

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 3201

INTRODUCED BY REPRESENTATIVES Bello, Bichara, Climaco, Rodriguez (R),
Lagman, Gatchalian, Gonzales (N), Bag-ao and Batocabe

Explanatory Note

About 10% of the Philippine population are living and working in some 238 countries and destinations abroad. More than close to 4 million are permanent residents and Filipino immigrants, 3.6M are OFWs while more than half a million are those categorised as undocumented Filipinos or those in irregular status. For more than four decades now, the Philippines has witnessed the largest exodus of Filipino men and women workers, averaging more than a million annually since 2006.

For most of these Filipinos overseas, they would have preferred to stay in the country, with their loved ones and everything that is familiar to them, if only the prospects for better lives and better future for themselves, their loved ones and the country in general are brighter and more secure. As it turned out, Filipinos migrated in droves, averaging 3,897 OFWs daily, enduring enormous sacrifices in often-times hostile living and working environments abroad if only to send those remittances to their loved in the Philippines in order to have food on the table, send their children to school and to have roof above their heads. These remittances have actually kept the Philippine economy afloat. Defying the global economic crisis, last year's remittances of US\$17.35B registered a 15.1% increase from 2008 figures.

To ensure that their political rights as Filipino citizens, even as they are overseas, are respected and promoted, the 1987 Philippine Constitution mandated Congress to enact a system of overseas absentee voting for Filipinos overseas. This was finally fulfilled, after more than 16 years, when the 12th Congress of the Philippines enacted R.A. No. 9189 otherwise known as the Overseas Absentee Voting Act of 2003. Since then, Filipinos overseas have participated in three OAV exercises –in the Presidential elections of May 2004, in the 2007 mid-term elections and in the 2010 Presidential elections. Unfortunately, the registration and voter turn out for OAV had remained low in all these

three political exercises – 64.89% voter turn out in 2004; 16.21% voter turn out in 2007 and 25.99% voter turn out in 2010. The total accumulated registered overseas Filipino voters in the 2010 elections was only 589, 830. Reasons for the low turn out include the following: flaws in the OAV law that resulted in difficulty in the procedure for registration and voting; discrimination and disqualification of Filipino immigrants and permanent residents; lack of information on the OAV process as well as on the candidates and positions to be voted for; cynicism, mistrust in government and its instrumentalities like Comelec; various scandals that the government got involved in; lack of faith and mistrust in the electoral and political system of the country; inadequate budget and personnel to implement the OAV more effectively.

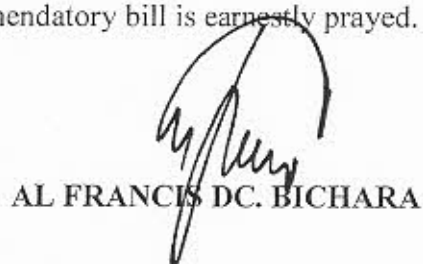
Since its enactment in 2003, Congress has not enacted any amendments to the law. Interestingly, Comelec has for example when it expanded the number of posts for postal voting from the original 3 posts per provision of the OAV law to 56 posts in 2007 and 102 posts in 2010 without the benefit of a Congressional amendment nor a recommendation from the Joint Congressional Oversight Committee (JCOC).

Therefore, to make the law more effective, far reaching and “voter friendly” to overseas Filipinos, there is an urgent need for Congress to introduce fundamental corrective legislative measures in the OAV law which would include the following proposed amendments: (a) deletion of the provision that disqualifies overseas Filipinos, numbering close to 4 million, who are categorised as immigrants and permanent residents unless they will execute an affidavit declaring that they shall resume actual, physical permanent residence in the Philippines not later than 3 years from approval of their applications for registration under the OAV law; (b) broadening the coverage of OAV to include national referenda and plebiscites; (c) composition of in-house in Comelec Resident Election Registration Board (RERB); (d) ensuring that the system of continuing registration is properly and fully observed; (e) allowing for the filing of application for registration at any post abroad or at designated registration centers outside the post; (f) mandating the Comelec to determine the mode of voting for which posts; (g) mandate to Comelec to adopt other modes or systems using automated election system; (h) budget provision for OAV information and education campaign; and, (i) institutionalising the role and engagement of Filipino civil society organizations.

