, A.A.	Commissioner
SENIOR CITIZENS (SC)	GUIA, L.T.F.	Commissioner
	LIM, A.D.	Commissioner
x-----x	GUANZON, M.R.A.V.	Commissioner
	ABAS, S.M.	Commissioner

Promulgated: April 29, 2016 *[Signature]*

RESOLUTION NO. 10108 *[Signature]*

WHEREAS, the second paragraph of Section 2, Article V of the 1987 Constitution provides that the Commission may promulgate rules to allow persons with disabilities (PWDs) to vote without the assistance of others, and to protect the secrecy of the ballot;

WHEREAS, R.A. 7277 (1992) or the Magna Carta for PWDs¹ mandates a barrier-free environment² and a system of voting for PWDs including the right to accessible polling places (APPs);³

WHEREAS, Sec. 32(k) of R.A. 9442 (2007), also known as "An Act Amending Republic Act No. 7277, Otherwise Known as the Magna Carta for Disabled Persons, and for Other Purposes", enhanced PWD benefits by requiring express lanes or in the absence thereof, the grant of priority to PWDs;⁴

¹ Originally entitled "Magna Carta for Disabled Persons". This was amended by virtue of Sec. 7, R.A. 9442 to conform to the more politically-correct term with emphasis on the person first, not on the disability.

² Sec. 25. Barrier-Free Environment. — The State shall ensure the attainment of a barrier-free environment that will enable disabled persons to have access in public and private buildings and establishments and such other places mentioned in Batas Pambansa Bilang 344, otherwise known as the "Accessibility Law".

³ Sec. 29. System of Voting. — Disabled persons shall be allowed to be assisted by a person of his choice in voting in the national or local elections. The person thus chosen shall prepare the ballot for the disabled voter inside the voting booth. The person assisting shall bind himself in a formal document under oath to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot prepared by him. Violation of this provision shall constitute an election offense.

Polling places should be made accessible to [PWDs] during national or local elections.

⁴ Sec. 32. Persons with disability shall be entitled to the following:

WHEREAS, Sec. 4(k) of R.A. 9994 (2010), or "An Act Granting Additional Benefits and Privileges to Senior Citizens, Further Amending Republic Act No. 7432, as Amended, Otherwise Known as 'An Act to Maximize the Contribution of Senior Citizens to Nation Building, Grant Benefits and Special Privileges and for Other Purposes'", grants a similar privilege to senior citizens (SCs);⁵

WHEREAS, Sec. 3 of R.A. 10366 (2013)⁶ grants PWDs and senior citizens the right to participate in electoral processes by ensuring that voting procedures are appropriate, accessible, and easy to understand and use, and that the Commission has the duty to render appropriate assistance in accordance with Sec. 4 therewith;

WHEREAS, the Commission promulgated Resolution No. 9763 dated 30 August 2013, or the "Implementing Rules and Regulations of Republic Act No. 10366", reiterating therein its commitment to the governing principles and policies to promote PWD and SC rights;

WHEREAS, the Commission is cognizant of the reality that there are currently more than six million senior citizen and 300,000 PWD registered voters and that majority of the voting centers to be used for the 2016 national and local elections lack accessibility;

WHEREAS, the Commission is likewise aware that a significant number of PWD and SC voters opted not to avail of the APP option during the recent registration period for fear that they might lose their priority in voting; or, were not duly informed of the opportunity to signify their intention to vote in an APP;

NOW THEREFORE, pursuant to its authority under the Constitution, the Omnibus Election Code, Republic Act No. 10366, and other election laws, the COMELEC RESOLVED, as it hereby RESOLVES, to promulgate the following General Instructions on the voting procedure for PWDs and SCs.

Part I
GENERAL PROVISIONS

Section 1. Coverage.—This rule shall be applicable to all PWD and SC voters. Heavily pregnant women (i.e., six months on the family way and above) belonging to precincts assigned to polling places located at multi-level voting centers may likewise avail of the facility as provided in Part III herein.

x x x x

(k) Provision of express lanes for persons with disability in all commercial and government establishments; in the absence thereof, priority shall be given to them.

⁵ Sec. 4. Privileges for the Senior Citizens.--The senior citizens shall be entitled to the following:

x x x x

(k) Provision of express lanes for senior citizens in all commercial and government establishments; in the absence thereof, priority shall be given to them.

This provision first appeared in R.A. 9257 (2004) that amended R.A. 7432.

