

REPUBLIC OF THE PHILIPPINES  
**COMMISSION ON ELECTIONS**  
INTRAMUROS, MANILA

**IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 10366, ENTITLED "AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO ESTABLISH PRECINCTS ASSIGNED TO ACCESSIBLE POLLING PLACES EXCLUSIVELY FOR PERSONS WITH DISABILITIES AND SENIOR CITIZENS".**

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Promulgated: August 30, 2013

**RESOLUTION NO.** 9763

**WHEREAS**, Article II of the 1987 Philippine Constitution states:

"Section 2. The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations."

"Section 10. The State shall promote social justice in all phases of national development."

"Section 11. The State values the dignity of every human person and guarantees full respect for human rights."

**WHEREAS**, on September 25, 2007, the Philippines became a party to the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The CRPD not only clarifies the fact that States should not discriminate against Persons with Disabilities, it also provides the steps that States must take to create an enabling environment so that Persons with Disabilities can enjoy real equality in society;

**WHEREAS**, even prior to becoming a State Party to the CRPD, the Philippines, in 1992, has already enacted Republic Act (RA) No. 7277, otherwise known as the Magna Carta for Disabled Persons, as amended in 2007 by RA No. *7277*

9442, which affirms its commitment to the full participation and total integration of Persons with Disabilities into the mainstream of society;

**WHEREAS**, equally significant is the Philippines' recognition of the invaluable contribution of the elderly in our society for which reason Congress enacted RA No. 7432, as amended, otherwise known as the Senior Citizens Act;

**WHEREAS**, in pursuit of its constitutional and international legal mandate, the 15<sup>th</sup> Congress of the Philippines, on July 23, 2012, passed into law RA No. 10366, entitled "AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO ESTABLISH PRECINCTS ASSIGNED TO ACCESSIBLE POLLING PLACES EXCLUSIVELY FOR PERSONS WITH DISABILITIES AND SENIOR CITIZENS", and approved by President Benigno S. Aquino III on February 15, 2013;

**WHEREAS**, Sec. 15 of RA No. 10366 prescribes that the Commission on Elections shall promulgate the implementing rules and regulations within sixty (60) days from the effectivity of the same.

**NOW THEREFORE**, pursuant to the powers vested in it by the 1987 Philippine Constitution, the Omnibus Election Code, RA No. 10366, and related laws, the Commission *En Banc* **RESOLVED** as it hereby **RESOLVES**, to promulgate the following rules and regulations:

## **IMPLEMENTING RULES AND REGULATIONS**

Section 1. **Declaration of Policy.** – The State shall ensure that Persons with Disabilities and Senior Citizens are able to exercise their right to political participation without discrimination or restrictions. Towards this end, the State shall design systems and procedures that will enable Persons with Disabilities and Senior Citizens to register and vote by themselves.

Sec. 2. **Definition of Terms** – As used in the Act and this Implementing Rules and Regulations, the term:

- a) *Commission* – refers to the Commission on Elections.
- b) *Persons with Disabilities* – 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 the electoral processes on an equal basis with others. It may likewise refer to qualified voters whose physical inability to accomplish the ballot, on Election Day, is manifest, obvious, or visible.
- c) *Senior Citizens* – refer to qualified voters who are sixty (60) years or older.
- d) *Electoral Processes* – refer to election-related activities and proceedings including registration, candidacy, campaign, voter education and casting of votes.
- e) *Assistance* - refers to any support or aid that may be extended to Persons with Disabilities and Senior Citizens for them to meaningfully and effectively participate in electoral processes.

f) *Discrimination on the basis of disability* – refers to any distinction, exclusion or restriction on the basis of disability which has the effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms, including denial of reasonable accommodation.

g) *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 to Persons with Disabilities and Senior Citizens the enjoyment of exercise on an equal basis with others of all human rights and fundamental freedoms.

h) *Universal design* – refers to the design of products, environments, programs and services, to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized designs, but shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

i) *Satellite registration* – refers to registration conducted by the Election Officer (EO) in established satellite offices located in a public place within his or her area of jurisdiction. It accepts applications for registration, transfer or transfer with reactivation, reactivation of registration records, change or correction of entries, and validation of registration from all registrants or voters residing within the EO's territorial jurisdiction.