The support for the passage and approval of this amendatory bill is earnestly prayed.



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HOUSE OF REPRESENTATIVES

H. B. No. 3201

INTRODUCED BY REPRESENTATIVES Bello, Bichara, Climaco, Rodriguez (R), Lagman,
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“AN ACT
AMENDING REPUBLIC ACT NO. 9189 OTHERWISE KNOWN AS
“THE OVERSEAS ABSENTEE VOTING ACT OF 2003”

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

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

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

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

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

12 **C. “COMMITTEE ON OVERSEAS ABSENTEE VOTING (COAV)”**
13 **REFERS TO THE COMMITTEE OF THE COMMISSION**
14 **TASKED TO OVERSEE AND SUPERVISE THE**

1 EFFECTIVE IMPLEMENTATION OF THE OVERSEAS
2 ABSENTEE VOTING LAW;

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

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

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

22 G. "*MOBILE REGISTRATION*" REFERS TO THE
23 CONDUCT OF REGISTRATION OF OVERSEAS
24 ABSENTEE VOTERS AT VARIOUS LOCATIONS
25 OUTSIDE THE POSTS, OTHER THAN AT FIELD

1 REGISTRATIONS, UNDERTAKEN AS PART OF THE
2 POSTS' MOBILE CONSULAR AND OUTREACH
3 ACTIVITIES TO FILIPINOS WITHIN THEIR
4 JURISDICTIONS;

5 H. "MUNICIPAL/CITY/DISTRICT REGISTRY OF
6 OVERSEAS ABSENTEE VOTERS (ROAV)" REFERS TO
7 THE CONSOLIDATED LIST PREPARED, APPROVED
8 AND MAINTAINED BY THE COMMISSION FOR
9 EVERY MUNICIPALITY/CITY/DISTRICT, OF
10 OVERSEAS ABSENTEE VOTERS WHOSE
11 APPLICATIONS FOR REGISTRATION AS SUCH,
12 INCLUDING THOSE REGISTERED VOTERS UNDER
13 REPUBLIC ACT NO. 8189 WHO APPLIED FOR
14 CERTIFICATION AS OVERSEAS ABSENTEE VOTERS,
15 HAVE BEEN APPROVED BY THE ELECTION
16 REGISTRATION BOARD AND/OR RESIDENT
17 ELECTION REGISTRATION BOARD;

18 [e]I. "National Registry of Absentee Voters" refers to the
19 consolidated list prepared, approved and maintained by the
20 Commission, of overseas absentee voters whose applications
21 for registration as absentee voters, including those registered
22 voters UNDER REPUBLIC ACT NO. 9189 who have
23 applied to be certified as absentee voters, have been approved
24 by the RESIDENT Election Registration Board,

1 INDICATING THE POST WHERE THE OVERSEAS
2 ABSENTEE VOTER IS REGISTERED;

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

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

10 L. "POSTS" REFERS TO THE PHILIPPINE
11 EMBASSIES, CONSULATES, FOREIGN SERVICE
12 ESTABLISHMENTS AND OTHER PHILIPPINE
13 GOVERNMENT AGENCIES MAINTAINING OFFICES
14 ABROAD AND HAVING JURISDICTION OVER THE
15 PLACES WHERE THE OVERSEAS ABSENTEE VOTERS
16 RESIDE;

17 M. "RESIDENT ELECTION REGISTRATION BOARD
18 (RERB)" REFERS TO THE IN-HOUSE ELECTION
19 REGISTRATION BOARD OF THE COAV COMPOSED
20 OF THREE (3) RANKING OFFICIALS FROM THE
21 COMMISSION, WITH A REPRESENTATIVE EACH
22 FROM THE DEPARTMENT OF FOREIGN AFFAIRS
23 (DFA) AND THE DEPARTMENT OF LABOR AND
24 EMPLOYMENT (DOLE), THE MAIN FUNCTIONS OF
25 WHICH ARE TO PROCESS, APPROVE OR

