

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15TH CONGRESS
First Regular Session

HOUSE BILL NO. 3023

Introduced by **REP. SALVADOR H. ESCUDERO III**

EXPLANATORY NOTE

The Overseas Absentee Voting Act of 2003, officially known as Republic Act No. 9189 provides for a system where citizens of the Philippines currently residing or working overseas can exercise their constitutional right to suffrage.

In the May 2010 National Elections, only about 153,300 Filipinos cast their votes via OAV, which is a small fraction of the estimated 10 million overseas Filipinos.

Some of the factors behind the low turnout include the distance of OAVs from voting posts and the requirement to execute an Affidavit of Intent to Return which states that one will return to the Philippines to take up permanent residence not later than three years after the approval of registration as an OAV.

This bill seeks to amend Republic Act No. 9189 by removing the requirement for execution of an Affidavit of Intent to Return, creating a Resident Election Registration Board and allowing the conduct of field or mobile registration in posts outside Philippine embassies, among others.

With the foregoing proposals, it is expected that OAVs will have greater participation in the next elections, hence, the passage of this measure is earnestly sought.


SALVADOR H. ESCUDERO III
Representative
1st District, Sorsogon

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HOUSE BILL NO. 3023

Introduced by **REP. SALVADOR H. ESCUDERO III**

**“AN ACT
AMENDING REPUBLIC ACT NO. 9189 OTHERWISE KNOWN AS
“THE OVERSEAS ABSENTEE VOTING ACT OF 2003”**

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

Section 1. Section 3 of Republic Act No. 9189, otherwise known as “The Overseas Absentee Voting Act of 2003” is hereby amended to read as follows:

“Sec. 3. Definition of Terms. - For purposes of this Act:

[c] **A. “Certified List of Overseas Absentee Voters”** refers to the list of registered overseas absentee voters whose applications to vote in absentia have been approved by the Commission, said list to be prepared by the Committee on **OVERSEAS Absentee Voting** of the Commission, on a country-by-country **AND POST BY POST** basis. The list shall be approved by the Commission in an *en banc* resolution;

b. “Commission” refers to the Commission on Elections;

C. “COMMITTEE ON OVERSEAS ABSENTEE VOTING (COAV)”
REFERS TO THE COMMITTEE OF THE COMMISSION TASKED
TO OVERSEE AND SUPERVISE THE EFFECTIVE
IMPLEMENTATION OF THE OVERSEAS ABSENTEE VOTING
LAW;

Comment [TM1]: Added - I guess
this refers to COAV

d. *"Day of Election"* refers to the actual date of elections in the Philippines;

E. *"DFA OVERSEAS ABSENTEE VOTING SECRETARIAT (DFA-OAVS)"* REFERS TO THE SECRETARIAT BASED AT THE DEPARTMENT OF FOREIGN AFFAIRS (DFA) HOME OFFICE TASKED TO DIRECT, COORDINATE AND OVERSEE THE DEPARTMENT'S PARTICIPATION IN THE IMPLEMENTATION OF THE OVERSEAS ABSENTEE VOTING LAW (OAVL);

F. *"FIELD REGISTRATION"* REFERS TO THE CONDUCT OF REGISTRATION OF OVERSEAS ABSENTEE VOTERS AT PRE-DETERMINED LOCATIONS, EITHER IN THE PHILIPPINES, AS MAY BE DETERMINED BY THE COMMISSION, OR OUTSIDE THE POSTS, UPON THE FAVORABLE RECOMMENDATION OF THE DFA-OAVS, BOTH BEING OF LIMITED DURATION AND BASED ON THE GUIDELINES PRESCRIBED BY THE COMMISSION FOR THAT EXCLUSIVE PURPOSE;

G. *"MOBILE REGISTRATION"* REFERS TO THE CONDUCT OF REGISTRATION OF OVERSEAS ABSENTEE VOTERS AT VARIOUS LOCATIONS OUTSIDE THE POSTS, OTHER THAN AT FIELD REGISTRATIONS, UNDERTAKEN AS PART OF THE POSTS' MOBILE CONSULAR AND OUTREACH ACTIVITIES TO FILIPINOS WITHIN THEIR JURISDICTIONS;

H. *"MUNICIPALITY/CITY/DISTRICT REGISTRY OF OVERSEAS ABSENTEE VOTERS (ROAV)"* REFERS TO THE CONSOLIDATED LIST PREPARED, APPROVED AND

Comment [TM2]: Editorial

MAINTAINED BY THE COMMISSION FOR EVERY MUNICIPALITY/CITY/DISTRICT, OF OVERSEAS ABSENTEE VOTERS WHOSE APPLICATIONS FOR REGISTRATION AS SUCH, INCLUDING THOSE REGISTERED VOTERS UNDER REPUBLIC ACT NO: 8189 WHO APPLIED FOR CERTIFICATION AS OVERSEAS ABSENTEE VOTERS, HAVE BEEN APPROVED BY THE ELECTION REGISTRATION BOARD AND/OR RESIDENT ELECTION REGISTRATION BOARD;

Comment [TM3]: Is this right "AND/OR" instead of "/"?

[e]L. "National Registry of Absentee Voters" refers to the consolidated list prepared, approved and maintained by the Commission, of overseas absentee voters whose applications for registration as absentee voters, including those registered voters UNDER REPUBLIC ACT NO. 9189 who have applied to be certified as absentee voters, have been approved by the RESIDENT Election Registration Board, INDICATING THE POST WHERE THE OVERSEAS ABSENTEE VOTER IS REGISTERED;

Comment [TM4]: Verify with Comelec - OK WITH COMELEC

[f] J. "Overseas Absentee Voter" refers to a citizen of the Philippines who is qualified to register and vote under this Act, not otherwise disqualified by law, who is abroad on the day of elections;

[a] K. "OVERSEAS Absentee Voting" refers to the process by which qualified citizens of the Philippines abroad exercise their right to vote;

L. "POSTS" REFERS TO THE PHILIPPINE EMBASSIES, CONSULATES, FOREIGN SERVICE ESTABLISHMENTS AND OTHER PHILIPPINE GOVERNMENT AGENCIES MAINTAINING OFFICES ABROAD AND HAVING

JURISDICTION OVER THE PLACES WHERE THE OVERSEAS
ABSENTEE VOTERS RESIDE;

M. "*RESIDENT ELECTION REGISTRATION BOARD (RERB)*"

REFERS TO THE IN-HOUSE ELECTION REGISTRATION BOARD OF THE COAV COMPOSED OF THREE (3) RANKING OFFICIALS FROM THE COMMISSION, WITH A REPRESENTATIVE EACH FROM THE DEPARTMENT OF FOREIGN AFFAIRS (DFA) AND THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE), THE MAIN FUNCTIONS OF WHICH ARE TO PROCESS, APPROVE OR DISAPPROVE ALL APPLICATIONS FOR REGISTRATION AND/OR CERTIFICATION AS OVERSEAS ABSENTEE VOTERS, INCLUDING DEACTIVATION, REACTIVATION AND CANCELLATION OF REGISTRATION RECORDS;

N. "*SEAFARERS*" REFER TO SHIP OFFICERS AND RATINGS MANNING SHIPS, INCLUDING OFFSHORE WORKERS, SERVICE PROVIDERS AND FISHERMEN, AS DEFINED IN THE REVISED RULES ON THE ISSUANCE OF 'SEAFARER'S IDENTIFICATION AND RECORD BOOK' OF THE MARITIME INDUSTRY AUTHORITY;

O. "*SPECIAL BALLOT RECEPTION AND CUSTODY GROUP (SBRCG)*" REFERS TO THE GROUP CONSTITUTED BY THE COMMISSION TO RECEIVE AND TAKE CUSTODY OF ALL ACCOUNTABLE AND OTHER ELECTION FORMS, SUPPLIES AND PARAPHERNALIA FROM THE COAV FOR TRANSMITTAL TO THE 'SPECIAL BOARDS OF ELECTION INSPECTORS' AND 'SPECIAL BOARDS OF CANVASSERS';

- P. *"SPECIAL BOARD OF CANVASSERS (SBOC)"* REFERS TO THE BODY DEPUTIZED BY THE COMMISSION TO CANVASS THE OVERSEAS ABSENTEE VOTING ELECTION RETURNS SUBMITTED TO IT BY THE SPECIAL BOARD OF ELECTION INSPECTORS;
- Q. *"SPECIAL BOARD OF ELECTION INSPECTORS (SBEI)"* REFERS TO THE BODY DEPUTIZED BY THE COMMISSION TO CONDUCT THE VOTING AND COUNTING OF VOTES;
- R. *"SYSTEM OF CONTINUING REGISTRATION"* REFERS TO THE ACT OF ACCOMPLISHING AND FILING OF A SWORN APPLICATION FOR REGISTRATION AND/OR CERTIFICATION BY A QUALIFIED OVERSEAS ABSENTEE VOTER BEFORE THE PERSONNEL DEPUTIZED BY THE COMMISSION WITHIN ONE (1) YEAR BEFORE THE START OF THE VOTING PERIOD AND OF INCLUDING THE SAME IN THE NROAV UPON APPROVAL BY THE RERB;
- S. *"VOTING PERIOD"* REFERS TO A CONTINUOUS THIRTY (30)-DAY PERIOD, THE LAST DAY OF WHICH IS THE DAY OF ELECTION, INCLUSIVE OF ESTABLISHED HOLIDAYS IN THE PHILIPPINES AND OF SUCH OTHER HOLIDAYS IN THE HOST COUNTRIES."

Sec. 2. Section 4 of the same Act is hereby amended as follows:

"Sec. 4. Coverage. - All citizens of the Philippines abroad, who are not otherwise disqualified by law, at least eighteen (18) years of age on the day of elections, may vote for P[p]resident, V[v]ice-P[p]resident, senators and party-list representatives, AS WELL AS IN ALL NATIONAL REFERENDA AND PLEBISCITES."

