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# Disability-inclusive electoral systems: analyzing the Philippine electoral policy using the disability convention (DisCo) policy framework

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## Abstract

For more than a century now, the Philippines has been at the forefront of democracy in the Southeast Asian region. Since the early 1990s, the country has sought to institutionalize democratic processes, which aim to meaningfully engage Filipinos in the public and political spheres. In line with its efforts of strengthening its electoral systems, it has also taken a leading role in the region in promoting and protecting the rights of voters with disabilities by becoming one of the first States Parties to ratify the United Nations convention on the Rights of Persons with Disabilities (UNCRPD). A key provision of the UNCRPD is affording voters with disabilities the equal opportunity to engage in every electoral process on an equal basis with other abled-bodied voters. However, in spite of recent developments, the Philippines has yet to effectively implement disability-inclusive electoral policies and processes that would not only engage able-bodied Filipino voters but also one of the country's largest minority community—Filipino voters with disabilities. This paper examines the effectiveness of the Philippine government in ensuring that Filipino voters with disabilities are guaranteed with and are able to exercise their right to suffrage. Using a mixed method approach and the disability convention (DisCo) policy framework, this research evaluates the content of existing legislative measures relating to the country's electoral system, the corresponding executive and budgetary support to implement electoral laws and policies for Filipino voters with disabilities, the administrative and coordinating capacity of implementing electoral agencies, the prevailing attitude of the society towards Filipino voters with disabilities, and the degree of participation of Filipino voters with disabilities in the development of Philippine electoral laws and policies.

**Keywords:** Philippine electoral system, Disability-inclusive policy, Disability convention (DisCo) policy framework, United Nations Convention on the Rights of Persons with Disabilities

## Background

Disability is a function of an individual's interaction with his physical, institutional, and social environment. When barriers exist in these environments, hindering a person from fully, meaningfully, and independently functioning on an equal basis with other persons,

an individual can experience disability. A physical environment can be disabling when a person using wheelchair cannot access a building due to the absence of ramps. Institutional environments become disabling when they do not have the capacity to provide reasonable accommodations to people with disabilities. For instance, an applicant with a disability who is qualified for a position in a company may be denied the opportunity to work when an employer chooses not to hire this person due to the lack of facilities in the company that would enable employees with disabilities to function effectively and efficiently. Barriers in the social environment, on the other hand, are manifested by the attitudes of the society towards people with disabilities. In many societies, people with disabilities are discriminated against, patronized, treated like children, or become objects of charity. These physical, institutional, and social barriers which disable one in every seven person around the world are present in various aspects of our economic, social, cultural, and political lives. This paper is a closer examination of the intersection of disability and democracy. More particularly, this paper looks at the right to suffrage, a basic tenet of democracy, and how electoral systems can be disabling. In assessing the accessibility of electoral systems for voters with disabilities, this study focuses on the Philippines, one of the earliest democracies in the South East Asian region.

Since the early 1900s, the right to vote in the country has gradually expanded towards attaining a more universal suffrage. In 1907, representatives from districts across the archipelago were elected as members of the Philippine Assembly, the Lower House of the Philippine legislature. Suffrage then was limited only to men, the wealthy, educated, and adults who were 21 years of age or older. Over the years, suffrage was extended to women, the masses, those who could at least read and write, and the youth.<sup>1</sup>

While aiming to achieve a more universal suffrage, the Philippine Government has also begun to engage other sectors in the country through civil society organizations (CSO). Playing a key role in anti-Martial Law movements during the administration of the late President Ferdinand Marcos, the function of CSOs was given importance in the newly established government under former President Corazon Aquino in the 1986 through the enactment of legislative mechanisms that provided them with a space to participate in the development of laws that had significant impact to their constituencies. CSOs had since served as the people's watchdogs and the voice of marginalized sectors of the Philippine society.

Equally important to the institutionalization of CSOs in the country was the restoration of the integrity of the Commission on Elections (COMELEC). After the 1986 snap elections, which were characterized by electoral fraud and violence, the confidence of the people in the COMELEC was greatly affected.

Following the controversial 1986 snap elections and the peaceful revolt against the administration of former President Marcos was the resignation of several COMELEC commissioners. Then President Aquino, in her capacity as the head of state for the

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<sup>1</sup> Young Filipinos who are at least 15 years old and above can exercise their right to vote. However, those who are 15–17 years old are allowed to only participate in the *Sangguniang Kabataan* (Youth Council). The Youth Council serves as the political representative of the youth at the local level. The chairperson of the Youth Council acts as the representative of the Youth Council in the *Sangguniang Barangay* (Barangay Council). Young Filipinos can only participate in national elections when they reach the age of 18.

transitional revolutionary government, appointed new commissioners of the COMELEC.<sup>2</sup> Under the 1987 Constitution, the COMELEC was designed to be insulated from the three main co-equal branches of the government: the executive branch, the legislative branch, and the judicial branch. One of the aims of this constitutional provision was to avoid similar electoral pitfalls that occurred during the Marcos regime.