⁶ "An Act Authorizing the Commission on Elections to Establish Precincts Assigned to Accessible Polling Places Exclusively for Persons with Disabilities and Senior Citizens."

Sec. 2. General Principles.—In accordance with R.A. 7277, as amended, and R.A. 10366, the Commission shall be guided by the following principles in implementing this rule:

- a) The Commission shall ensure that voting procedures, facilities and materials are appropriate, accessible, and easy to understand and use, and that reasonable accommodation⁷ shall be granted to PWD and SC voters in order to fully exercise their right to suffrage;
- b) The right to ballot secrecy of PWD and SC voters and to be assisted by a person of their own choice shall be respected at all times, as provided by law;
- c) An APP, as a matter of right, does not require the consent of the PWD and SC voter in order to enjoy or exercise the same; and
- d) The role of non-partisan PWD and SC groups, other government agencies and other civil society organizations in implementing this rule is indispensable.

Sec. 3. Who May Assist.—PWD and SC voters may be assisted in the preparation of his or her ballot by a third party only if such fact is indicated in the EDCVL.

However, in cases where the PWD or SC voter cannot accomplish the ballot on his or her own and such fact is clearly manifest to the BEI, the PWD or SC voter may be assisted by a relative by consanguinity or affinity within the fourth civil degree; or if he or she has none, by any person of his or her confidence who belongs to the same household such as a personal assistant, a caregiver or a nurse; or by any member of the BEI; provided that the assistor must be of voting age; and provided further, that no person may assist more than three (3) times except BEI members.

Sec. 4. Accessibility.—Regardless of location, whether an APP or not, all BEI members shall strive to ensure that their respective polling places are accessible. Towards this end, BEI members shall, as far as practicable:

- a) Remove obstructions that hamper the mobility of PWD and SC voters;
- b) Provide sufficient and comfortable sitting spaces for PWD and SC voters;
- c) Create priority lanes for PWD and SC voters; and
- d) Exercise PWD and SC sensitivity at all times.

Sec. 5. Signages.—In voting centers where APPs will be established as provided hereunder, signages shall be installed to indicate the location of APPs for PWD and SC voters.

⁷ "Reasonable accommodation" refers to necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure that PWDs and SCs enjoy the exercise of their human rights and fundamental freedoms on an equal basis with others. (Sec. 2(g), COMELEC Resolution No. 9763)

Part II
PROCEDURE IN APPs ESTABLISHED UNDER R.A. 10366

Sec. 6. Preparatory Activities. – In APPs established under R.A. 10366, the following preparatory activities shall be conducted:

- a) Two (2) weeks before elections, the Elections and Barangay Affairs Department (EBAD) in coordination with the Information Technology Department (ITD) of the Commission shall prepare a list of APPs, their locations and a summary of the type of assistance that will be required as identified by the PWD or SC voters during registration.⁸ Said list shall specify the number of PWD or SC voters per type of assistance for every clustered precinct.

Example:

Clustered Precinct: XXX, YYY, ZZZ

Location: ABC Elementary School, Bgy./Municipality or City/Province

Assistance Required	PWD	SC	Total
Communication Assistance	12	1	13
...			

- b) As soon as available, such list shall be communicated to the Election Officers (EOs) in charge of these respective APPs. The EOs shall then endeavour to ensure that the APPs within their jurisdiction are accessible by being located at the ground floor, near the entrance of the building and free from any physical barriers and that other types of assistance so identified such as sign language interpretation are available on election day. In this regard, the EOs may coordinate with non-partisan groups such as special education (SPED) schools, and the like to address areas of concern with respect to accessibility.
- c) A separate Election Day Computerized Voters' List (EDCVL) and the Posted Computerized Voters' List (PCVL) for PWD and SC voters shall be prepared by the ITD and Election Officers (EO), respectively.

Sec. 7. Procedure on Election Day. – The BEI shall ensure that PWD and SC voters are given priority in voting at all times during voting and in the use of waiting areas on election day.

Whenever the number of people lined up to vote exceeds the number of available polling booths, the BEI shall ensure that PWD and SC voters utilize at least sixty percent (60%) of the total polling booths.

⁸ Annex "E" used during registration.

PART III
EMERGENCY APPS (EAPP)

Sec. 8. EAPP. — In all voting centers where voting will be conducted in the upper storeys of multi-level buildings, an emergency APP (EAPP) shall be set-up at the ground level of the said voting center exclusively for all PWD and SC voters, whether or not they have signified their intention to vote in an APP or not. The same shall apply for APPs under the immediately preceding sections which, for any reason, cannot be located at the ground floor in accordance with Sec. 6(b) hereof.