Sec. 3. Section 5 of the same Act is hereby amended as follows:

"Sec. 5. Disqualifications. - The following shall be disqualified from voting under this Act:

- "a) Those who have lost their Filipino citizenship in accordance with Philippine laws;
- "b) Those who have expressly renounced their Philippine citizenship and who have pledged allegiance to a foreign country, **EXCEPT THOSE WHO HAVE REACQUIRED OR RETAINED THEIR PHILIPPINE CITIZENSHIP UNDER REPUBLIC ACT NO. 9225, OTHERWISE KNOWN AS THE "CITIZENSHIP RETENTION AND REACQUISITION ACT OF 2003"**;
- "c) Those who have committed and are convicted in a final judgment by a **PHILIPPINE** court or tribunal of an offense punishable by imprisonment of not less than one (1) year, [including those who have committed and been found guilty of Disloyalty as defined under Article 137 of the Revised Penal Code] such disability not having been removed by plenary pardon or amnesty: *Provided, however,* That any person disqualified to vote under this subsection shall automatically acquire the right to vote upon **THE** expiration of five (5) years after service of sentence, **AND;** [*Provided, further,* That the Commission may take cognizance of final judgments issued by foreign courts or tribunals only on the basis of reciprocity and subject to the formalities and processes prescribed by the *Rules of Court* on execution of judgments;]
- ["d) An immigrant or a permanent resident who is recognized as such in the host country, unless he/she executes, upon registration, an affidavit prepared for the purpose by the Commission declaring that

he/she shall resume actual physical permanent residence in the Philippines not later than three (3) years from approval of his/her registration under this Act. Such affidavit shall also state that he/she has not applied for citizenship in another country. Failure to return shall be the cause for the removal of the name of the immigrant or permanent resident from the National Registry of Absentee Voters and his/her permanent disqualification to vote in *absentia*].

[e] D. "Any citizen of the Philippines abroad previously declared insane or incompetent by competent authority in the Philippines or abroad, as verified by the Philippine embassies, consulates or foreign service establishments concerned, unless such competent authority subsequently certifies that such person is no longer insane or incompetent."

Sec.4. Section 6 of the same Act is hereby amended to read as follows:

"Sec. 6. Personal Overseas Absentee Registration AND/OR CERTIFICATION. – Registration AND/OR CERTIFICATION as an overseas absentee voter shall be done in person **AT ANY POST ABROAD OR AT DESIGNATED REGISTRATION CENTERS OUTSIDE THE POST OR IN THE PHILIPPINES APPROVED BY THE COMMISSION.**

"[Qualified citizens of the Philippines abroad who failed to register under Republic Act No. 8189, otherwise known as the "The Voters Registration Act of 1996", may personally apply for registration with the Election Registration Board of the city or municipality where they were domiciled immediately prior to their departure from the Philippines, or with the representative of the Commission at the Philippine embassies, consulates and other foreign service establishments that have jurisdiction over the locality

where they temporarily reside. Subject to the specific guidelines herein provided, the Commission is hereby authorized to prescribe additional procedures for overseas absentee registration pursuant to the provisions of Republic Act No. 8189, whenever applicable, taking into strict consideration the time zones and the various periods and processes herein provided for the proper implementation of this Act. The embassies, consulates and other foreign service establishments shall transmit within (5) days from receipt the accomplished registration forms to the Commission, after which the Commission shall coordinate with the Election Officer of the city or municipality of the applicant's stated residence for verification, hearing and annotation in the permanent list of voters.

"[All applications for the May, 2004 elections shall be filed with the Commission not later than two hundred eighty (280) calendar days before the day of elections. For succeeding elections, the Commission shall provide for the period within which applications to register must be filed. In the case of seafarers, the Commission shall provide a special mechanism for the time and manner of personal registration taking into consideration the nature of their work.

"[6.1. Upon receipt of the application for registration, the Election Officer shall immediately set the application for hearing, the notice of which shall be posted in a conspicuous place in the premises of the city or municipal building of the applicant's stated residence for at least one (1) week before the date of the hearing. The Election Officer shall immediately furnish a copy of the application to the designated representatives of political parties and other accredited groups.

"[6.2. If no verified objection to the application is filed, the Election Officer shall immediately forward the application to the Election Registration

Board, which shall decide on the application within one (1) week from the date of hearing without waiting for the quarterly meeting of the Board. The applicant shall be notified of the approval or disapproval of his/her application by registered mail.

“[6.3. In the event that an objection to the application is filed prior to or on the date of hearing, the Election Officer shall notify the applicant of said objection by registered mail, enclosing therein copies of affidavits or documents submitted in support of the objection filed with the said Election Officer, if any. The applicant shall have the right to file his counter-affidavit by registered mail, clearly stating therein facts and defenses sworn before any officer in the host country authorized to administer oaths.

“[6.4. The application shall be approved or disapproved based on the merits of the objection, counter-affidavit and documents submitted by the party objecting and those of the applicant.

“[6.5 A Certificate of Registration as an overseas absentee voter shall be issued by the Commission to all applicants whose applications have been approved, including those certified as registered voters. The Commission shall include the approved applications in the National Registry of Absentee Voters.

“[6.6. If the application has been approved, any interested party may file a petition for exclusion not later than two hundred ten (210) days before the day of elections with the proper municipal or metropolitan trial court. The petition shall be decided within fifteen (15) days after its filing on the basis of the documents submitted in connection therewith. Should the court fail to render a decision within the prescribed period, the ruling of the Election Registration Board shall be considered affirmed.

“[6.7. If the application has been disapproved, the applicant or his authorized representative shall, within a period of five (5) days from receipt of

the notice of disapproval, have the right to file a petition for inclusion with the proper municipal or metropolitan trial court. The petition shall be decided within five (5) days after its filing on the basis of documents submitted in connection therewith.

“[Qualified citizens of the Philippines abroad, who have previously registered as voters pursuant to Republic Act No. 8189 shall apply for certification as absentee voters and for inclusion in the National Registry of Overseas Absentee Voters, with a corresponding annotation in the Certified Voters’ List.]”

“FIELD AND MOBILE REGISTRATION CENTERS SHALL BE SET UP BY THE POSTS CONCERNED TO ENSURE ACCESSIBILITY BY THE OVERSEAS ABSENTEE VOTERS.

“ALL APPLICANTS SHALL SUBMIT THEMSELVES FOR LIVE CAPTURE OF THEIR BIOMETRICS.

“REMOTE REGISTRATION THROUGH THE INTERNET MAY ALSO BE ALLOWED BASED ON THE GUIDELINES AND PROCEDURES DETERMINED BY THE COMMISSION, PROVIDED THAT THE APPROPRIATE TECHNOLOGY WILL ENSURE ADEQUATE SECURITY AND VOTER AUTHENTICITY.”

Sec. 5. A new Section 7 is hereby inserted to read as follows:

“SEC. 7. RESIDENT ELECTION REGISTRATION BOARD (RERB); COMPOSITION, POWERS AND EFFECT. – THE COMMISSION SHALL APPOINT AS MANY RESIDENT ELECTION REGISTRATION BOARDS (RERBs) AS THERE ARE APPLICATIONS TO PROCESS AND FOR SUCH DURATION AS MAY BE NECESSARY.

Comment [TM5]: O/S Escudero is asking how many applicants

“THE RERB SHALL BE COMPOSED OF THREE RANKING OFFICIALS FROM THE COMMISSION, THE HIGHEST RANKING OF WHOM SHALL SERVE AS CHAIRPERSON, WITH A REPRESENTATIVE EACH FROM THE DEPARTMENT OF FOREIGN AFFAIRS (DFA) AND THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) AS MEMBERS.”

“7.1. THE RERB SHALL PROCESS, APPROVE OR DISAPPROVE ALL APPLICATIONS FOR REGISTRATION AND/OR CERTIFICATION AS OVERSEAS ABSENTEE VOTERS, INCLUDING DEACTIVATION, REACTIVATION AND CANCELLATION OF REGISTRATION RECORDS.

“7.2 THE RERB SHALL HAVE THE SOLE POWER AND AUTHORITY TO APPROVE OR DISAPPROVE THE APPLICATION FOR REGISTRATION AND/OR CERTIFICATION.”

Sec. 6. A new Section 8 is hereby inserted to read as follows:

“SEC. 8. DUTIES AND FUNCTIONS OF THE RERB. –

“8.1. UPON RECEIPT OF THE APPLICATIONS FOR REGISTRATION AND/OR CERTIFICATION FROM THE POSTS AND FROM THE DULY DESIGNATED REGISTRATION CENTERS IN THE PHILIPPINES, THE RERB SHALL SCHEDULE THE HEARING OF THE APPLICATIONS FOR REGISTRATION AND/OR CERTIFICATION.

“THE RERB SHALL NOTIFY ALL POLITICAL PARTIES AND OTHER PARTIES CONCERNED OF THE PENDING APPLICATIONS FOR REGISTRATION AND/OR CERTIFICATION THROUGH A WEEKLY UPDATED PUBLICATION IN THE WEBSITES OF THE COMMISSION, THE DFA-OAVS, THE DOLE

AND OF ACCREDITED FILIPINO CIVIL SOCIETY ORGANIZATIONS AND TO POST THE NAMES IN CONSPICUOUS PLACES NEAR THE PLACE WHERE RERB WILL HOLD ITS HEARINGS.

"8.2. ANY PARTY MAY FILE AN OBJECTION TO THE APPLICATION WITHIN SEVEN (7) DAYS AFTER THE PUBLICATION OR POSTING OF THE NAMES OF THE APPLICANTS. IN CASE OF DISAPPROVAL OF THE APPLICATION FOR REGISTRATION AND/OR CERTIFICATION, THE RERB SHALL NOTIFY THE APPLICANT, OR HER/HIS AUTHORIZED REPRESENTATIVE IN THE PHILIPPINES, WITHIN FIVE (5) DAYS FROM THE DATE OF DISAPPROVAL, STATING THE REASONS THEREFOR.