In spite of these measures to increase the participation of marginalized groups in the country and to revive the confidence of the people in electoral processes and institution, the right to suffrage of Filipinos remains undermined as voters with disabilities have not been able to fully participate in the country's political and public sphere. For the most part, the Philippines' electoral democracy allows the majority of the citizenry to choose and change its leaders at a prescribed period. Similarly, it provides Filipinos, who meet the requirements stipulated in the 1987 Philippine Constitution, the right to vote and to be elected to public office. The right to suffrage as enshrined in the Philippine Constitution is a means for the people to manifest their will as a sovereign. Thus, it is imperative that every member of Philippine society who meets the minimum requirement of the law can participate in the electoral process without discrimination.

In addition to these measures in the electoral system, the government enacted numerous national disability laws. For instance, in 1992, the *Magna Carta* for Disabled Persons, which aimed to promote the inclusion of persons with disabilities into the mainstream society, was passed by the Philippine Congress (1992). In order to facilitate the effective and efficient implementation of the *Magna Carta* in remote areas of the archipelago, the Congress passed another law that would provide institutional mechanisms in every local government unit (LGU) (Philippine Congress 2010). In support of a central office located in the National Capital Region, designated disability offices were established in each province, municipality, and city of LGUs.

As an expression of its commitment to the promotion and protection of the human rights of Filipinos with disabilities in the international domain, the Philippine government ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2008. The UNCRPD elaborates the rights of people with disabilities and outlines an implementation code for States Parties to adopt in their respective countries. With regard to the electoral process, Article 29 of the UNCRPD underscores the importance of the participation of people with disabilities in political and public life as a means of promoting the human rights of members of the disability community on an equal basis with non-disabled individuals (United Nations Economic and Social Commission for Asia and the Pacific 2006). A basic measure of this participation is manifested in their active involvement in the electoral process, which includes the casting of their votes, participating in the campaign process, and having the opportunity to run for public office. It is thus imperative that electoral procedures, materials, equipment, and regulations are made accessible to voters with disabilities. Moreover, the UNCRPD also emphasizes in Articles 3 and 9 an essential tenet for inclusion and participation—accessibility. The dearth of effective mechanisms to ensure the accessibility of election

<sup>2</sup> In order to re-establish the integrity of the COMELEC, President Corazon Aquino appointed three Chairs of the COMELEC who had untarnished reputation. These included Hilario Davide, Jr., Haydee Yorac, and Christian Monsod. The COMELEC also went through a revamp which sought to remove personnel who were known to have engaged in electoral manipulation during the Marcos regime. Among those who were relieved as a result of the revamp was Virgilio Garcillano. Garcillano was later appointed as COMELEC commissioner by President Gloria Macapagal-Arroyo.

materials, equipment, polling stations, and electoral procedures poses some questions as regards the institutional, economic, political, and social factors that continue to impede the provision of accessible election within the universal suffrage framework.

While mechanisms have been put into place to encourage the participation of voters with disabilities, reports on their participation indicated that the government fell short in implementing the provisions of the UNCRPD and the existing national legislative measures. In the recent 2013 mid-term elections, it was reported that only 23 % of the estimated 330,000 registered voters with disabilities cast their votes, which is far behind the 77 % country's overall voters turnout (VERA Files 2013; Commission on Elections 2013a, b). These figures do not only illustrate the ineffective implementation of programs and services for voters with disabilities, but they also give a sense on the percentage of Filipino voters who lose the opportunity to exercise the right to participate in the political and public sphere.

Against this backdrop, this study aims to provide an analysis of the Philippine electoral system and to measure the degree of inclusiveness of the country's electoral laws, policies, and processes for Filipino voters with disabilities. The succeeding sections will provide a discussion of the methodology and the Disability Convention (DisCo) policy framework, which was used in the collection and analysis of data. This will be followed by a discussion of the Philippine political system, the locus of disability within the electoral system, and the key government agency mandated to implement the country's electoral policies. Finally, the study will provide the assessment of the electoral system from a disability policy perspective using the DisCo policy framework.

Through the analysis of the Philippine electoral system from a disability policy perspective, the study aims to: (1) create a policy window that can address the gaps in the implementation of national and international electoral and disability policies; (2) provide key decision makers a policy tool that can guide them in ensuring disability-inclusive electoral process, and (3) increase the understanding of policymakers, implementing agencies, disabled people's organizations, international and local non-governmental agencies of the electoral policies for voters with disabilities.

## Methodology

Using a mixed-methods approach, this paper aims to understanding the effectiveness and efficiency of implementing government agencies in protecting and ensuring the right to suffrage of every Filipino with disabilities. The COMELEC, as the primary implementing agency, is used as the unit of analysis. The electoral system encompasses the election procedures, electoral statutes, election materials, facilities, and equipment. The COMELEC in relation to other implementing agencies such as the National Council on Disability Affairs (NCDA), Department of Interior and Local Government (DILG), and the Department of Education (DepEd), and the LGUs are also included in the analysis of institutional arrangements.<sup>3</sup>

This study uses secondary data, including public pronouncements, opinions, interviews, journal articles, government documents, websites, books, and relevant surveys

<sup>3</sup> The NCDA is responsible for addressing disability-related issues in the country. The DILG is the central government agency which oversees all local government units in the country. The DepEd coordinates with the COMELEC every election period to identify polling precincts that are assigned to voters with disabilities.

conducted by organizations concerned with electoral reform in the country. The author uses multiple sources, identified patterns of themes, and rival theories to measure the internal consistency of sources. Data gathered from secondary sources, such as government documents, are analyzed in parallel with data from non-governmental organizations engaged in disability-inclusive electoral reform.