If there are no available rooms at the ground floor of the multi-storey building, the EO shall set up a makeshift tent to be used as EAPP. The EAPP should be strategically located near the entrance of the voting center, with sufficient signages, ample space and waiting areas, appropriately sized tables or seats with desks, and situated near the medical or legal help desks, if any.

For this purpose, the EBAD shall immediately identify multi-level voting centers required to set up an EAPP and coordinate the same with the EO concerned.

Funds needed for the establishment of makeshift EAPPs shall be charged to the Commission.

Sec. 9. EAPP Support Staff. — The Voting Center Supervisor shall appoint three (3) support staff for every voting center where an EAPP will be set-up in accordance with the previous section. The EAPP support staff shall have all the qualifications and none of the disqualifications of support staff as provided in COMELEC Resolution No. 10031, and in addition, must have undergone a PWD sensitivity training. The EAPP support staff shall enjoy the same emoluments as other support staff members as provided in the said resolution.

Sec. 10. Choice of Voting in an EAPP. — Where available, only PWD and SC voters (including heavily pregnant women) have the sole prerogative to vote in an EAPP or to continue voting in their respective polling places. In case the former is chosen, the EAPP support staff shall explain in clear and understandable terms to the PWD or SC voter the procedure that will be followed, including the fact that the PWD or SC voter will not be able to personally insert his or her ballot into the VCM or read the corresponding voter receipt that will be issued.

Sec. 11. Voting Procedure in an EAPP. — The following shall be the voting procedure in an EAPP:

- a) Upon arrival of the PWD or SC voter, the EAPP support staff shall explain the option available to the PWD or SC voter as provided in the immediately preceding paragraph.

- b) In case the PWD or SC voter opts to vote in an EAPP, the EAPP support staff shall request for the PWD or SC voter's ID, if available, and assist him or her in identifying the PWD or SC voter's polling place, if not yet known.
- c) Once the polling place is identified, the EAPP support staff shall request the PWD or SC voter to accomplish an Authorization/Waiver form (Annex "A"). The EAPP shall explain the contents of the said authorization/waiver.
- d) Thereafter, the EAPP support staff shall proceed to the pertinent polling place to pick-up the ballot for the PWD or SC voter. For this purpose, the EAPP support staff may opt to wait to accumulate the ballot pick-up requests; Provided that PWD and SC voters will not be required to wait for an unreasonably long time; Provided, further, that the EAPP support staff will not accumulate more than ten (10) ballot requests at any given time; and Provided, finally, that at no point shall the EAPP be left without any support staff manning the EAPP at any given time.
- e) Upon reaching the pertinent polling place, the EAPP support staff shall handover the Authorization/Waiver to the BEI Chairman, who shall immediately check its authenticity by comparing the signature of the PWD or SC voter to the EDCVL. For this purpose, the BEI members shall prioritize all ballot requests from the EAPP over regular voters. Once authenticated, the BEI Chairman shall note in the Minutes the authorization/waiver. After the ballot has been prepared, it shall then be placed in an envelope and handed over to the EAPP support staff. The BEI Chairman may write the precinct number outside the envelope to prevent mix-up of the ballots.

If for any reason, the BEI cannot issue a ballot to the PWD or SC voter concerned, the BEI poll clerk or third member shall go down to the EAPP to explain the situation to the PWD or SC voter.

The procedure specified in this sub-section shall be repeated for all polling places in case the EAP support staff is carrying several authorization/waivers from different PWD and SC voters.

- f) Once the ballot has been obtained, the EAPP support staff shall give the envelope containing the ballot to the other support staff who remained at the APP. The latter shall then open the envelope and inspect the same to ensure that no ballot has been filled-up, marked, mutilated, or rendered unusable, before distributing the ballots to the corresponding PWD or SC voter. In case any ballot has been filled-up, marked, mutilated or rendered unusable, such fact shall be noted by the EAPP support staff who discovered the same.
- g) Once the PWD or SC voter receives the ballot, he or she, or when applicable, his or her assistor, shall fill up the same in accordance with law. The right to ballot secrecy of the PWD or SC voter shall be observed at all times.