"8.3. THE RERB SHALL INCLUDE THE NAMES OF THE APPLICANTS WITH APPROVED APPLICATIONS IN THE NATIONAL REGISTRY OF OVERSEAS ABSENTEE VOTERS (NROAV) AND IN THE CERTIFIED LIST OF OVERSEAS ABSENTEE VOTERS (CLOAV) IN THE POSTS WHERE THEY INTEND TO VOTE, SUBJECT TO THE APPROVAL OF THE COMMISSION EN BANC. THE NAMES OF APPLICANTS WITH APPROVED APPLICATIONS SHALL BE PUBLISHED IN THE WEBSITES OF THE COMMISSION, THE DFA, THE DOLE AND THE ACCREDITED FILIPINO CIVIL SOCIETY ORGANIZATIONS.

"8.4. APPROVAL OF THE RERB ON APPLICATIONS FOR REGISTRATION OR CERTIFICATION SHALL BE IMMEDIATELY EXECUTORY, UNLESS REVERSED OR SET ASIDE BY FINAL AND

EXECUTORY JUDGMENT BY A COURT OF COMPETENT JURISDICTION.

"8.5. THE RERB SHALL PERFORM SUCH OTHER DUTIES AS MAY BE CONSISTENT WITH ITS FUNCTIONS, AS PROVIDED IN THIS ACT."

Sec. 7. A new Section 9 is hereby inserted to read as follows:

"SEC.9. PETITION FOR INCLUSION/EXCLUSION -

"9.1. PETITION FOR EXCLUSION. - IF THE APPLICATION HAS BEEN APPROVED, ANY INTERESTED PARTY MAY FILE A PETITION FOR EXCLUSION NOT LATER THAN ONE HUNDRED EIGHTY (180) DAYS BEFORE THE DAY OF ELECTIONS WITH THE PROPER MUNICIPAL / METROPOLITAN TRIAL COURT, EITHER WHERE THE RERB SITS, OR WHERE THE OVERSEAS ABSENTEE VOTER RESIDES, AT THE OPTION OF THE PETITIONER.

"THE PETITION SHALL BE DECIDED ON THE BASIS OF THE DOCUMENTS SUBMITTED WITHIN FIFTEEN (15) DAYS FROM ITS FILING, BUT NOT LATER THAN ONE HUNDRED TWENTY (120) DAYS BEFORE THE START OF THE VOTING PERIOD. SHOULD THE COURT FAIL TO RENDER A DECISION WITHIN THE PRESCRIBED PERIOD, THE RULING OF THE RERB SHALL BE CONSIDERED AFFIRMED."

"9.2. PETITION FOR INCLUSION. - IF THE APPLICATION HAS BEEN DISAPPROVED, THE APPLICANT OR HER/HIS AUTHORIZED REPRESENTATIVE SHALL HAVE THE RIGHT TO FILE A MOTION FOR RECONSIDERATION BEFORE THE RERB WITHIN A PERIOD OF FIVE (5) DAYS FROM RECEIPT OF THE

NOTICE OF DISAPPROVAL. THE MOTION SHALL BE DECIDED WITHIN FIVE (5) DAYS AFTER ITS FILING ON THE BASIS OF DOCUMENTS SUBMITTED. THE RESOLUTION OF THE RERB SHALL BE IMMEDIATELY EXECUTORY, UNLESS REVERSED OR SET ASIDE BY THE COURT.

"WITHIN TEN (10) DAYS FROM RECEIPT OF NOTICE DENYING THE MOTION FOR RECONSIDERATION, THE APPLICANT MAY FILE A PETITION FOR INCLUSION WITH THE PROPER MUNICIPAL / METROPOLITAN TRIAL COURT, EITHER WHERE THE RERB SITS, OR WHERE THE OVERSEAS ABSENTEE VOTER RESIDES, AT THE OPTION OF THE PETITIONER.

"THE PETITION SHALL BE DECIDED ON THE BASIS OF THE DOCUMENTS SUBMITTED WITHIN FIFTEEN (15) DAYS FROM FILING, BUT NOT LATER THAN ONE HUNDRED TWENTY (120) DAYS BEFORE THE START OF THE VOTING PERIOD. SHOULD THE COURT FAIL TO RENDER A DECISION WITHIN THE PRESCRIBED PERIOD, THE RERB RULING SHALL BE CONSIDERED AFFIRMED.

"QUALIFIED PHILIPPINE CITIZENS ABROAD WHO HAVE PREVIOUSLY REGISTERED AS VOTERS PURSUANT TO REPUBLIC ACT NO. 8189 SHALL APPLY FOR CERTIFICATION AS ABSENTEE VOTERS AND FOR INCLUSION IN THE NROAV. IN CASE OF APPROVAL, THE ELECTION OFFICER CONCERNED SHALL ANNOTATE THE NAME OF THE VOTER IN THE CERTIFIED VOTERS LIST AND IN HER/HIS VOTER'S REGISTRATION RECORDS."

Sec. 8. A new Section 10 is hereby inserted to read as follows:

J

"SEC.10. TRANSFER OF REGISTRATION RECORD. – IN THE EVENT OF CHANGE OF VOTING VENUE, AN OVERSEAS ABSENTEE VOTER MUST FILE AN APPLICATION FOR TRANSFER OF HER/HIS REGISTRATION RECORD TO THE COAV, THROUGH ITS CHAIRMAN, AT LEAST ONE HUNDRED EIGHTY (180) DAYS PRIOR TO THE NEXT NATIONAL ELECTIONS; PROVIDED, THAT THOSE WHO WOULD EVENTUALLY VOTE IN THE PHILIPPINES SHOULD REGISTER WITHIN THE TIME FRAME PROVIDED FOR LOCAL REGISTRATION IN THE MUNICIPALITY, CITY OR DISTRICT WHERE THEY INTEND TO VOTE AND; PROVIDED, FURTHER, THAT THOSE WHO HAVE REGISTERED IN THE MUNICIPALITY, CITY OR DISTRICT WHERE THEY RESIDED PRIOR TO THEIR DEPARTURE ABROAD NEED NOT REGISTER ANEW; PROVIDED, FINALLY, THAT THE APPLICANTS SHALL NOTIFY THE COAV, THROUGH ITS CHAIRMAN, OF THEIR TRANSFER IN THE PHILIPPINES AT LEAST ONE HUNDRED EIGHTY (180) DAYS PRIOR TO THE NEXT NATIONAL ELECTIONS FOR PURPOSES OF CANCELLING THEIR NAMES IN THE CLOAV AND OF REMOVING THEIR OVERSEAS ABSENTEE VOTER'S REGISTRATION RECORDS FROM THE BOOK OF VOTERS".

Sec. 9. Section 7 of the same Act is hereby renumbered as Section 11 and is amended to read as follows.

"SEC. [7]11. – System of Continuing Registration. – The Commission shall ensure that the benefits of the system of continuing registration are extended to qualified overseas absentee voters. REGISTRATION SHALL BE CONDUCTED AT LEAST ONE (1) YEAR BEFORE THE START

OF THE VOTING PERIOD. Towards this end, the Commission IS [shall] AUTHORIZED TO UTILIZE AND optimize the use of existing facilities, personnel and mechanisms of the various government agencies for purposes of data gathering AND [data] validation, information dissemination and facilitation of the registration process.

“THE INFORMATION AND DATA ACQUIRED THROUGH THIS PROCESS SHALL BE TREATED AS CONFIDENTIAL AND SHALL BE USED SOLELY FOR AND IN CONNECTION WITH THE LAWFUL AND OFFICIAL FUNCTIONS OF THE COMMISSION, AND FOR THE PURPOSES INTENDED BY THIS ACT.

“Pre-departure ORIENTATION programs (PDOS), services and mechanisms offered and administered by the Department of Foreign Affairs, Department of Labor and Employment, Philippine Overseas Employment Administration, Overseas Workers’ Welfare Administration, Commission on Filipinos Overseas and BY other appropriate agencies of the government AND PRIVATE AGENCIES PROVIDING THE SAME SERVICES SHALL INCLUDE THE SALIENT FEATURES OF THIS ACT AND shall be utilized for purposes of supporting the overseas absentee registration and voting processes, subject to SYSTEMS limitations AND THOSE imposed by law.

“ALL EMPLOYMENT CONTRACTS PROCESSED AND APPROVED BY THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION SHALL CONTAIN THE RIGHT OF THE MIGRANT WORKERS TO EXERCISE THEIR CONSTITUTIONAL RIGHT OF SUFFRAGE WITHIN THE LIMITS PROVIDED FOR BY THIS ACT.”

Sec. 10. Section 8 of the same Act is hereby renumbered as Sec. 12 and is amended to read as follows:

"Sec. [8] 12. Requirements for Registration. - Every Filipino registrant shall be required to furnish the following documents:

"a) A valid Philippine passport. In the absence of a valid passport, a certification of the Department of Foreign Affairs that it has reviewed the appropriate documents submitted by the applicant and **HAS** found them sufficient to warrant the issuance of a passport, or that the applicant is a holder of a valid passport but is unable to produce the same for a valid reason;

"b) Accomplished registration form prescribed by the Commission, **AND;**
[containing the following mandatory information:

["i. Last known residence of the applicant in the Philippines before leaving for abroad;

["ii. Address of applicant abroad, or forwarding address in the case of seafarers;

["iii. Where voting by mail is allowed, the applicant's mailing address outside the Philippines where the ballot for absentee voters will be sent, in proper cases; and;

["iv. Name and address of applicant's authorized representative in the Philippines for purposes of Section 6.7 and Section 12 hereof.

["c. In the case of immigrants and permanent residents not otherwise disqualified to vote under this Act, an affidavit declaring the intention to resume actual physical permanent residence in the Philippines not later than three (3) years after approval of his/her registration as an

overseas absentee voter under this Act. Such affidavit shall also state that he/she has not applied for citizenship in another country];

"C). APPLICANTS WHO AVAILED THEMSELVES OF THE CITIZENSHIP RETENTION AND REACQUISITION ACT (R.A. NO. 9225) SHALL PRESENT THE ORIGINAL OR CERTIFIED TRUE COPY OF THE ORDER OF APPROVAL APPROVING THEIR APPLICATION TO RETAIN OR REACQUIRE THEIR FILIPINO CITIZENSHIP ISSUED BY THE POST OR THEIR IDENTIFICATION CERTIFICATE ISSUED BY THE BUREAU OF IMMIGRATION."