The limited participation in the political and public spheres are attributed to various factors like the existing legal exclusion provisions stipulated in constitutions and electoral laws of democratic nations, the built-in physical environmental barriers such as polling precincts, parking areas, and roads, and the persisting negative attitude of many societies against people with disabilities as regards their capacity to choose and elect political candidates. In a dissertation entitled *The Capability Model of Disability: Assessing the Success of UAE Federal Law No. 29 of 2006 in the Emirate of Dubai*, a framework called the Capability Model of Disability Policy was introduced to provide a theoretical and a practical approach towards creating coherent policies by looking at the capacity of persons with disabilities and the institutional structures with which they are engaging (Pineda 2010). This framework continues to be developed by its proponent and it is now being re-introduced as the disability convention (DisCo) policy framework. The enhancement of the framework aims to capture the main essence of the key role of people with disabilities in the policymaking process. More particularly, the DisCo framework highlights that the most important parties to the UNCPRD are not only the States Parties but, most important, members of the disability community. Pineda highlights five major facets of disability policies that affect the implementation of programs and services for people with disabilities. These key factors include the following:

1. the content of legislative measures,
2. the executive and budgetary support,
3. the administrative and coordinating capacity,
4. the attitude towards persons with disabilities, and
5. the participation of persons with disabilities in the public sphere.

These five pillars are also used in this paper to assess the effectiveness of implementing government agencies in ensuring the accessibility of electoral systems for voters with disabilities.

The key strength of DisCo policy framework lies in its flexibility to be adopted in the analysis of the disability-inclusiveness of any public policy. The DisCo policy framework can be adopted in examining various public policies such as those in the realm of education, health, employment, habilitation and rehabilitation, and political participation. For instance, as this paper assesses electoral systems in the Philippines, it can focus on five key areas. First, it can focus on the existing electoral laws and policies and look at the vision of the government for its citizenry. Do government executives envision a disability-inclusive electoral system as manifested in its legislative measures? After examining the public value put forward by the government, the level of support from the executives can be assessed. In evaluating this factor, this paper looks at how the executives are championing the rights of voters with disabilities to universal suffrage.

The framework also looks at how much resource the government is allocating to ensure that elections in the country are disability-inclusive. The third factor that needs to be assessed is the capability of implementing agencies. Does the COMELEC have the adequate administrative and coordinating capacity to undertake disability-inclusive electoral policies? The last two remaining factors of the framework are very critical and equally important as the first three pillars of this framework. After looking at the existing laws and policies, the level of support from the executives and the resources appropriated for these policies, and the institutional capacity of implementing agencies, the framework looks at the attitudes of the mainstream society towards voters with disabilities. This factor looks at whether voters with disabilities are discriminated against or not. Finally, the DisCo policy framework looks at the level of participation of people with disabilities in the development of programs and policies for voters with disabilities. This factor is often manifested through the participation of disabled peoples' organization in the election policymaking process. Suffice it to say, through this framework, we can look at three key themes that are essential in public policies: the public value promoted by the government, the operational capacity of implementing agencies to undertake policies and programs, and the authorizing environment that enables policies and programs to advance (Moore 2000).

#### **The Philippine political context: an overview**

Democracy tends to become less representative when certain groups of people are not able to exercise their rights due to constraints in the system. As such, entry to the public and political sphere also tends to become more and more challenging. Reforms that positively impact the public also become difficult to be realized. These limitations set by the political context in the country affect not only Filipinos in general. More important, the existing political system tends to keep the marginalized sectors of the society as mere spectators along the periphery of Philippine politics. Among these groups that have been marginalized in the Philippine society brought about by traditions, beliefs, socio-economic atmosphere, and political context reflected in the country's electoral system are the Filipino voters with disabilities. It is in this light that this paper aims to probe into the electoral system in the country.

In October 2012, Philippine politics started to take the spotlight as candidates for more than 18,000 elective positions filed their certificate of candidacies before the COMELEC. At the national level, according to the COMELEC, 12 seats in the Senate and 58 seats in the Lower Chamber of the Congress allotted to party list representatives were opened to aspiring leaders (Commission on Elections 2012b). Further, at the local level, there were 533 seats available for members of the House of Representatives, 80 seats each for Governors and Vice-Governors, 766 seats for members of *Sangguniang Panlalawigan* (Provincial Board), 143 seats each for City Mayors and Vice Mayors, 1598 seats for members of *Sangguniang Panglungsod* (City Council), 1491 seats each for Municipal Mayors and Vice Mayors, 11,932 members of *Sangguniang Bayan* (Town Council), 1 seat each for Regional Governor and Vice-Governor for the Autonomous Region of Muslim Mindanao (ARMM), and 24 seats for the Regional Assemblymen of the said region.