j) *Special registration* – refers to registration conducted in established satellite offices by a special registration team designated by the Commission. It exclusively caters to Persons with Disability and Senior Citizens who are first time registrants residing outside the area of jurisdiction of the regular EO conducting the satellite registration.

k) *Accessible Polling Place* – refers to the venue where the Board of Election Inspectors (BEI) conducts election-related proceedings and where 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.

l) *Board of Election Inspectors (BEI)* – refers to the body which conducts the election in the polling place usually composed of three (3) public school teachers appointed by the Commission through the EO.

m) *Election Day Computerized Voters' List (EDCVL) for Persons with Disabilities and Senior Citizens* – refers to the final list of registered voters who are voting in the Accessible Polling Places used on the day of the elections where the voters must affix their signatures before and after casting their votes. The EDCVL contains voters' photograph, specimen signatures, and thumbprints. It must be duly certified by the Election Registration Board (ERB).

n) *Posted Computerized Voters' List (PCVL) for Persons with Disabilities and Senior Citizens* – refers to the final list of Persons with Disabilities and Senior Citizen voters posted outside each polling place. It contains the voters' names, addresses and precinct numbers.

o) *Voting Center* – refers to the building or place where the polling place is located.

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p) *Precinct* – refers to the unit of territory for the purpose of voting.

q) *Accessible Precinct* – a separate non-territorial precinct created exclusively for Persons with Disabilities and Senior Citizens who manifested their intent to be assigned therein and to vote in an Accessible Polling Place.

## I. **REGISTRATION OF PERSONS WITH DISABILITIES AND SENIOR CITIZENS**

Sec. 3. **Registration and Updating of Records of Persons with Disabilities and Senior Citizens** – The Commission, through the EOs, must ensure that Persons with Disabilities and Senior Citizens applying for registration, reactivation, transfer, transfer with reactivation, reinstatement, inclusion of record or correction of entry indicate the type(s) of their disability, as well as the form(s) of assistance they need.

Persons with Disabilities and Senior Citizens who are already registered but have not indicated the type of their disability, or who may have developed or manifested such disability after having been registered, shall be allowed, during the period of registration, to update their registration records by indicating therein, the type of their disability and the assistance they need on election day.

The Commission shall design registration forms to implement the purpose of RA 10366 and provide for procedures to be followed by those who need to update their registration records.

Sec. 4. **Assistance in the Accomplishment of Application for Registration** – Persons with Disabilities or Senior Citizens who cannot by themselves accomplish applications for registration by reason of illiteracy or physical disability shall be assisted by the following:

- a. EO;
- b. A member of an accredited citizens' arm;
- c. A relative by consanguinity or affinity within the 4<sup>th</sup> civil degree;
- d. A person of confidence of the voter who lives in the same household. The person who usually assists the Person with Disability or Senior Citizen, such as a personal assistant, a caregiver or a nurse shall be considered a member of his or her household.

Sec. 5. **Satellite and Special Registration** – The Commission through the EOs, *motu proprio* or upon request, shall, in coordination with the concerned government agency/office, local government units, Persons with Disabilities and Senior Citizens' organizations, conduct satellite or special registrations in accessible public places, subject to pertinent Comelec Resolutions.

Sec. 6. **Records of Persons with Disabilities and Senior Citizens** – The Commission, through the Offices of the Election Officer (OEOs) and its Election Records and Statistics Department (ERSD), shall keep an updated record of Persons with Disabilities and Senior Citizens who are registered as voters, which indicate the type of disability and the assistance they need, to be used for policy determination to come up with more inclusive and accessible electoral processes.

The registration records of Persons with Disabilities and Senior Citizens shall be treated with utmost confidentiality taking into account their right to privacy, copies of which shall only be released upon order of a competent court or to the voter upon personal request subject to existing policies of the Commission. Summary reports on the type of disabilities and assistance needed shall be accessible to other government agencies and organizations which promote the rights of Persons with Disabilities and Senior Citizens, subject to reasonable fees as may be determined by the Commission.