"The Commission may also require additional data to facilitate registration and recording. No information other than those necessary to establish the identity and qualification of the applicant shall be required.

"ALL APPLICATIONS FOR REGISTRATION AND/OR CERTIFICATION AS AN OVERSEAS ABSENTEE VOTER SHALL BE CONSIDERED AS APPLICATIONS TO VOTE *IN ABSENTIA*. AN OVERSEAS ABSENTEE VOTER IS PRESUMED TO BE ABROAD UNTIL SHE/HE APPLIES FOR TRANSFER OF HER/HIS REGISTRATION RECORDS OR REQUESTS THAT HER/HIS NAME BE CANCELLED FROM THE NROAV."

Sec. 11. Section 9 of the same Act is hereby renumbered as Section 13 and is amended to read as follows:

***"Sec. [9]13. National Registry of Overseas Absentee Voters (NROAV).* – The Commission shall maintain a National Registry of Overseas Absentee Voters (NROAV) CONTAINING THE NAMES OF REGISTERED OVERSEAS ABSENTEE VOTERS AND THE POSTS**

WHERE THEY ARE REGISTERED. [Approved applications of overseas absentee registrants shall also be included in the permanent list of voters of the city or municipality where the registrant is domiciled, with the corresponding annotation that such person has been registered or will be voting as an overseas absentee voter. The registry shall also include those registered under Republic Act No. 8189 and who have been issued certifications as overseas absentee voters. The entries in the National Registry of Overseas Absentee Voters and the annotations as overseas absentee voters in the Certified Voters' List shall be permanent, and cannot be cancelled or amended except in any of the following cases:

“[9.1. When the overseas absentee voter files a letter under oath addressed to the Commission that he/she wishes to be removed from the Registry of Overseas Absentee Voters, or that his/her name be transferred to the regular registry of voters; or,

“[9.2. When an overseas absentee voter's name was ordered removed by the Commission from the Registry of Overseas Absentee Voters for his/her failure to exercise his/her right to vote under this Act for two (2) consecutive national elections.]

“LIKEWISE, THE COMMISSION SHALL MAINTAIN A REGISTRY OF OVERSEAS ABSENTEE VOTERS (ROAV) PER MUNICIPALITY, CITY OR DISTRICT CONTAINING THE NAMES OF REGISTERED OVERSEAS ABSENTEE VOTERS DOMICILED THEREIN. TOWARDS THIS END, THE COAV SHALL PROVIDE EACH AND EVERY MUNICIPALITY, CITY OR DISTRICT WITH A ROAV FOR THEIR REFERENCE.”

Sec. 12. A new Section 14 is hereby inserted to read as follows:

J

"SEC.14. DEACTIVATION OF REGISTRATION. - "THE RERB SHALL DEACTIVATE AND REMOVE THE REGISTRATION RECORDS OF THE FOLLOWING PERSONS FROM THE CORRESPONDING BOOK OF VOTERS AND PLACE THE SAME, PROPERLY MARKED AND DATED, IN THE INACTIVE FILE AFTER ENTERING THE CAUSE(S) OF DEACTIVATION. THE FACT OF DEACTIVATION SHALL BE ANNOTATED IN THE NROAV AND THE CORRESPONDING ROAV:

"A). ANY PERSON WHO HAS BEEN SENTENCED BY FINAL JUDGMENT TO SUFFER IMPRISONMENT FOR NOT LESS THAN ONE (1) YEAR, SUCH DISABILITY NOT HAVING BEEN REMOVED BY PLENARY PARDON OR AMNESTY; PROVIDED, HOWEVER, THAT ANY PERSON DISQUALIFIED TO VOTE UNDER THIS PARAGRAPH SHALL AUTOMATICALLY REACQUIRE THE RIGHT TO VOTE UPON THE EXPIRATION OF FIVE (5) YEARS AFTER SERVICE OF SENTENCE, AS CERTIFIED BY THE CLERKS OF COURTS OF THE MUNICIPAL / MUNICIPAL CIRCUIT / METROPOLITAN / REGIONAL TRIAL COURTS AND THE SANDIGANBAYAN;

"B). ANY PERSON DECLARED BY COMPETENT AUTHORITY TO BE INSANE OR INCOMPETENT, UNLESS SUCH DISQUALIFICATION HAS BEEN SUBSEQUENTLY REMOVED BY A DECLARATION OF A PROPER AUTHORITY THAT SUCH PERSON IS NO LONGER INSANE OR INCOMPETENT;

"C). ANY PERSON WHO DID NOT VOTE IN TWO (2) CONSECUTIVE NATIONAL ELECTIONS AS SHOWN BY THEIR VOTING RECORDS, AND;

**"D). ANY PERSON WHOSE REGISTRATION HAS BEEN
ORDERED EXCLUDED BY THE COURTS."**

Sec. 13. Section 10 of the same Act is hereby renumbered as Section 15.

Sec 14. Sections 11 and 12 of the same Act are hereby deleted.

"[Sec. 11. Procedure for Application to Vote in *Absentia*. -

"[11.1. Every qualified citizen of the Philippines abroad whose application for registration has been approved, including those previously registered under Republic Act No. 8189, shall, in every national election, file with the officer of the embassy, consulate or other foreign service establishment authorized by the Commission, a sworn written application to vote in a form prescribed by the Commission. The authorized officer of such embassy, consulate or other foreign service establishment shall transmit to the Commission the said application to vote within five (5) days from receipt thereof. The application form shall be accomplished in triplicate and submitted together with the photocopy of his/her overseas absentee voter certificate of registration.

"[11.2. Every application to vote in *absentia* may be done personally at, or by mail to, the embassy, consulate or foreign service establishment, which has jurisdiction over the country where he/she has indicated his/her address for purposes of the elections.

"[11.3. Consular and diplomatic services rendered in connection with the overseas absentee voting processes shall be made available at no cost to the overseas absentee voter.

"[Sec. 12. Verification and Approval of Application to Vote. - All applications shall be acted upon by the Commission upon receipt thereof, but in no case later than one hundred fifty (150) days before the day of elections. In the event of disapproval of the application, the voter or his authorized

representative may file a Motion for Reconsideration with the Commission personally, or by registered mail, within ten (10) days from receipt of the notice of disapproval. The Commission shall act within five (5) days from receipt of such Motion for Reconsideration and shall immediately notify the voter of its decision. The decision of the Commission shall be final and executory.

"[The Commission shall issue an overseas absentee voter identification card to those whose applications to vote have been approved.]"

Sec. 15. A new Section 16 of the same Act is hereby inserted to read as follows:

"SEC. 16. REACTIVATION OF REGISTRATION. - ANY OVERSEAS ABSENTEE VOTER WHOSE REGISTRATION HAS BEEN DEACTIVATED PURSUANT TO THE PRECEDING SECTION MAY FILE WITH THE COAV AT ANY TIME, BUT NOT LATER THAN ONE HUNDRED TWENTY (120) DAYS BEFORE THE NEXT NATIONAL ELECTIONS, A SWORN APPLICATION FOR REACTIVATION OF HER/HIS REGISTRATION IN THE FORM OF AN AFFIDAVIT STATING THAT THE GROUNDS FOR THE DEACTIVATION NO LONGER EXIST.

"THE COAV SHALL SUBMIT SAID APPLICATION TO THE RERB FOR APPROPRIATE ACTION."

Sec. 16. A new Section 17 of the same Act is hereby inserted to read as follows:

"SEC.17. CANCELLATION OF REGISTRATION. - THE RERB SHALL CANCEL THE REGISTRATION RECORDS OF THOSE WHO HAVE DIED, AS CERTIFIED BY EITHER THE POSTS OR BY THE LOCAL CIVIL REGISTRAR, AND THOSE WHO HAVE BEEN PROVEN TO HAVE LOST THEIR FILIPINO CITIZENSHIP."

Sec. 17. A new Section 18 of the same Act is hereby inserted to read as follows:

"SEC. 18. VOTERS EXCLUDED FROM THE NROAV THROUGH INADVERTENCE. - ANY REGISTERED OVERSEAS ABSENTEE VOTER WHOSE NAME HAS BEEN INADVERTENTLY OMITTED FROM THE NROAV MAY, PERSONALLY OR THROUGH HIS AUTHORIZED REPRESENTATIVE, FILE WITH THE COAV OR WITH THE POST HAVING JURISDICTION OVER HER/HIS RESIDENCE, AN APPLICATION UNDER OATH FOR REINSTATEMENT NOT LATER THAN ONE HUNDRED TWENTY (120) DAYS BEFORE THE START OF THE VOTING PERIOD.

Sec. 18. A new Section 19 of the same Act is hereby inserted to read as follows:

"SEC. 19. APPLICATION FOR CORRECTION OF ENTRIES AND CHANGE OF NAME. - ANY REGISTERED ABSENTEE VOTER MAY FILE WITH THE COAV, OR WITH THE POST HAVING JURISDICTION OVER HER/HIS RESIDENCE, NOT LATER THAN ONE HUNDRED TWENTY (120) DAYS BEFORE THE START OF THE VOTING PERIOD, AN APPLICATION UNDER OATH FOR THE CORRECTION OF MISSPELLED NAME OR OTHER ENTRIES; CHANGE OF NAME BY REASON OF MARRIAGE, DEATH OF HUSBAND, OR BY VIRTUE OF A COURT ORDER; AND/OR CHANGE OR CORRECTION OF ANY ENTRY IN THE NROAV, CLOAV AND THE VOTER'S IDS."

Sec. 19. Section 13 of the same Act is hereby renumbered as Section 20 and is amended to read as follows:

"Sec.[13] 20 . Preparation and Posting of Certified List of Overseas Absentee Voters. - The Commission shall prepare the CLOAV [Certified List of Overseas] within one hundred twenty (120) days before every NATIONAL election, and furnish within the same period ELECTRONIC AND HARD

copies thereof to the appropriate **POSTS** [embassies, consulates and other foreign service establishments], which shall post the same in their bulletin boards **AND/OR WEBSITES** within ten (10) days from receipt thereof.