For every election cycle, these numbers become subject to changes as bills for the reapportioning of districts and the creation of new local government units are submitted



to the Congress (Santos 2012). An election cycle for national positions occurs every six years, while elections at the local level are held every three years. Senatorial races are held every three years as 12 of the 24 Senatorial seats have to be filled.

With the increasing number of elective posts since the introduction of suffrage by the Americans in the early 1900s, electoral democracy in the Philippines has become more complex, attracting politicians from almost all segments of Philippine society. Through the years, Filipinos have seen the rivalry of the elite and wealthy political dynasties, as well as the entry of other faces like action stars (e.g. former President and now Mayor Joseph Estrada, Gov. George “ER” Ejercito Estregan), comedians (e.g. Mayor Herbert Bautista, Roderick Paulate), media personalities (e.g. former Vice President Noli De Castro, former Cong. Ted Failon), sports personalities (e.g. Cong. Manny Pacquiao), members of left-wing groups (e.g. the late Cong. Crispin Beltran, Cong. Rafael Mariano), former military officials (former President Fidel Ramos, Senators Gregorio Honasan, and Antonio Trillanes III), religious leaders (e.g. former Gov. Eddie Panlilio, Bro. Eddie Villanueva) and even convicted felons (e.g. former Pres. Joseph Estrada, former First Lady Imelda Marcos). In the 2013 midterm elections, members of prominent political families, veteran politicians, incumbents running for re-election, and cronies of current elected high officials filed for their certificate of candidacies.

The presence of elite and prominent families in the political arena has been a long-standing tradition. Its roots can be traced from the pre-hispanic era, during the Spanish colonization, the Japanese occupation, the American regime, and up to the contemporary times. Throughout Philippine political history, the elite managed to maintain their political power and have employed survival mechanisms such as the mobilization of their network, patrons, cronies, guns, goons, and gold.<sup>4</sup>

Though it is argued that the local and national political leaders have shaped the country's political landscape to the way it is now, it is also important to note that their domination in the lives of many Filipinos have been perpetuated by co-existing influential institutions such as the Church, the mass media, and the military. Often, policies that candidates promote during the campaign favor the programs of these major institutions. At times, these platforms of government advanced by candidates are only used to gain popular support and not really to contribute to the development of the country.

Notwithstanding the Constitution's Article II, Section 26, which promotes the equal access to opportunities for public service and the prohibition of political dynasties, the right to hold an elective position has remained limited to those who are popular, who can finance costly election campaign, and who have the strategic network of supporters who can keep their political machinery functioning. This has often left the power to shape the public policy sphere to a few ruling elites in the country: the landlords, the warlords, business tycoons, and even religious leaders. These key public policy stakeholders have often maintained the *status quo* whenever gains are expected to be reaped. Policies, on the other hand, that can challenge their status have often been sat on or completely ignored. Such is the case with the land reform program of the government. Every president who dared push for this in the Congress has faced serious political consequences. Often, support would be withdrawn by political allies who have landlord

<sup>4</sup> Philippine politics have often been perceived as characterized by patronage, bribery, incentives, and reward system. Survival in the political arena has often, if not all the time, required the use of such systems.

patrons or who are landlords themselves. For instance, in the time of Corazon Aquino, she pushed for land reform but her program failed to be realized before the end of her term due to opposition of landed legislators (Steinberg 1990). The same may be argued to be true with the electoral reform in the country.

As early as the 1930s, the adoption of voting machines has been proposed to the government to prevent election fraud and maintain the reliability of the election results (Abinales and Amoroso 2005). Unfortunately, this proposal was only realized after eight decades. It is argued that resistance against this reform stems from the disadvantages that this automated system brings to politicians who have been used to the *dagdag-bawas* system employed with the manual vote counting system. *Dagdag-bawas* is the strategic scheme of adding (*dagdag*) and reducing (*bawas*) votes of candidates while tallying the results from the local level to the provincial level. Furthermore, the political elite managed to penetrate the party-list system even though the intent is to increase the representation of marginalized segments of the society.

### Disability and the electoral system in the Philippines

Although the 1987 Philippine Constitution guarantees the right to suffrage of every Filipino who is at least 18 years old and is not disqualified as prescribed by law, it can be observed that some provisions of the same Constitution tend to limit potential candidates who are suffering from physical or developmental disability. For instance, Filipinos who cannot read or write are disqualified by the Constitution to run for public office, which hinders Filipinos who are unable to read or write as a result of their disabilities from participating in elections.<sup>5</sup> For instance, people with disabilities can have difficulty reading because of low vision or can have difficulty writing due to severe physical impairment.

Further, casting of votes independently to protect its secrecy tends to be undermined as electoral laws and national laws for persons with disabilities promote the use of live assistance.<sup>6</sup> Through this mechanism, people with disabilities are encouraged to use a voter assistant of their own choice to fill-up and cast their votes for them. This has been the most convenient practice since ballots and voting machines have not been designed to accommodate the needs of all members of the disability community.