- h) Thereafter, the PWD or SC voter shall hand the accomplished ballot to the remaining EAPP support staff who shall insert the same in a marked envelope corresponding to each polling place where the ballot is to be subsequently delivered. The EAPP support staff shall ensure that the ballots are kept safe and protected from third parties until these are delivered to the pertinent BEIs after the close of the EAPPs.
- i) Once inserted into the corresponding envelope, the EAPP support staff shall apply indelible ink on the right forefinger nail of the PWD or SC voter, or if there be none, to any other nail or suitable body part.

Sec. 12. Close of Voting in EAPPs. – Voting in EAPPs by PWD and SC voters shall be allowed only until four o'clock in the afternoon (4:00 p.m.). PWD and SC voters already present in the EAPP before the close of the said voting hour shall be reasonably accommodated.

Sec. 13. Counting Procedure. – Once the EAPP is closed, the EAPP support staff shall deliver the accomplished ballots to each of the polling places where there are PWD and SC voters who voted in EAPPs, and turnover the same to the BEI Chairperson.

The BEI Chairperson shall then compare the number of ballots received from the BEI support staff with the number of authorizations/waivers from PWD and SC voters. If there is any discrepancy, the BEI Chairperson shall note the same in the Minutes.

Thereafter, the BEI Chairperson shall immediately feed the accomplished ballots one after another into the VCM. For every ballot cast, the BEI Chairperson shall remove the voter's receipt in such a way that he or she does not see the results, fold and drop the voter's receipt inside the receptacle provided therefor.

In case the ballot is rejected by the VCM, the same shall be handled in the same way as other rejected ballots.

PART IV MISCELLANEOUS PROVISIONS

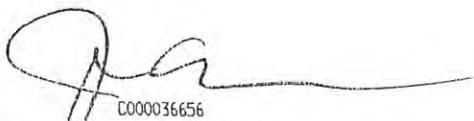
Sec. 14. Supplementary Clause. – All other procedures provided under Resolution No. 10057 or the General Instructions for BEI, as amended, not otherwise covered by this rule shall remain in force and shall apply suppletorily to this resolution.

Sec. 15. Repealing Clause. – Any previous resolutions inconsistent herewith is hereby repealed.

Sec. 16. Separability Clause. – If any section or portion of this resolution is declared illegal or unconstitutional, the remaining provisions shall remain valid.

Sec. 17. Effectivity.—This resolution shall take effect immediately upon publication in two (2) newspapers of general circulation.

SO ORDERED.



C000036656


J. ANDRES D. BAUTISTA
Chairman



CHRISTIAN ROBERT S. LIM
Commissioner

Voted in Favor,
subject to compliance with
relevant laws

AL A. PARREÑO
Commissioner



Subject to
feasibility
of implementation

LUE TIFO F. GUIA
Commissioner



ARTHUR B. LIM
Commissioner



MA. ROWENA AMELIA V. GUANZON
Commissioner



SHERIFF M. ABAS
Commissioner

AUTHORIZATION/WAIVER

By signing below, I hereby authorize the following:

1. For the EAPP support staff to pick-up my ballot from the polling place where I am supposed to vote and deliver the same to me; and upon accomplishment, to put the same in a secured envelope for delivery to the BEI of the polling place where I am to vote;
2. For the Board of Election Inspector (BEI) Chairperson to release the ballot to the above EAPP support staff for delivery to me, and to feed my accomplished ballot to the VCM on my behalf;
3. I further waive my right to personally insert my ballot into the VCM and to inspect the voter's receipt that will be issued accordingly.

GAWAD NG KAPANGYARIHAN/PAGPAPAUWAYA

Sa pamamagitan ng aking lagda, ginagawad ko ang kapangyarihan:

1. Para sa EAPP support staff upang kunin ang aking balota sa polling place kung saan ako dapat bumoto upang dalhin ito sa akin; at matapos ko itong punan, para isilid sa isang lakipan at dalhin sa BEI ng lugar kung saan ako dapat bumoto;
2. Para sa Board of Election Inspector (BEI) Chairperson upang ibigay ang aking balota sa nasabing EAPP support staff para dalhin sa akin, at upang isubo sa VCM ang balotang naglalaman ng aking boto;
3. Pinapaubaya ko din ang aking karapatan na personal na isilid sa VCM ang aking balota at suriin ang karampatang resibong iluluwa ng makina.

Signature over Printed Name/Lagda sa Ibabaw ng Pangalan

Voter's ID: _____

Other ID: _____

Signature & Name of EAPP Support Staff

Signature & Name of BEI Chairperson