“Subject to reasonable regulation and the payment of fees in such amounts as may be fixed by the Commission, the candidates, political parties, accredited citizens’ arms **AND** all other interested persons [and all embassies, consulates and other foreign service establishments] shall be furnished copies thereof; *PROVIDED, THAT NGO AND OTHER CIVIL SOCIETY ORGANIZATIONS ACCREDITED BY AND WORKING WITH THE COMMISSION AS PARTNERS ON OVERSEAS VOTERS’ EDUCATION AND PARTICIPATION SHALL BE EXEMPT FROM THE PAYMENT OF FEES.*”

Sec. 20. Section 14 of the same Act is hereby renumbered as Section 21 and is amended to read as follows:

“Sec. [14] 21. Printing and Transmittal of Ballots, Voting Instructions, Election Forms and Paraphernalia. -

“[14.1] 21.1. The Commission shall cause the printing of ballots for overseas absentee voters, [voting instructions,] and **ALL OTHER ACCOUNTABLE** election forms in such number as may be necessary, but in no case shall [it] **THEY** exceed the total number of approved applications. Security markings shall be used in the printing of ballots for overseas absentee voters.

“[14.2]21.2. The Commission shall present to the authorized representatives of the Department of Foreign Affairs and **OF** the accredited major political parties the ballots for overseas absentee voters, voting instructions, election forms and other election paraphernalia for scrutiny and

inspection prior to their transmittal to the POSTS [embassies, consulates and other foreign service establishments concerned].

“[14.3]21.3. The Commission shall TRANSMIT, AS FAR AS PRACTICABLE BUT not later than FORTY [seventy]-five [75] (45) days BEFORE the day of elections, [transmit] by special pouch to the POSTS [embassies, consulates and other foreign service establishments,] the exact number of ballots for overseas absentee voters corresponding to the number of approved applications, along with such [materials and election paraphernalia] ACCOUNTABLE FORMS necessary to ensure the integrity of the election.”

“[14.4]21.4. The authorized representatives of accredited major political parties shall have the right to be present in all phases of printing, transmittal and casting of ballots abroad. [Unclaimed ballots properly marked as such, shall be cancelled and shipped to the Commission by the least costly method.]”

“Sec. 21. Section 15 of the same Act is hereby renumbered as Section 22 and is amended to read as follows:

“Sec. [15] 22. *Regulation on Campaigning Abroad.* - PERSONAL CAMPAIGNING, [T]he use of campaign materials, as well as the limits on campaign spending shall be governed by the laws and regulations applicable in the Philippines AND TO THE EXTENT ALLOWED BY THE LAWS OF HOST COUNTRIES; PROVIDED, THAT, ALL FORMS OF CAMPAIGNING ABROAD WITHIN THE 30-DAY OVERSEAS ABSENTEE VOTING PERIOD SHALL BE PROHIBITED.”

Sec. 22. A new Section 23 of the same Act is hereby inserted to read as follows:

“SEC. 23. *VOTING.* - VOTING MAY BE DONE EITHER PERSONALLY, BY MAIL, OR BY ANY OTHER MEANS AS MAY BE ALLOWED UNDER OTHER EXISTING LAWS. FOR THIS

PURPOSE, THE COMMISSION SHALL ISSUE THE NECESSARY GUIDELINES ON THE MANNER AND PROCEDURES OF VOTING.

"THE COAV, IN CONSULTATION WITH DFA-OAVS, SHALL DETERMINE THE COUNTRIES WHERE VOTING SHALL BE DONE BY ANY SPECIFIC MODE, TAKING INTO CONSIDERATION THE MINIMUM CRITERIA ENUMERATED UNDER THIS ACT WHICH SHALL INCLUDE THE NUMBER OF REGISTERED VOTERS, ACCESSIBILITY OF THE POSTS, EFFICIENCY OF THE HOST COUNTRY'S APPLIED SYSTEM AND SUCH OTHER CIRCUMSTANCES THAT MAY AFFECT THE CONDUCT OF VOTING.

"THE COMMISSION SHALL ANNOUNCE THE SPECIFIC MODE OF VOTING PER COUNTRY/POST AT LEAST ONE-HUNDRED TWENTY (120) DAYS BEFORE THE START OF THE VOTING PERIOD.

"THE COMMISSION SHALL ISSUE AN OVERSEAS ABSENTEE VOTER IDENTIFICATION CARD TO THOSE WHOSE APPLICATIONS TO VOTE HAVE BEEN APPROVED."

Comment [TM7]: Taken from Section 12 last par on Verification and Approval of Application To Vote.

Comment [TM8]: I GUESS THIS IS THE RIGHT PLACE HERE...

SEC. 23. Section 16 of the same Act is hereby renumbered as Section 24 and is amended to read as follows:

"Sec. [16] 24. PERSONAL VOTING. - Casting and Submission of Ballots.

"[16.1] 24.1 Upon receipt [by the designated officer of the embassy, consulate and other foreign service establishments] of the ballots AND OTHER ACCOUNTABLE FORMS, VOTING MACHINES AND OTHER HARDWARE AND SOFTWARE for overseas absentee voters [voting instructions, election forms and other paraphernalia] THE SBRCG [he/she] shall make them available on the premises to the qualified overseas

absentee voters in their respective jurisdictions [during the thirty (30) days before the day of elections when overseas absentee voters may cast their vote. Immediately upon receiving it, the overseas absentee voter must fill-out his/her ballot personally, in secret, without leaving the premises of the embassies, consulates, and other Foreign Service establishments concerned.]

DURING THE THIRTY-DAY (30) VOTING PERIOD.

“THE COMMISSION SHALL CONSTITUTE AS MANY SPECIAL BALLOT RECEPTION GROUPS (SBR CGs) AS MAY BE NECESSARY TO RECEIVE AND TAKE CUSTODY OF ALL ACCOUNTABLE AND OTHER ELECTION FORMS, SUPPLIES AND PARAPHERNALIA FROM THE COAV FOR TRANSMITTAL TO THE SPECIAL BOARDS OF ELECTION INSPECTORS (SBEIS) AND TO THE SPECIAL BOARD OF CANVASSERS. EACH SBR CG SHALL BE COMPOSED OF THREE (3) MEMBERS FROM AMONG THE STAFF OF THE POSTS CONCERNED, INCLUDING THEIR ATTACHED AGENCIES, AND FILIPINO CITIZENS ABROAD.

“THE COMMISSION SHALL, LIKEWISE, CONSTITUTE AS MANY SPECIAL BOARDS OF ELECTION INSPECTORS (SBEIs) AS MAY BE NECESSARY TO CONDUCT AND SUPERVISE THE VOTING AND COUNTING OF VOTES.

“EACH SBEI SHALL BE COMPOSED OF A CHAIRMAN, DESIGNATED AS SUCH BY THE COMMISSION FROM AMONG CAREER PUBLIC OFFICERS POSTED ABROAD, AND TWO (2) GOVERNMENT OFFICERS AS MEMBERS, ONE OF WHOM SHALL BE DESIGNATED AS POLL CLERK. IN THE ABSENCE OF SUCH OTHER GOVERNMENT OFFICERS, THE TWO MEMBERS SHALL BE FILIPINO CITIZENS QUALIFIED TO REGISTER OR VOTE

UNDER THIS ACT AND SHALL BE DEPUTIZED BY THE COMMISSION NOT LATER THAN SIXTY (60) DAYS BEFORE THE START OF THE VOTING PERIOD.

"ALL SBEI RESOLUTIONS SHALL BE VALID ONLY WHEN APPROVED BY A MAJORITY OF THE MEMBERS OF THE BOARD."

"24.2. VOTING SHALL BE DONE AT THE POSTS, OR WHEREVER FIELD REGISTRATIONS WERE CONDUCTED, OR AT ANY OTHER POLLING PLACE DESIGNATED/ACCREDITED AS SUCH BY THE COMMISSION.

"[16.2. The overseas absentee voter shall personally accomplish his/her ballot at the embassy, consulate or other foreign service establishment that has jurisdiction over the country where he/she temporarily resides or at any polling place designated and accredited by the Commission.]

"[16.3]. 24.3. The overseas absentee voter shall cast HER/HIS [his/her] ballot, upon presentation of the absentee voter identification card issued by the Commission OR SUCH OTHER DOCUMENTS ACCEPTABLE TO THE SBEI AT THE POST AS SUFFICIENT TO ESTABLISH HER/HIS IDENTITY [within thirty (30) days before the day of elections. [In the case of seafarers, they shall cast their ballots anytime within sixty (60) days before the day of elections as prescribed in the Implementing Rules and Guidelines].

"IMMEDIATELY UPON RECEIVING HER/HIS BALLOT, THE OVERSEAS ABSENTEE VOTER MUST FILL IT OUT PERSONALLY, IN SECRET AND WITHOUT LEAVING THE PREMISES OF THE POST OR OF ANY OTHER DESIGNATED/ACCREDITED POLLING PLACE.

“[16.4] 24.4. All accomplished ballots received shall be placed IN sealed containers and kept in a secure place designated by the Commission.

“[16.5] 24.5. The SBRCG [embassies, consulates and other foreign service establishments concerned] shall keep a complete record of the ballots for overseas absentee voters, specifically indicating the number of ballots they actually received [, and in cases where voting by mail is allowed under Section 17 hereof, the names and addresses of the voters to whom these ballots were sent, including proof of receipt thereof]. In addition, the SBRCG [embassies, consulates and other foreign service establishments] shall submit a formal report to the Commission and TO the Joint Congressional Oversight Committee created under this Act within thirty (30) days from the day of elections. Such report shall contain data on the number of ballots cast and received by the offices, the number of invalid and unclaimed ballots and other pertinent data.