The ability to exercise the right to suffrage is a key feature of a democratic society, which also respects every individual's inherent human rights. The implementation of this vital democratic tenet has been one of the major challenges faced by the COMELEC as voters with disabilities have been often disenfranchised due to existing environmental, legal, and social barriers.<sup>7</sup> The COMELEC is constitutionally mandated to implement legislative measures pertaining to the country's regular and special elections.<sup>8</sup> The Commission is also given its fiscal autonomy and its independence from the executive,

<sup>5</sup> See Article VI, Section 3 and Article VII, Section 2 of the 1987 Philippine Constitution available at <http://elibrary.judiciary.gov.ph/index7.php?doctype=Constitutions&docid=a45475a11ec72b843d74959b60fd7bd64558f82c40d9d#>;

<sup>6</sup> See Section 956 of the Synchronized Election Act and Section 29 of the Magna Carta for disabled persons.

<sup>7</sup> See Section 2, C. Commission on Elections, Article IX. Constitutional Commissions, 1987 Philippine Constitution.

<sup>8</sup> Regular elections in the Philippines consist of the national elections for the office of president and vice-president held every 6 years, and for senators and party-list representatives every 3 years, local elections for members of the House of Representatives and provincial, city, and municipal officials are held every 3 years, *Barangay* elections and *Sangguniang Kabataan* every 3 years. Special elections include initiatives, referendums, plebiscites, and recalls. In ensuring free, orderly, honest, peaceful, and credible elections, the COMELEC can deputize law enforcement agencies of the Government such as the Armed Forces of the Philippines.



the legislative, and the judiciary. These measures were placed in order to insulate the Commission from political interference and to ensure the effective conduct of free, fair, and honest elections.

Aside from its primary function of administering elections, the Commission also undertakes registration, regulatory, administrative, and judicial functions. It has authority on issues concerning the number and location of polling places, appointment of election officials and inspectors, and registration of voters. Some of its judicial functions include issues concerning elections, returns, and qualifications of elective officials from the regional down to the *barangay* level. On the other hand, its administrative and regulatory function is limited in terms of the issue on the right to vote. This power has been left to the courts, which can deny a person found to have unsound mind from participating in an election. The Commission also makes proposals to Congress regarding election spending, places where propaganda materials can be posted, and file a petition in court, either acting on its own or through a verified complaint, regarding the exclusion or inclusion of voters. Further, it can investigate or prosecute cases of violations of election laws, including acts or omissions constituting election frauds, offenses, and malpractices.<sup>9</sup>

The Commission is composed of one Chairman and six commissioners who each has a seven-year term without reappointment. In issues concerning election administration and policymaking, the commissioners act as a collegial body. However, in election cases and pre-proclamation issues, the Commission initially sits in two divisions but decides motion to reconsider division decision *en banc* (Commission on Elections 2014). The Chairman is assisted by the Executive Director in managing the daily tasks in the Commission. The Executive Director also implements policies and decisions of the Commission, oversees administrative affairs and serves as the communication and operational link between the staff and Commissioners. Assisting the Executive Director in fulfilling these tasks are the Deputy Executive Director for Administration and a Deputy Executive Director for Operations.

The COMELEC is composed of 10 departments in its central office in Manila with each department headed by a director. It also has 16 Regional Election Directors, 80 Provincial Election Supervisor, 1613 election officers (EO) and their staff. The EOs, based in cities and municipalities, supervise electoral activities and serve as field representative of the Commission (Commission on Elections 2014).

### **Assessment of the Philippine electoral system based on the disability convention (DisCo) policy framework**

The following sections provide a discussion of the Philippine electoral system using the DisCo policy frameworks' five pillars. The frameworks' five pillars are (a) existing legislative measures, (b) executive and budgetary support, (c) administrative and coordinating capacity, (d) participation of people with disabilities in the policymaking process, and, (e) attitudes of the society towards voters with disabilities. Using these pillars helped to elucidate the legal, institutional, and social barriers that hinder Filipino voters with disabilities from fully and meaningfully participating in electoral processes.

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<sup>9</sup> Section 2, C. Commission on Elections, Article IX. Constitutional Commissions, 1987 Constitution.

***DisCo pillar I: the legislative mechanisms***

The right to suffrage of voters with disabilities has been stressed in various national legal instruments. However, accommodations provided by these laws rely heavily on existing physical structures. Section 29 of the *Magna Carta* for Disabled Persons and Rule VIII, Section 1.2 (g) of its implementing rules and regulations, for instance, emphasize that no person should be denied his right to vote due to the inaccessibility of polling stations (Philippine Congress 1992). As the key implementing government agency concerning election, the COMELEC plays a vital role in making sure that election facilities, equipment and materials are strategically designed and that election personnel and election poll workers are well-prepared to facilitate the accommodation of voters with disabilities.