1 DISAPPROVE ALL APPLICATIONS FOR
2 REGISTRATION AND/OR CERTIFICATION AS
3 OVERSEAS ABSENTEE VOTERS, INCLUDING
4 DEACTIVATION, REACTIVATION AND
5 CANCELLATION OF REGISTRATION RECORDS;

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

13 O. "SPECIAL BALLOT RECEPTION AND CUSTODY
14 GROUP (SBRCG)" REFERS TO THE GROUP
15 CONSTITUTED BY THE COMMISSION TO RECEIVE
16 AND TAKE CUSTODY OF ALL ACCOUNTABLE AND
17 OTHER ELECTION FORMS, SUPPLIES AND
18 PARAPHERNALIA FROM THE COAV FOR
19 TRANSMITTAL TO THE 'SPECIAL BOARDS OF
20 ELECTION INSPECTORS' AND 'SPECIAL BOARDS OF
21 CANVASSERS';

22 P. "SPECIAL BOARD OF CANVASSERS (SBOC)" REFERS
23 TO THE BODY DEPUTIZED BY THE COMMISSION TO
24 CANVASS THE OVERSEAS ABSENTEE VOTING

1 ELECTION RETURNS SUBMITTED TO IT BY THE
2 SPECIAL BOARD OF ELECTION INSPECTORS;

3 Q. "*SPECIAL BOARD OF ELECTION INSPECTORS (SBEI)*"

4 REFERS TO THE BODY DEPUTIZED BY THE
5 COMMISSION TO CONDUCT THE VOTING AND
6 COUNTING OF VOTES;

7 R. "*SYSTEM OF CONTINUING REGISTRATION*" REFERS

8 TO THE ACT OF ACCOMPLISHING AND FILING OF A
9 SWORN APPLICATION FOR REGISTRATION AND/OR
10 CERTIFICATION BY A QUALIFIED OVERSEAS
11 ABSENTEE VOTER BEFORE THE PERSONNEL
12 DEPUTIZED BY THE COMMISSION WITHIN ONE (1)
13 YEAR BEFORE THE START OF THE VOTING PERIOD
14 AND OF INCLUDING THE SAME IN THE NROAV UPON
15 APPROVAL BY THE RERB;

16 S. "*VOTING PERIOD*" REFERS TO A CONTINUOUS
17 THIRTY (30)-DAY PERIOD, THE LAST DAY OF WHICH
18 IS THE DAY OF ELECTION, INCLUSIVE OF
19 ESTABLISHED HOLIDAYS IN THE PHILIPPINES AND
20 OF SUCH OTHER HOLIDAYS IN THE HOST
21 COUNTRIES.

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

23 "*Sec. 4. Coverage.* - All citizens of the Philippines abroad,
24 who are not otherwise disqualified by law, at least eighteen (18)
25 years of age on the day of elections, may vote for P[p]resident,

V[ice-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,**

1 *further*, That the Commission may take cognizance of final
2 judgments issued by foreign courts or tribunals only on the
3 basis of reciprocity and subject to the formalities and
4 processes prescribed by the *Rules of Court* on execution of
5 judgments;]

6 ["d) An immigrant or a permanent resident who is recognized
7 as such in the host country, unless he/she executes, upon
8 registration, an affidavit prepared for the purpose by the
9 Commission declaring that he/she shall resume actual
10 physical permanent residence in the Philippines not later
11 than three (3) years from approval of his/her registration
12 under this Act. Such affidavit shall also state that he/she has
13 not applied for citizenship in another country. Failure to
14 return shall be the cause for the removal of the name of the
15 immigrant or permanent resident from the National Registry
16 of Absentee Voters and his/her permanent disqualification to
17 vote in *absentia*].