“24.6 BEFORE THE START OF THE COUNTING, ALL UNUSED BALLOTS SHALL BE ACCOUNTED FOR AND DISPOSED OF APPROPRIATELY BY THE CONCERNED POSTS, WITH THE CORRESPONDING FORMAL REPORT OF SUCH FACTS TRANSMITTED TO THE COMMISSION.

“[16.6. The overseas absentee voter shall be instructed that his/her ballot shall not be counted if it is not inside the special envelope furnished him/her when it is cast.

“[16.7. Ballots not claimed by the overseas absentee voters at the embassies, consulates and other foreign service establishments, in case of personal voting, and ballots returned to the embassies, consulates and other foreign service establishments concerned, in the case of voting by mail, shall be

cancelled and shipped to the Commission by the least costly method within six (6) months from the day of elections.]

“~~[16.8]~~ 24.7. Only ballots cast [and mailed ballots received by the Philippine embassies, consulates and other foreign service establishments concerned in accordance with Section 17 hereof before the close of voting on the day of elections shall be counted in accordance with Section 18 hereof. All envelopes containing the ballots received by the embassies, consulates and other foreign service establishments after the prescribed period shall not be opened, and shall be cancelled and shipped to the Commission by the least costly method within six (6) months from the day of elections] **AT OR BEFORE THE CLOSE OF VOTING ON THE DAY OF ELECTIONS SHALL BE COUNTED.**”

“~~[16.9]~~ A Special Ballot Reception and Custody Group composed of three (3) members shall be constituted by the Commission from among the staff of the embassies, consulates and other foreign service establishments concerned, including their attached agencies, and citizens of the Philippines abroad, who will be deputized to receive ballots and take custody of the same preparatory to their transmittal to the Special Boards of Election Inspectors.]

“~~[16.10]~~ 24.8. During **THE VOTING**, [this phase of the election process] the authorized representatives of the political parties, candidates, and accredited citizens' arms of the Commission shall be notified **THEREOF** in writing [thereof] and shall have the right to witness the proceedings.

“~~[16.11]~~ The Commission shall study the use of electronic mail, Internet, or other secured networks in the casting of votes, and submit a report thereon to the Joint Congressional Oversight Committee.]”

Sec. 24. Section 17 of the same Act is hereby renumbered as Section 25 and is amended to read as follows:

***"Sec. [17] 25. Voting by Mail. - MAILING AND SUBMISSION OF
BALLOTS.***

"[17.1. For the May, 2004 elections, the Commission shall authorize voting by mail in not more than three (3) countries, subject to the approval of the Congressional Oversight Committee. Voting by mail may be allowed in countries that satisfy the following conditions:

- a. Where the mailing system is fairly well-developed and secure to prevent the occasion of fraud;
- b. Where there exists a technically established identification system that would preclude multiple or proxy voting; and,
- c. Where the system of reception and custody of mailed ballots in the embassies, consulates and other foreign service establishments concerned are adequate and well-secured.

"Thereafter, voting by mail in any country shall be allowed only upon review and approval of the Joint Congressional Oversight Committee.]

**"25.1. THE COMMISSION SHALL TAKE CUSTODY OF ALL
OUTGOING BALLOTS PREPARATORY TO THEIR MAILING TO
THE VOTERS OR TO THE POSTS.**

**"THE COMMISSION SHALL MAIL THE BALLOTS
DIRECTLY TO THE REGISTERED VOTERS OR TO THE POSTS
THROUGH THE FACILITIES OF THE PHILIPPINE POSTAL
CORPORATION (PHILPOST). THE PHILPOST SHALL ENSURE
THE SECRECY AND SANCTITY OF THE MAILED BALLOTS AND
SHALL GIVE THEM PREFERENCE OVER ALL OTHER MAIL
MATTERS.**

"THE COMMISSION SHALL CONSTITUTE SPECIAL BALLOT RECEPTION GROUPS (SBR CGs) FOR EVERY POST FOR WHICH VOTING BY MAIL IS THE DESIGNATED VOTING MODE TO RECEIVE AND TAKE CUSTODY OF ALL ACCOUNTABLE AND OTHER ELECTION FORMS, SUPPLIES AND PARAPHERNALIA FROM THE COAV FOR TRANSMITTAL TO THE SPECIAL BOARDS OF ELECTION INSPECTORS (SBEIS) AND TO THE SPECIAL BOARD OF CANVASSERS, AS WELL AS TO RECORD, VERIFY, RECEIVE AND TAKE CUSTODY OF ALL MAILED ACCOMPLISHED BALLOTS. EACH SBR CG SHALL BE COMPOSED OF THREE (3) MEMBERS FROM AMONG THE STAFF OF THE POSTS CONCERNED, INCLUDING THEIR ATTACHED AGENCIES, AND FILIPINO CITIZENS ABROAD."

"[17.2] 25.2. The overseas absentee voter shall send HER/HIS [his/her] accomplished ballot IN THE ACCOMPANYING SPECIAL ENVELOPE AT ANY TIME AFTER RECEIPT THEREOF AND ENSURE THAT THE SAME BALLOT IS RECEIVED AND STAMPMARKED BY THE POST ON OR BEFORE THE CLOSE OF VOTING ON THE DAY OF ELECTIONS [to the corresponding embassy, consular or other foreign service establishment that has jurisdiction over the country where he/she temporarily resides. He/she shall be entitled to cast his/her ballot at any time upon his/her receipt thereof, provided that the same Is received before the close of voting on the day of elections. The overseas absentee voter shall be instructed tht his/her ballot shall not be counted if not transmitted in the special envelope furnished him/her].

"[17.3] 25.3. Only mailed ballots STAMPMARKED BY THE LOCAL POSTAL SERVICE AS HAVING BEEN MAILED BEFORE

CLOSE OF VOTING AND RECEIVED BY THE SBCRG DURING THE COUNTING OF VOTES SHALL BE COUNTED. [received by the Philippine embassy, consulate and other foreign service establishments before the close of voting on the day of elections shall be counted in accordance with Section 18 hereof.] All envelopes containing the ACCOMPLISHED ballots received AFTER THE COUNTING OF VOTES SHALL NOT BE OPENED AND SHALL BE FILED AND KEPT [by the embassies, consulates and other foreign service establishments after the prescribed period shall not be opened, and shall be cancelled and disposed of] appropriately FOR PURPOSES OF DOCUMENTATION, with a corresponding INVENTORY report thereon [submitted to the Commission not later than thirty (30) days from the day of elections]. ACCREDITED MAJOR POLITICAL PARTIES SHALL BE FURNISHED COPIES OF THE SAID REPORT NOT LATER THAN THIRTY (30) DAYS AFTER THE DAY OF ELECTIONS.

“26.4. THE COMMISSION SHALL MAINTAIN A COMPLETE REPORT OF THE NAMES AND ADDRESSES OF THE VOTERS TO WHOM THE BALLOTS WERE SENT, INCLUDING THE NUMBER OF BALLOTS CAST AND RECEIVED BY THE SBCRG, THE NUMBER OF INVALID AND UNCLAIMED BALLOTS, AS WELL AS OTHER PERTINENT DATA AND MAKE A TIMELY REPORT THEREON TO JOINT CONGRESSIONAL OVERSIGHT COMMITTEE.

“26.5. ALL MAILED BALLOTS MARKED “RETURN TO SENDER” AND RETURNED TO THE COMMISSION SHALL NOT BE OPENED. THE SAME SHALL BE CANCELLED AND DISPOSED OF APPROPRIATELY, WITH A CORRESPONDING INVENTORY

REPORT THEREON DULY FURNISHED THE MAJOR POLITICAL PARTIES NOT LATER THAN THIRTY (30) DAYS AFTER THE DAY OF ELECTIONS."

Sec. 25. A new Section 27 of the same Act is hereby inserted to read as follows:

"SEC. 27. *VOTING BY SEAFARERS.* - SEAFARERS MAY VOTE IN ACCORDANCE WITH SECTION 21 OF THIS ACT. FOR THIS PURPOSE, THE COMMISSION SHALL PREPARE A SEPARATE CLOAV FOR SEAFARERS."

Comment [nesquela10]: If according to "Sec. 6. *Personal Overseas Absentee Registration AND/OR CERTIFICATION*" all OAVoters may register or seek certification at any post, how and where will seafarers cast their votes, either in person or by mail?
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Sec. 26. A new Section 28 of the same Act is hereby inserted to read as follows:

"SEC. 28. *VOTING PRIVILEGE OF MEMBERS OF THE SBEI, SBRCG AND SBOC.* - GOVERNMENT EMPLOYEES POSTED ABROAD WHO WILL PERFORM ELECTION DUTIES AS MEMBERS OF THE SBEI, SBRCG AND SBOC SHALL BE ALLOWED TO VOTE IN THE POST; *PROVIDED, THAT*, THEY ARE REGISTERED EITHER IN THE PHILIPPINES OR AS OVERSEAS ABSENTEE VOTERS."

Sec. 27. Section 18 of the same Act is hereby renumbered as Section 29 and amended to read as follows:

"Sec. [18]29. - *On-site Counting and Canvassing* -

"[18.1] 29.1. The counting and canvassing of votes shall be conducted onsite in the country where the votes were actually cast. The opening of the specially-marked envelopes and containers containing the ballots and the counting and canvassing of votes shall be conducted within the premises of the [embassies, consulates and other Foreign Service establishments, or in such other places as may be designated by the Commission pursuant to the Implementing Rules and Regulations.]-POSTS or WITHIN ANY OTHER POLLING PLACE DESIGNATED/ACCREDITED AS SUCH BY THE

COMMISSION. The Commission shall ensure that the start of counting in polling places abroad shall, [be synchronized] **AS FAR AS PRACTICABLE, COINCIDE** with the start of the counting in the Philippines, **TAKING INTO CONSIDERATION THE RESPECTIVE TIME ZONES OF THE DIFFERENT POSTS."**

"[18.2]. **29.2.** [For these purposes, the Commission shall constitute as many Special Boards of Election Inspectors (**SBEIs**) as may be necessary to conduct and supervise the counting of votes as provided in Section 18.1 hereof. The Special Boards of Election Inspectors to be constituted therein shall be composed of a Chairman and two (2) members, one (1) of whom shall be designated as poll clerk. The ambassador, or consul-general, or any career public officer posted abroad designated by the Commission, as the case may be, shall act as the chairman; in the absence of other government officers, the two (2) other members shall be citizens of the Philippines who are qualified to register and vote under this Act and-deputized by the Commission not later than sixty (60) days before the day of elections. All resolutions of the Special Boards of Election Inspectors **SBEIs** on issues brought before it during the conduct of its proceedings shall be valid only when they carry the approval of the chairman.]