There had been legal measures by the Philippine government to make public policies in the country more disability-inclusive. However, supporting policies that can provide more specific and practical plans for the COMELEC and other relevant institutions to take have been lacking. For instance, in past elections, the COMELEC had often been left with very few options in order to make polling stations accessible for every voter. Elections in the country, as practiced for a long time, are held in public facilities such as public school buildings. These buildings usually do not have adequate accessible facilities that can accommodate voters with disabilities. They do not have Braille or tactile markings to assist blind voters to help them find their assigned polling place. Lifts that can assist mobility impaired voters in moving around the higher floors of the building are also not built-in. Often, the only accessibility feature present in some of these buildings are the ramps located at their entrances.

As a result, the COMELEC issued a resolution to its provincial offices that could augment this limitation. Section 32 of the Commission's resolution 8786 stipulates that implementing authorities at the provincial levels are advised to designate a polling place for voters with disabilities at the ground floor of a building (Commission on Elections 2010). A COMELEC Commissioner said in an interview that there is still a need for legislators to pass a law that would support the efforts to increase the participation of voters with disabilities (VERA Files 2012). At present, the COMELEC has limited mandated powers and functions to provide legislative support to their plans of ensuring that all voters with disabilities can fully and effectively participate in elections, although its campaign saw a slight increase in the registration of voters with disabilities.

***DisCo pillar II: executive and budgetary support***

In a developing country such as the Philippines, integrating the disability community into the mainstream society becomes more challenging as a result of; (a) the lack of or limited support from national and local executives, and; (b) the lack of or limited budgetary support to implement disability-inclusive laws and policies. The limited or lack of budgetary support for government programs often forces agencies to spread their financial and human resources to selected areas. At times, some programs are not fully implemented in order to divert the budget to selected priority projects. For instance, the COMELEC had a budget of PhP11,301,790,000 or US\$275,653,415 for the automation of the May 2010 elections (Commission on Elections 2009).<sup>10</sup> This amount was appropri-

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<sup>10</sup> This paper uses PhP41 to US\$1 for its conversion.

ated for the purchase of the counting machines, the administration of election-related needs of 80 provinces, 1634 cities and municipalities, 76,340 clustered precincts, and 37,422 polling stations all over the archipelago (Commission on Elections 2012a). In 2013, the COMELEC had only around PhP8.4 billion (US\$204.88 million), which included expenses for the synchronized elections in 2013, automated overseas absentee voting and the *Sangguniang Kabataan* and *Barangay Registration* and Elections (Tan 2012; Department of Budget and Management 2012; Casayuran 2012). This appropriation is said to be lower than the estimated PhP11 billion (US\$268.29 million) required by the COMELEC to undertake its activities in 2013.

The budget for the printing of ballots used in elections comes from the COMELEC's appropriations. Given the already limited resources, it is not feasible for the Commission to accommodate additional expenses for election materials with Braille, or for ballots with large prints. The COMELEC also has limited power to steer the construction of accessible polling places since budget for the construction of school buildings vary according to the source of funds. The Department of Education (DepEd) often provides schools based on the needs of a particular district, while the Department of Public Works and Highways (DPWH) constructs buildings as appropriated by the Congress based on each representative's respective districts. This budget comes from the Priority Development Assistance Funds or commonly known as pork barrel. The various sources of funds for the construction of school buildings make it difficult for the regulation and monitoring of compliance with the Accessibility Law.

On the other hand, the National Council on Disability Affairs (NCDA) can only provide support to COMELEC in terms of monitoring the implementation of the Commission's policies pertaining to voters with disabilities. With only 59 personnel, and a budget of around PhP35 million (US\$853,659) for the past years, the amount seems insufficient to address the needs of all persons with disabilities in the country (Commission on Audit 2010; Department of Budget and Management 2012).

Suffice it to say, it is not enough to pass laws and policies for voters with disabilities. Once laws have been passed, it is critical that disability-inclusive policies are supported by the executives who would need to implement such policies. It is equally important that such policies have adequate budgetary support to be fully implemented. In the case of the Philippines, there is adequate legislative support for disability-inclusive electoral policies but limited executive backing as manifested by its budgetary support.

### ***DisCo pillar III: administrative and coordinating capacity***

In fulfilling its key mandate as the principal implementing government agency concerning elections, the COMELEC has to coordinate closely with other government agencies such as the DepEd. The DepEd is the focal agency in-charge of public school buildings that are used every election day. The Department also facilitates the assignment of school teachers who assist COMELEC personnel in every polling station. In the preparation of the polling stations to be used during the elections, the COMELEC coordinates with the DepEd. Together, they inspect and identify the buildings that will be specifically designated to expected voters with disabilities (Department of Education 2011). Upon the identification of precincts where voters with disabilities are expected to cast ballots, the DepEd administrators at the regional and division level designate school buildings

that are deemed to be the most accessible for persons with disabilities. Often, the most spacious and biggest buildings are assigned to be the polling precincts for the disability community like the Gabaldon buildings, one of the oldest buildings constructed during the American occupation era.