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

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

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

7 "[Qualified citizens of the Philippines abroad who failed to
8 register under Republic Act No. 8189, otherwise known as the "The
9 Voters Registration Act of 1996", may personally apply for
10 registration with the Election Registration Board of the city or
11 municipality where they were domiciled immediately prior to their
12 departure from the Philippines, or with the representative of the
13 Commission at the Philippine embassies, consulates and other
14 foreign service establishments that have jurisdiction over the
15 locality where they temporarily reside. Subject to the specific
16 guidelines herein provided, the Commission is hereby authorized to
17 prescribe additional procedures for overseas absentee registration
18 pursuant to the provisions of Republic Act No. 8189, whenever
19 applicable, taking into strict consideration the time zones and the
20 various periods and processes herein provided for the proper
21 implementation of this Act. The embassies, consulates and other
22 foreign service establishments shall transmit within (5) days from
23 receipt the accomplished registration forms to the Commission,
24 after which the Commission shall coordinate with the Election
25 Officer of the city or municipality of the applicant's stated residence

1 for verification, hearing and annotation in the permanent list of
2 voters.

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

11 "[6.1. Upon receipt of the application for registration, the
12 Election Officer shall immediately set the application for hearing,
13 the notice of which shall be posted in a conspicuous place in the
14 premises of the city or municipal building of the applicant's stated
15 residence for at least one (1) week before the date of the hearing.
16 The Election Officer shall immediately furnish a copy of the
17 application to the designated representatives of political parties and
18 other accredited groups.

19 "[6.2. If no verified objection to the application is filed, the
20 Election Officer shall immediately forward the application to the
21 Election Registration Board, which shall decide on the application
22 within one (1) week from the date of hearing without waiting for the
23 quarterly meeting of the Board. The applicant shall be notified of
24 the approval or disapproval of his/her application by registered
25 mail.

1 “[6.3. In the event that an objection to the application is filed
2 prior to or on the date of hearing, the Election Officer shall notify
3 the applicant of said objection by registered mail, enclosing therein
4 copies of affidavits or documents submitted in support of the
5 objection filed with the said Election Officer, if any. The applicant
6 shall have the right to file his counter-affidavit by registered mail,
7 clearly stating therein facts and defenses sworn before any officer in
8 the host country authorized to administer oaths.

9 “[6.4. The application shall be approved or disapproved based
10 on the merits of the objection, counter-affidavit and documents
11 submitted by the party objecting and those of the applicant.

12 “[6.5 A Certificate of Registration as an overseas absentee
13 voter shall be issued by the Commission to all applicants whose
14 applications have been approved, including those certified as
15 registered voters. The Commission shall include the approved
16 applications in the National Registry of Absentee Voters.

17 “[6.6. If the application has been approved, any interested
18 party may file a petition for exclusion not later than two hundred
19 ten (210) days before the day of elections with the proper municipal
20 or metropolitan trial court. The petition shall be decided within
21 fifteen (15) days after its filing on the basis of the documents
22 submitted in connection therewith. Should the court fail to render a
23 decision within the prescribed period, the ruling of the Election
24 Registration Board shall be considered affirmed.

25 “[6.7. If the application has been disapproved, the applicant

1 or his authorized representative shall, within a period of five (5)
2 days from receipt of the notice of disapproval, have the right to file a
3 petition for inclusion with the proper municipal or metropolitan
4 trial court. The petition shall be decided within five (5) days after
5 its filing on the basis of documents submitted in connection
6 therewith.

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

12 "FIELD AND MOBILE REGISTRATION CENTERS
13 SHALL BE SET UP BY THE POSTS CONCERNED TO
14 ENSURE ACCESSIBILITY BY THE OVERSEAS ABSENTEE
15 VOTERS.

16 "ALL APPLICANTS SHALL SUBMIT THEMSELVES
17 FOR LIVE CAPTURE OF THEIR BIOMETRICS.