"Immediately upon the completion of the counting, the [Special Boards of Election Inspectors] **SBEIs** shall transmit [via facsimile and/or electronic mail] the results to the Commission in Manila and **TO** the accredited major political parties **VIA FACSIMILE, ELECTRONIC MAIL AND/OR BY ANY OTHER SAFE, SECURE AND RELIABLE MEANS OF TRANSMISSION."**

["18.3. Only ballots cast on, or received by the embassies, consulates and other foreign service establishments before the close of voting on the day

of elections shall be included in the counting of votes. Those received afterwards shall not be counted.]

“[18.4] 29.3. A Special Board of Canvassers (SBOC) composed of **THE HIGHEST RANKING OFFICER FROM THE POST** [a lawyer preferably of the Commission] as chair[man]**PERSON**, a senior career officer from any of the government agencies maintaining a post abroad and, in the absence of another government officer, a citizen of the Philippines qualified to vote under this Act **AND** deputized by the Commission, as vice-chair[man]**PERSON** and member-secretary, respectively, shall be constituted to canvass the election returns submitted to it by the **SBEIs** [Special Boards of Election Inspectors]. Immediately upon the completion of the canvass, the chair[man]**PERSON** of the **SBOC** [Special Boards of Canvassers] shall transmit via facsimile, electronic mail, **AND/or BY** any other **SAFE, SECURE AND RELIABLE** means of transmission [equally safe and reliable] the Certificates of Canvass and the Statements of Votes to the Commission, and shall cause to preserve the same immediately after the conclusion of the canvass, and make it available upon the instructions of the Commission.

The **SBOC** [Special Board of Canvassers] shall also furnish the accredited major political parties and accredited citizens' arms with copies thereof via facsimile, electronic mail **AND/or BY** any other **SAFE, SECURE AND RELIABLE** means of transmission [equally safe, secure and reliable].

“The Certificates of Canvass and the accompanying Statements of Votes as transmitted via facsimile, electronic mail **AND/or** any other **SAFE, SECURE AND RELIABLE** means of transmission [equally safe, secure and reliable] shall be the primary basis for the national canvass.”

“~~[18.5]~~ 29.4. The canvass of **OVERSEAS** votes shall not cause the delay of the proclamation of a winning candidate if the outcome of the election will not be affected by the results thereof. Notwithstanding the foregoing, the Commission, **AS NATIONAL BOARD OF CANVASSERS FOR SENATORS AND PARTY-LIST REPRESENTATIVES, OR CONGRESS, AS NATIONAL BOARD OF CANVASSERS FOR PRESIDENT AND VICE-PRESIDENT, SHALL PROCLAIM THE** [is empowered to order the proclamation of] winning candidates despite the fact that the scheduled election has not taken place in a particular country or countries, if the holding of elections therein has been rendered impossible by events, factors and circumstances peculiar to such country or countries, and which events, factors and circumstances are beyond the control or influence of the Commission.”

“~~[18.6]~~ 29.5. In the preparation of the final tally of votes on the results of the national elections, ~~[the Commission, shall ensure that]~~ the votes canvassed by each and every country shall be reflected as a separate item from the tally of national votes. For purposes of this Act, the returns of every election for P[p]resident and V[v]ice-P[p]resident prepared by the Special Board of Canvassers shall be deemed a certificate of canvass of a city or a province.”

“~~[18.7]~~29.6. Where feasible, the counting and canvassing of votes shall be automated. Towards this end, the Commission is hereby authorized to borrow, rent, lease or acquire automated [voting] **COUNTING** machines for purposes of canvassing and counting of votes pursuant to the provisions of this Act, and in accordance with the Implementing Rules and Regulations promulgated by the Commission.”

Sec. 28. A new Section 30 is hereby inserted to read as follows:

Comment [nesquela11]: May be deleted; this phrase seems superfluous. As already indicated in the preceding 25.4, it would either be Congress or the Commission. Thus, it might be enough to say, "In the preparation of the final tally of votes on the results of the national elections, the votes canvassed by each and every country shall be reflected..."
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"SEC. 30. AUTHORITY TO ADOPT OTHER MODES OR SYSTEMS USING AUTOMATED ELECTION SYSTEM - NOTWITHSTANDING CURRENT PROCEDURES AND SYSTEMS HEREIN PROVIDED, FOR THE PROPER IMPLEMENTATION OF THIS ACT AND IN VIEW OF THE PECULIARITIES ATTENDANT TO THE OVERSEAS ABSENTEE PROCESS, THE COMMISSION MAY EXPLORE AND ADOPT OTHER MORE EFFICIENT, RELIABLE AND SECURE MODES OR SYSTEMS, WHETHER PAPER-, ELECTRONIC-, TECHNOLOGY- OR INTERNET-BASED, FOR ONSITE AND REMOTE REGISTRATION AND VOTING, COUNTING, CANVASSING AND CONSOLIDATION OF VOTES, AS WELL AS FOR THE TRANSMITTAL OF RESULTS."

Comment [TM12]: "ING" added

Comment [TM13]: Taken from the title of AES law

Sec. 29. A new Section 31 is hereby inserted to read as follows:

"SEC. 31. PROCUREMENT OF FACILITIES, EQUIPMENT, MATERIALS, SUPPLIES OR SERVICES. - TO ACHIEVE THE PURPOSE OF THIS ACT, THE COMMISSION MAY, LIKEWISE, PROCURE FROM LOCAL OR FOREIGN SOURCES, THROUGH PURCHASE, LEASE, RENT OR OTHER FORMS OF ACQUISITION, HARDWARE OR SOFTWARE, FACILITIES, EQUIPMENT, MATERIALS, SUPPLIES OR SERVICES IN ACCORDANCE WITH EXISTING LAWS, FREE FROM IMPORT TAXES AND DUTIES, SUBJECT TO GOVERNMENT PROCUREMENT RULES AND REGULATIONS."

Comment [TM14]: Taken from the title of AES law on procurement and the first par thereof.

Sec. 30. Sec. 19 of the same Act is hereby renumbered as Section 32 and is amended to read as follows:

"Sec.[19]32. [Authority of the Commission to Promulgate] Rules AND REGULATIONS. - The Commission shall PROMULGATE [issue the

necessary] rules and regulations **FOR THE** [to effectively-implement the] **IMPLEMENTATION AND ENFORCEMENT OF THE** provisions of this **ACT** within sixty (60) days from the effectivity **THEREOF** [of this Act]. [The Implementing Rules and Regulations shall be submitted to the Joint Congressional Oversight Committee created by virtue of this Act for prior approval].

“[In the formulation of the rules and regulations, the Commission shall coordinate with the Department of Foreign Affairs, Department of Labor and Employment, Philippine Overseas and Employment Administration, Overseas Workers' Welfare Administration and the Commission on Filipinos Overseas. Non-government organizations and accredited Filipino organizations or associations abroad shall be consulted.]”

Sec. 31. Section 20 of the same Act is hereby renumbered as Section 33 and is amended to read as follows:

“Sec. [20]33. - Information Campaign - The Commission, in coordination with agencies concerned, shall undertake an information campaign to educate the public on the manner of absentee voting for qualified overseas absentee voters. It may require the support and assistance of the Department of Foreign Affairs, through the **POSTS** [through the embassies, consulates and other foreign service establishments], Department of Labor and Employment, Department of Transportation and Communications, Philippine Postal Corporation, Philippine Overseas Employment Administration, Overseas Workers' Welfare Administration and the Commission on Filipinos Overseas. [The Commission may deputize Filipino organizations/associations overseas for the same purpose: *Provided, that* any such deputized organization/association shall be prohibited from participating in the elections by campaigning for or fielding candidates; *Provided, further,* That if any such

deputized organization/association is discovered to have a member who is not a qualified overseas absentee voter, as herein defined, such deputized organization/association shall be banned from participating in any manner, and at any stage, in the Philippine political process abroad.] "Such information campaign shall educate the Filipino public, within and outside the Philippines, on the **PHILIPPINE ELECTORAL SYSTEM**, [on] their rights **AS** overseas absentee voters, absentee voting processes and other related concerns. Information materials shall be developed by the Commission for distribution, through the said government agencies and private organizations. No government agency [or accredited private organizations] shall prepare, print, distribute or post in [websites] any information material without the prior approval of the Commission.

"THE COMMISSION IS AUTHORIZED TO APPROPRIATE NOT LESS THAN TEN PER CENT (10%) OF THE OVERSEAS ABSENTEE VOTING BUDGET TO DEFRAY THE COSTS OF EFFECTIVELY CARRYING OUT THE OVERSEAS ABSENTEE VOTERS INFORMATION AND EDUCATION CAMPAIGN.

"THE COMMISSION MAY ENTER INTO CONTRACTS WITH PUBLIC OR PRIVATE ENTITIES TO ENSURE EFFECTIVE AND EFFICIENT INFORMATION DISSEMINATION."