In support of the COMELEC's effort to monitor the accessibility of precincts for the election, the NCDA visits identified buildings to ensure that the designated school buildings are the most accessible for the disabled voters. The NCDA's main function rests mostly in the policymaking process and monitoring of disability-related issues (National Council on Disability Affairs 2009). Due to its limited powers and functions, the NCDA can only oversee the implementation of the laws given the existing resources already available such as the often inaccessible school buildings and the limited budgetary support to adopt more comprehensive and disability-friendly architectural design of these buildings. The DILG has also shown support for the COMELEC's efforts by encouraging all the LGUs and the COMELEC to make registration sites and polling precincts accessible to persons with disabilities (Flores 2012).

Although there is an existing Accessibility Law that should serve as a guide for the construction of public buildings in the country, standards implemented by different agencies still tend to vary. The Building Code of the Philippines emphasizes that all public buildings should be accessible to all members of the society including people with disabilities (National Council on Disability Affairs 1982). The implementation of this code has become challenging since funding for their construction comes from various sources such as the DPWH, the DepEd, LGU officials, District Representatives, or private enterprises.<sup>11</sup> Further, the amount of funding also have an impact to the design of the buildings, where accommodation of universal design is perceived to impose additional cost.

#### ***DisCo pillar IV: social attitudes towards persons with disabilities***

The social attitude towards people with disabilities provides an enabling environment for them to fully and meaningfully participate in social, economic, and political activities. Discrimination against them, by contrast, can hinder them from harnessing their potentials. Similarly, the perception of society towards their ability to participate in elections greatly impacts their degree of engagement in government programs that aim to encourage them to actively be involved in political activities. In a survey of 1200 respondents from Metro Manila, Luzon, Visayas, and Mindanao Region, the Social Weather Stations (SWS) found out that among people with disabilities who had participated in previous elections, the deaf or hearing impaired had the highest incidence of being discriminated while the mobility challenged or ortho-impaired had the least incidence of discrimination (Social Weather Stations 2012).<sup>12</sup> The majority of the visually-impaired, on the other hand, rarely experienced being discriminated against due to their impairment. Discrimination was often experienced in the workplace, while most of the respondents experienced discrimination the least in their own households.

<sup>11</sup> The DPWH is one of the departments of the government that function as the national government's engineering and construction arm.

<sup>12</sup> The SWS was commissioned by the Asia Foundation, Philippines as part of its Fully Abled Nation campaign, to conduct a survey on the participation of Filipino voters with disabilities in elections. This was funded by the Australian Agency for International Development. The survey was conducted from December 3 to 7, 2011.

Aside from conducting a survey on the attitudes of the Philippine society to people with disabilities, in general, the SWS also underscored the experience of voters with disabilities during the last elections in 2010. The survey indicated that the ortho-impaired or the mobility challenged had the highest voters' turnout with 63 % while the hearing or speech-impaired had the least with only 49 %. Most of the respondents went alone to polling places while the rest were accompanied by their relatives and household members. Among the reasons for not voting in the said election were the lack of express lanes, mobility problems, the lack of transportation, and the shame to vote due to the disability among others. Overall, respondents were generally satisfied with the performance of the COMELEC with a 73 % rating. It should be noted that this survey used the terms "ortho-impaired," "hearing/speech-impaired," and "visually-impaired" to categorize persons with disabilities, which illustrates how the medical model continues to persist in society.<sup>13</sup>

#### ***DisCo pillar V: participation of persons with disabilities in the public sphere***

The participation of Filipinos with disabilities in the public sphere is seen in their active involvement in organizations that cater to their needs. In recent years, there had been positive indications that their participation has been increasing as manifested in the active engagement of various disabled people's organizations (DPOs). DPOs are organizations that are run and managed by people with disabilities themselves. In 2011, it was reported that among the 104 accredited NGOs by the Department of Social Welfare and Development (DSWD), majority have focused their efforts to assisting the vulnerable and marginalized members of the society such as persons with disabilities and the elderly (Department of Social Welfare and Development 2011).

In line with the 2013 elections, the COMELEC gained support from international organizations in making the electoral process more accessible. For instance, the Asia Foundation, with funding from the Australian Agency for International Development, has partnered with the COMELEC for its programs for people with disabilities. Awareness-raising campaigns on special registration for eligible voters with disabilities have been launched to encourage more participation from members of the disability community (VERA Files 2012; Uy 2012). Their campaign strategies included periodic announcement of the special registrations for people with disabilities using the social media platforms such as Facebook and Twitter and traditional media such as print, radio, and television.

In spite of these developments, the full participation of the disability community in the public sphere remains difficult to monitor and to sustain. The currently active DPOs cannot be used as the basis for the representation of all Filipinos with disabilities as many do not belong to these organizations (Tabuga 2010).