## **II. ACCESSIBLE POLLING PLACE FOR PERSONS WITH DISABILITIES AND SENIOR CITIZENS ON ELECTION DAY**

**Sec. 7. Who May Avail of the Accessible Polling Place** –The following may vote in the Accessible Polling Place:

a. Persons with Disabilities and Senior Citizens who manifested their intent to be assigned in a separate non-territorial precinct designated to vote in the Accessible Polling Place by checking the box "Accessible Precinct" as the type of assistance needed on election day found in the Supplemental Data for Persons with Disabilities and Senior Citizens.

b. Persons with Disabilities and Senior Citizens who have previously registered but have not manifested their intent to be assigned in a separate non-territorial precinct or who may have thereafter developed a disability or reached the age of seniority, by updating their records at the OEO and checking the box "Accessible Precinct" in the Supplemental Data.

c. Only Persons with Disabilities and Senior Citizens whose names appear in the EDCVL and/or PCVL for Persons with Disabilities and Senior Citizens may vote in the Accessible Polling Places.

Persons with Disabilities and Senior Citizens who did not manifest their intent to avail of the non-territorial precinct or who were unable to update their record to express such intent will vote in the regular polling places where they shall be accommodated in the priority/express lanes.

**Sec. 8. Creation of Accessible Precincts.** – The Commission, through the EOs, is authorized to establish accessible precincts of a non-territorial nature exclusively for Persons with Disabilities and Senior Citizens who manifested their intent to avail of their right to a separate precinct. Said precincts shall be assigned to Accessible Polling Places for every voting center.

For this purpose, the EO shall observe the following guidelines:

a. Extract from their present assigned precinct the names of Persons with Disabilities and/or Senior Citizen the voters who manifested their intent to be assigned to an accessible precinct;

b. Create at least one (1) accessible precinct with a maximum number of two hundred (200) registered voters. The Commission shall promulgate guidelines for the numbering and clustering of the accessible precincts. The technical procedures for the extraction of their names shall be provided by the Information and Technology Department (ITD).

c. If the designated voting center is located in elevated areas (*i.e.*, hills or mountains) or should there be conditions that will render voting therein

extremely difficult for Persons with Disabilities and Senior Citizens, Accessible Polling Places may be established in places or buildings, other than the regular voting centers, with prior authority of the Commission; provided, they meet the requirements on accessibility.

In order to accomplish the requirements on accessibility, the EOs shall coordinate and seek assistance from proper government agencies such as:

- i. Department of Social Welfare and Development (DSWD);
- ii. National Council on Disability Affairs (NCDA);
- iii. Department of Education (DepEd);
- iv. Department of Public Works and Highways (DPWH);
- v. Department of the Interior and Local Government (DILG);
- vi. Department of Transportation and Communication (DOTC);
- vii. Commission on Human Rights (CHR); and
- viii. Other concerned agencies.

They shall also coordinate with Persons with Disability and Senior Citizens' organizations, accredited citizens' arms, and civic and professional organizations.

**Sec. 9. Regular Polling Places at the Ground Floor** – In the event that no Person with Disability or Senior Citizen registered voter manifests an intention to be assigned to an accessible precinct, as stated in Section 7, they shall remain in their regular precinct but their polling places shall, whenever practicable, be located at the ground floor which shall be made compliant with the requirements of an Accessible Polling Place.

**Sec. 10. Types of Assistance in Accessible Polling Place** – The following assistance shall, as far as practicable, be provided in the Accessible Polling Place:

A. *Assistor* – In case a voter cannot accomplish the ballot by themselves, the assistor shall be the one to mechanically accomplish the ballot strictly in accordance with the instructions of the voter.

Only the following, all of whom must be of voting age, are qualified to act as assistor:

1. A relative within the 4<sup>th</sup> civil degree of consanguinity or affinity of the voter;
2. A person of confidence who belongs to the same household as the voter. For this purpose, the person who usually assists the Person with Disability or Senior Citizen, such as a personal assistant, a caregiver, or a nurse shall be considered a member of his/her household; or,
3. A member of the BEI.

An assistor shall bind himself in a formal document under oath to fill up the ballot strictly in accordance with the instructions of the voter, shall prepare the ballot for the voter inside the voting booth, and shall not reveal the contents of the ballot prepared by him. Except for the members of the BEIs, no assistor can assist for more than three (3) times.

Any violation of this provision shall constitute an election offense punishable under Section 262 of the Omnibus Election Code.

B. *Communication Assistance* – Assistance such as sign language interpretation and/or the use of writing materials and papers to communicate or any other mechanism that allows Persons with Disabilities and Senior Citizens to convey their concerns to the BEI and vice-versa.