18 "REMOTE REGISTRATION THROUGH THE
19 INTERNET MAY ALSO BE ALLOWED BASED ON THE
20 GUIDELINES AND PROCEDURES DETERMINED BY THE
21 COMMISSION, PROVIDED THAT THE APPROPRIATE
22 TECHNOLOGY WILL ENSURE ADEQUATE SECURITY AND
23 VOTER AUTHENTICITY."

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

1 *"SEC. 7. RESIDENT ELECTION REGISTRATION*
2 *BOARD (RERB); COMPOSITION, POWERS AND EFFECT. -*
3 THE COMMISSION SHALL APPOINT AS MANY RESIDENT
4 ELECTION REGISTRATION BOARDS (RERBs) AS THERE
5 ARE APPLICATIONS TO PROCESS AND FOR SUCH
6 DURATION AS MAY BE NECESSARY.

7 "THE RERB SHALL BE COMPOSED OF THREE
8 RANKING OFFICIALS FROM THE COMMISSION, THE
9 HIGHEST RANKING OF WHOM SHALL SERVE AS
10 CHAIRPERSON, WITH A REPRESENTATIVE EACH FROM
11 THE DEPARTMENT OF FOREIGN AFFAIRS (DFA) AND
12 THE DEPARTMENT OF LABOR AND EMPLOYMENT
13 (DOLE) AS MEMBERS."

14 "7.1. THE RERB SHALL PROCESS, APPROVE OR
15 DISAPPROVE ALL APPLICATIONS FOR REGISTRATION
16 AND/OR CERTIFICATION AS OVERSEAS ABSENTEE
17 VOTERS, INCLUDING DEACTIVATION, REACTIVATION
18 AND CANCELLATION OF REGISTRATION RECORDS.

19 "7.2 THE RERB SHALL HAVE THE SOLE POWER AND
20 AUTHORITY TO APPROVE OR DISAPPROVE THE
21 APPLICATION FOR REGISTRATION AND/OR
22 CERTIFICATION."

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

24 *"SEC. 8. DUTIES AND FUNCTIONS OF THE RERB. -*

1 “8.1. UPON RECEIPT OF THE APPLICATIONS FOR
2 REGISTRATION AND/OR CERTIFICATION FROM THE
3 POSTS AND FROM THE DULY DESIGNATED
4 REGISTRATION CENTERS IN THE PHILIPPINES, THE
5 RERB SHALL SCHEDULE THE HEARING OF THE
6 APPLICATIONS FOR REGISTRATION AND/OR
7 CERTIFICATION.

8 “THE RERB SHALL NOTIFY
9 ALL POLITICAL PARTIES AND OTHER PARTIES
10 CONCERNED OF THE PENDING APPLICATIONS FOR
11 REGISTRATION AND/OR CERTIFICATION THROUGH A
12 WEEKLY UPDATED PUBLICATION IN THE WEBSITES OF
13 THE COMMISSION, THE DFA-OAVS, THE DOLE AND OF
14 ACCREDITED FILIPINO CIVIL SOCIETY ORGANIZATIONS
15 AND TO POST THE NAMES IN CONSPICUOUS PLACES
16 NEAR THE PLACE WHERE RERB WILL HOLD ITS
17 HEARINGS.

18 “8.2. ANY PARTY MAY FILE AN OBJECTION TO THE
19 APPLICATION WITHIN SEVEN (7) DAYS AFTER THE
20 PUBLICATION OR POSTING OF THE NAMES OF THE
21 APPLICANTS. IN CASE OF DISAPPROVAL OF THE
22 APPLICATION FOR REGISTRATION AND/OR
23 CERTIFICATION, THE RERB SHALL NOTIFY THE
24 APPLICANT, OR HER/HIS AUTHORIZED
25 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 -

1 "9.1. *PETITION FOR EXCLUSION.* - IF THE
2 APPLICATION HAS BEEN APPROVED, ANY INTERESTED
3 PARTY MAY FILE A PETITION FOR EXCLUSION NOT
4 LATER THAN ONE HUNDRED EIGHTY (180) DAYS
5 BEFORE THE DAY OF ELECTIONS WITH THE PROPER
6 MUNICIPAL / METROPOLITAN TRIAL COURT, EITHER
7 WHERE THE RERB SITS, OR WHERE THE OVERSEAS
8 ABSENTEE VOTER RESIDES, AT THE OPTION OF THE
9 PETITIONER.