The presence of organizations for people with disabilities in the political arena has also been limited. In the 2010 elections, no party list group representing people with disabilities was able to participate in the race. There were efforts to form one, but none of these initiatives materialized. It was only in 2013 that the COMELEC was able to have a party

<sup>13</sup> The medical model of disability views individuals with disabilities as people who are broken because of their impairments. Disability, from the medical model, can be solved by "fixing" a person's body. On the other hand, the social model of disability promotes the use of terms such as mobility impaired, deaf or hard-of-hearing, a person who is blind or visually impaired, and sighted or non-sighted person to describe different sectors of the disability community.

list group, Pilipinos with Disabilities (PWD), that specifically aims to represent people with disabilities in the Congress (Cayabyab 2012). Representatives of the group are all people with disabilities.

In addition to the first time participation of people with disabilities in the political race, their representation in the COMELEC has started to become more visible as the first Commissioner with disability has been appointed (Rappler.com 2012). Commissioner Grace Padaca was a former Governor and a polio survivor. She was tasked to handle a committee in the COMELEC that focused on persons with disabilities.

### **Key challenges that need to be addressed**

Numerous legislative mechanisms that promote the full and equal participation of Filipinos with disabilities have already been formulated in the Philippines. However, specific disability-inclusive electoral laws have yet to be passed in order to expand the legal mandate of the COMELEC. The capacity of the COMELEC also needs to be further strengthened to facilitate the administration of electoral issues of voters with disabilities. In addition, the coordinating capacity of implementing government agencies creates an impetus for the development of a clear set of guidelines with regard to aligning the efforts of all relevant stakeholders in ensuring that facilities, materials, and all concerned personnel are prepared to address disability-related electoral challenges.

The executive and budgetary support for the programs and services still fell short, considering the magnitude of the disability-related electoral challenges. Support provided to the implementing agencies is not commensurate with their expanding scope. This limited support is a result of the persisting negative attitudes of the Philippine society to people with disabilities. The public's perception significantly impacts the degree of responsiveness of different institutions to the needs of people with disabilities. Accordingly, this perception also has an important effect on the degree of involvement of people with disabilities in the public sphere. After decades of efforts by various institutions to mainstream disability issues, Filipinos with disabilities still face challenges in freely, equally, and meaningfully engaging with the rest of the society.

Examining the state of voters with disabilities in the Philippines by looking at the content of the existing legislative measures, the administrative and coordinating capacity of key stakeholders, the executive and budgetary support, the social attitudes towards people with disabilities in the country, and the degree of participation of Filipinos with disabilities in the public sphere provide important insights with regard to the major challenges that need to be addressed. The following points summarize the major themes that can be drawn from the discussion.

- There had already been too many legal measures that had not been effectively implemented because of limited executive and budgetary support;
- The government failed to strengthen the administrative and coordinating capacities of key government agencies after realigning the national legal instruments with the international norms;
- Generally, people with disabilities in the country are still viewed from the medical and charity model of disability;



- The participation of Filipinos with disabilities in the public domain remains limited due to the inadequate support of the government and the public, and;
- The level of awareness of the society as regards disability issues significantly impacts the degree of support from the public and government officials.

## Conclusion

Disability is a multi-faceted issue that cuts across and concerns all members of Philippine society. It cannot be disentangled from other broader issues such as democracy and universal suffrage. As such, all concerned stakeholders are faced with a wide array of challenges. Gradually, disability issues have begun to be mainstreamed in the Philippines' public policy domain. Accordingly, these challenges are manifested in the content of legislative measures, the institutional arrangements, the perception of society towards the disability community, and the degree of participation of the disability community in the public sphere.

The DisCo policy framework provides an outline to analyze the legal, institutional (administrative, executive, budgetary), and the social aspects (attitudes towards Filipinos with disabilities, and participation in the political and public arena) that have impact on the implementation of electoral policies in the country. Consequently, the DisCo policy framework facilitates the analysis of key challenges that need to be addressed in order to make elections more accessible for voters with disabilities. With more accessible electoral policies, it is expected that voters with disabilities in the country can fully and meaningfully exercise their right to universal suffrage.

In addition, it is expected that as more members of the disability community become involved in the political and public sphere, their efforts will be more unified and a collective voice can be forged. Moreover, with a coherent and a disability-inclusive electoral policy, it is expected that the country will have legislative measures that promote the rights of persons with disabilities, a strong leadership and adequate financial support, strong coordinating and administrative mechanism, support from persons with disabilities, and an environment that fosters inclusive participation of people with disabilities as productive members of the society.

## Authors' information

John Paul Cruz serves as a research associate for World Enabled where he is involved in the organization's Inclusive Cities project. He also serves as a research fellow for G3iCT where he aims to contribute to the development of disability-inclusive policies, particularly in the field of accessible ICT for users with disabilities. Prior to joining G3iCT, he received a US-ASEAN Fulbright fellowship to conduct research on the effectiveness of electoral systems for voters with disabilities under the Election Administration Research Center of the Boalt School of Law at the University of California, Berkeley. He was a Salzburg Global Seminar fellow, and through a Nippon Foundation Fellowship, obtained a master's degree in International Affairs in Comparative and International Disability Policy from the School of International Service at American University in Washington, DC. He earned his bachelor's degree in Public Administration from the National College of Public Administration and Governance at the University of the Philippines.

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## Compliance with ethical guidelines

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The author declares that he has no competing interest.

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