C. *Visual Assistance* – Assistance provided such as reading aloud of the printed instructions and forms, providing recorded voice instructions, printing of voting instructions in large letters or any other mechanism that can be utilized by a Person with Disability or a Senior Citizen with disability related to sight.

To carry out the objectives of this section and when necessary, the Commission shall coordinate with appropriate government agencies and civil society organizations.

**Sec. 11. Waiting Area for Persons with Disabilities and Senior Citizens** – The EO in coordination with the school principal, administrative officer and/or owner of the building designated as voting center shall establish a waiting area for Persons with Disabilities and Senior Citizens inside the voting center, preferably beside the Accessible Polling Place.

**Sec. 12. Preparation of EDCVL and PCVL for Persons with Disabilities and Senior Citizens** – The EDCVL for Persons with Disabilities and Senior Citizens shall be prepared by the ITD of the Commission containing the names of all registered Persons with Disabilities and senior citizens who manifest their intent to vote in the Accessible Polling Place.

The PCVL for Persons with Disabilities and Senior Citizens shall be prepared by the EO.

**Sec. 13. Appointment of Members of the Board of Election Inspectors (BEIs)** – The Commission, through the EOs, shall constitute the BEIs who will serve in the Accessible Polling Places for Persons with Disabilities and Senior Citizens in accordance with the period provided in the calendar of activities for the elections. Special Education (SPED) teachers shall be prioritized in the assignment of BEIs to the Accessible Polling Place.

The Commission may appoint a support staff to assist the BEI. The BEI and its support staff, if any, shall have the same qualifications as the members of the regular BEI.

**Sec. 14. Ballot Design** – In designing the ballot, the Commission shall ensure reasonable accommodation to Persons with Disability and Senior Citizens to enable them to accomplish the ballots by themselves.

### III. MISCELLANEOUS PROVISIONS

**Sec. 15. Sensitivity Training Program** – The Commission, in coordination with the National Council on Disability Affairs (NCDA), the Commission on Human Rights (CHR), and Person with Disability and Senior Citizen organizations, shall organize, design, and implement sensitivity trainings to persons performing electoral duties, including the Commission field officers, members of the BEIs, and accredited citizens' arms to familiarize them with the needs of Persons with Disabilities and Senior Citizens.

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**Sec. 16. Role of Election Officers, Regional Election Directors (REDs), Assistant Regional Election Directors (AREDs) and Provincial Election Supervisors (PESs).** – EOs shall perform all acts necessary to implement these rules and regulations. In the process, they shall make proper coordination with the voting center/s administrator/s, local representatives of accredited citizens' arms, Persons with Disabilities and Senior Citizens' organizations, and appropriate local government unit officials. Further, they shall conduct information campaign within their areas of jurisdiction.


The REDs, AREDs and PESs shall monitor and ensure compliance by the EOs of these rules and regulations. Any field officer who fails to comply with the provisions stated herein shall be subjected to administrative proceedings and, if found liable, shall be imposed the appropriate administrative liability.

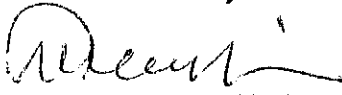
**Sec. 17. Applicability of other Resolutions of the Commission.** – The provisions of Res. No. 2904 (Rules and Regulations Governing the General Registration of Voters and the System of Continuing Registration of Voters) and other Resolutions of the Commission insofar as applicable and when not inconsistent herewith, shall apply in the registration of voters and in the conduct of voting and counting of votes on election day.

**Sec. 18. Publication** – The Education and Information Department shall cause the publication of this Resolution in two (2) daily newspapers of general circulation and disseminate copies thereof to all Regional Election Directors, Assistant Regional Election Directors, Provincial Election Supervisors and Election Officers.

**Sec. 19. Effectivity** – This Resolution shall take effect on the seventh (7<sup>th</sup>) day after its publication in two (2) daily newspapers of general circulation.

**SO ORDERED.**


  
**SIXTO S. BRILLANTES, JR.**  
COO0016806  
 Chairman

  
**LUCENITO N. TAGLE**  
 Commissioner

  
**ELIAS R. YUSOPH**  
 Commissioner

  
**CHRISTIAN ROBERT S. LIM**  
 Commissioner

  
**MARIA GRACIA CIELO M. PADACA**  
 Commissioner

  
 Voted in favor of this reso  
**AL A. PARREÑO**  
 Commissioner

  
**LUIB TITO F. GUIA**  
 Commissioner

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