Sec. 32. A new Section 34 is hereby inserted to read as follows:

"SEC. 34. ROLE AND ENGAGEMENT OF FILIPINO CIVIL SOCIETY ORGANIZATIONS. - THE COMMISSION SHALL ENCOURAGE AND ENGAGE THE PARTICIPATION OF LOCAL AND OVERSEAS FILIPINO CIVIL SOCIETY ORGANIZATIONS AS ACCREDITED OR DEPUTIZED PARTNERS AT ANY STAGE OF THE OVERSEAS ELECTORAL PROCESS, SUBJECT TO THE

GUIDELINES AND LIMITATIONS ELSEWHERE PROVIDED IN THIS ACT OR IN OTHER RELEVANT LAWS, AS WELL AS THOSE THAT THE COMMISSION SHALL PROMULGATE; *PROVIDED*, THAT ANY SUCH ORGANIZATION OR ASSOCIATION SHALL BE ACCREDITED OR DEPUTIZED ON THE BASIS OF THEIR PRESENCE, REACH AND RESOURCES TO EDUCATE THE FILIPINO PUBLIC ON THE PHILIPPINE ELECTORAL SYSTEM, THEIR RIGHTS AS OVERSEAS ABSENTEE VOTERS, THE ABSENTEE VOTING PROCESSES AND OTHER RELATED CONCERNS, AS WELL AS TO DISSEMINATE INFORMATION DEVELOPED BY THE COMMISSION EFFECTIVELY AND IN A TIMELY MANNER; *PROVIDED, FURTHER*, THAT NO SUCH ACCREDITED OR DEPUTIZED ORGANIZATION SHALL PREPARE, PRINT, DISTRIBUTE OR POST ANY INFORMATION OR MATERIAL WITHOUT THE PRIOR APPROVAL OF THE COMMISSION; *PROVIDED, FURTHER*, THAT ANY SUCH ACCREDITED OR DEPUTIZED ORGANIZATION OR ASSOCIATION SHALL BE PROHIBITED FROM CAMPAIGNING FOR OR FIELDING CANDIDATES; *PROVIDED, FINALLY*, THAT IF ANY SUCH ORGANIZATION OR ASSOCIATION IS DISCOVERED TO HAVE A MEMBER WHO IS NOT QUALIFIED OVERSEAS ABSENTEE VOTER AS HEREIN DEFINED, SUCH DEPUTIZED ORGANIZATION OR ASSOCIATION SHALL BE BANNED FROM PARTICIPATING IN ANY MANNER AND AT ANY STAGE IN THE PHILIPPINE POLITICAL PROCESS ABROAD."

Sec. 33. A new Section 35 is hereby inserted to read as follows:

"SEC. 35. TRAININGS. - "TRAINING OF THE MEMBERS OF FOREIGN SERVICE CORPS ON OVERSEAS ABSENTEE VOTING PROCESSES, RULES AND PROCEDURES, TO BE UNDERTAKEN BY THE COMMISSION IN COORDINATION WITH THE DFA-OAVS, SHALL FORM AN INTEGRAL PART OF THEIR BRIEFING AND ORIENTATION PRIOR TO THEIR POSTING ABROAD.

"THE COAV, THROUGH ITS CHAIRMAN, MAY ALSO AUTHORIZE THE CONDUCT OF TRAININGS OF THE MEMBERS OF THE DEPUTIZED BODIES CONCERNING THE PROCESSES, RULES AND PROCEDURES ON REGISTRATION AND ELECTION BOTH HERE AND ABROAD AT LEAST ONE HUNDRED TWENTY (120) DAYS BEFORE EACH SCHEDULED REGISTRATION OR NATIONAL ELECTION."

Sec. 34. Section 21 of the same Act is hereby renumbered as Section 36.

Sec. 35. Section 22 of the same Act is hereby renumbered as Section 37 and is amended to read as follows:

"Sec. [22]37. - Assistance from Government Agencies. - All government officers, particularly from the Department of Foreign Affairs, Department of Labor and Employment, Department of Transportation and Communications, Philippine Postal Corporation, Philippine Overseas Employment Administration, Overseas Workers' Welfare Administration, Commission on Filipinos Overseas and other government offices concerned with the welfare of the Filipinos overseas shall, to the extent compatible with their primary responsibilities, assist the Commission in carrying out the provisions of this Act. All such agencies or officers thereof shall take reasonable measures to expedite all election activities, which the Commission shall require of them. When necessary, the Commission may send supervisory

teams headed by career officers to assist the **POSTS** [embassies, consulates and other foreign service establishments concerned].

“LIKEWISE, CONSULAR AND DIPLOMATIC SERVICES RENDERED IN CONNECTION WITH THE OVERSEAS ABSENTEE VOTING PROCESSES SHALL BE MADE AVAILABLE AT NO COST TO THE OVERSEAS ABSENTEE VOTER.”

Sec. 36. Section 23 of the same Act is hereby renumbered as Section 38.

Sec. 37. Section 24 of the same Act is hereby renumbered as Section 39 and is amended to read as follows:

“Sec. [24] 39. *Prohibited Acts.* In addition to the prohibited acts provided by law, it shall be unlawful:

“[24.1]39.1. For any officer or employee of the Philippine government to influence or attempt to influence any person covered by this Act to vote, or not to vote, for a particular candidate. Nothing in this Act shall be deemed to prohibit free discussion regarding politics or candidates for public office.

“[24.2]39.2. For any person to deprive **ANOTHER** [any person] of any right secured in this Act, or to give false information as to **HER**/his[/her] name, address, or period of residence for the purposes of establishing **HER**/his[/her] eligibility or ineligibility to register or vote under this Act; or to conspire with another person for the purpose of encouraging the giving of false information in order to establish the eligibility or ineligibility of any individual to register or vote under this Act; or to pay, or offer to pay, or to accept payment either for application **FOR REGISTRATION**, or for voting;

“[24.3] 39.3. For any person to **STEAL, CONCEAL, ALTER, DESTROY, MUTILATE, MANIPULATE, OR IN ANY WAY** tamper with [the ballot,] the mail containing the ballots for overseas absentee voters, **THE BALLOT**, the election returns, [including the destruction, mutilation

and manipulation thereof;] **OR ANY RECORD, DOCUMENT OR PAPER AS REQUIRED FOR PURPOSES OF THIS ACT;**

["24.4. For any person to steal, destroy, conceal, mutilate or alter any record, document or paper as required for purposes of this Act;]

“[24.5] 39.4. For any deputized agent to refuse without justifiable ground, to serve or serving, or to comply with his/her sworn duties after acceptance of his/her appointment;

“[24.6]” 39.5. For any public officer or employee **OR ACCREDITED OR DEPUTIZED ORGANIZATION OR ASSOCIATION TO** [who shall] cause the preparation, printing, distribution **OR POSTING** of information **OR** material[, or post the same in websites] without the prior approval of the Commission;

“[24.7] 39.6. For any public officer or employee to cause the transfer, promotion, extension, recall of any member of the Foreign Service corps, including members of the attached agencies, or otherwise cause the movement of any such member from his current post or position one (1) year before and three (3) months after the day of elections, without securing the prior approval of the Commission;

“[24.8] 39.8. For any person who, after being deputized by the Commission to undertake activities in connection with the implementation of this Act, shall campaign for or assist, in whatever manner, candidates in the elections;

“39.9. FOR ANY PERSON TO ENGAGE IN PARTISAN POLITICAL ACTIVITY ABROAD DURING THE 30-DAY OVERSEAS ABSENTEE VOTING PERIOD.”

“[24.9] 39.10. For any person who is not a citizen of the Philippines to participate, by word or deed, directly or indirectly through qualified

organizations/associations, in any manner and at any stage of the Philippine political process abroad, including participation in the campaign and elections.

“The provision of existing laws to the contrary, notwithstanding, and with due regard to the Principle of Double Criminality, the prohibited acts described in this section are electoral offenses and **ARE** punishable in the Philippines.

“The penalties imposed under Section 264 of the Omnibus Election Code, as amended, shall be imposed on any person found guilty of committing any of the prohibited acts as defined in this section: *Provided, That* the penalty of *prision mayor* in its minimum period shall be imposed upon any person found guilty **UNDER** Section [24.3]39.3 hereof without the benefit of the operation of the Indeterminate Sentence Law. If the offender is a public officer or a candidate, the penalty shall be *prision mayor* in its maximum period. In addition, the offender shall be sentenced to suffer perpetual disqualification to hold public office and deprivation of the right to vote.”

“[Immigrants and permanent residents who do not resume residence in the Philippines as stipulated in their affidavit under Section 5(d) within three (3) years after approval of his/her registration under this Act and yet vote in the next elections contrary to the said section, shall be penalized by imprisonment of not less than one (1) year, and shall be deemed disqualified as provided in Section 5(c) of this Act. His/her passport shall be stamped “not allowed to vote.]”

Sec. 38. Section 25 of the same Act is hereby renumbered as Section 40 and is amended to read as follows:

“**Sec. [25] 40. Joint Congressional Oversight Committee.** - A Joint Congressional Oversight Committee is hereby created, composed of the Chairman of the Senate Committee on Constitutional Amendments, Revision

of Codes and Laws, and seven (7) other Senators designated by the Senate President, and the Chairman of the House Committee on Suffrage and Electoral Reforms and seven (7) other Members of the House of Representatives designated by the Speaker of the House of Representatives: Provided, That, of the seven (7) members to be designated by each House of Congress, four (4) should come from the majority and the remaining three (3) from the minority.

“[The Joint Congressional Oversight Committee shall have the power to monitor and evaluate the implementation of this Act. It shall review, revise, amend and approve the Implementing Rules and Regulations promulgated by the Commission.]”

Sec. 39. Sections 26, 27, 28 and 29 of the same Act are hereby renumbered accordingly.

Sec. 40. A new Section 45 is hereby inserted to read as follows:

“Sec. 45. TRANSITORY PROVISION - ALL PRIOR ACTS, RESOLUTIONS, ISSUANCES OF THE COMMISSION UNDER THIS ACT, NOT OTHERWISE INCONSISTENT HEREWITH, INCLUDING THE REGISTRATION OF VOTERS AND MODES OF VOTING, SHALL REMAIN VALID AND EFFECTIVE.”

Sec. 41. Separability Clause - If any part or provision of this Act shall be declared unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

Sec. 42. Repealing Clause - All laws, presidential decrees, executive orders, rules and regulations, other issuances, and parts thereof, which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

Sec. 43. Effectivity - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or at least in three (3) newspapers of general circulation.

Approved,