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

18 "9.2. *PETITION FOR INCLUSION.* - IF THE
19 APPLICATION HAS BEEN DISAPPROVED, THE
20 APPLICANT OR HER/HIS AUTHORIZED
21 REPRESENTATIVE SHALL HAVE THE RIGHT TO FILE A
22 MOTION FOR RECONSIDERATION BEFORE THE RERB
23 WITHIN A PERIOD OF FIVE (5) DAYS FROM RECEIPT OF
24 THE NOTICE OF DISAPPROVAL. THE MOTION SHALL BE
25 DECIDED WITHIN FIVE (5) DAYS AFTER ITS FILING ON

1 THE BASIS OF DOCUMENTS SUBMITTED. THE
2 RESOLUTION OF THE RERB SHALL BE IMMEDIATELY
3 EXECUTORY, UNLESS REVERSED OR SET ASIDE BY THE
4 COURT.

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

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

20 "QUALIFIED PHILIPPINE CITIZENS ABROAD WHO
21 HAVE PREVIOUSLY REGISTERED AS VOTERS PURSUANT
22 TO REPUBLIC ACT NO. 8189 SHALL APPLY FOR
23 CERTIFICATION AS ABSENTEE VOTERS AND FOR
24 INCLUSION IN THE NROAV. IN CASE OF APPROVAL, THE
25 ELECTION OFFICER CONCERNED SHALL ANNOTATE

1 THE NAME OF THE VOTER IN THE CERTIFIED VOTERS
2 LIST AND IN HER/HIS VOTER'S REGISTRATION
3 RECORDS."

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

5 "SEC.10. TRANSFER OF REGISTRATION RECORD. -
6 IN THE EVENT OF CHANGE OF VOTING VENUE, AN
7 OVERSEAS ABSENTEE VOTER MUST FILE AN
8 APPLICATION FOR TRANSFER OF HER/HIS
9 REGISTRATION RECORD TO THE COAV, THROUGH ITS
10 CHAIRMAN, AT LEAST ONE HUNDRED EIGHTY (180)
11 DAYS PRIOR TO THE NEXT NATIONAL ELECTIONS;
12 PROVIDED, THAT THOSE WHO WOULD EVENTUALLY
13 VOTE IN THE PHILIPPINES SHOULD REGISTER WITHIN
14 THE TIME FRAME PROVIDED FOR LOCAL
15 REGISTRATION IN THE MUNICIPALITY, CITY OR
16 DISTRICT WHERE THEY INTEND TO VOTE AND;
17 PROVIDED, FURTHER, THAT THOSE WHO HAVE
18 REGISTERED IN THE MUNICIPALITY, CITY OR DISTRICT
19 WHERE THEY RESIDED PRIOR TO THEIR DEPARTURE
20 ABROAD NEED NOT REGISTER ANEW; PROVIDED,
21 FINALLY, THAT THE APPLICANTS SHALL NOTIFY THE
22 COAV, THROUGH ITS CHAIRMAN, OF THEIR TRANSFER
23 IN THE PHILIPPINES AT LEAST ONE HUNDRED EIGHTY
24 (180) DAYS PRIOR TO THE NEXT NATIONAL ELECTIONS
25 FOR PURPOSES OF CANCELLING THEIR NAMES IN THE

1 CLOAV AND OF REMOVING THEIR OVERSEAS ABSENTEE
2 VOTER'S REGISTRATION RECORDS FROM THE BOOK OF
3 VOTERS".

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

6 "SEC. [7]11. – *System of Continuing Registration.* – The
7 Commission shall ensure that the benefits of the system of
8 continuing registration are extended to qualified overseas absentee
9 voters. REGISTRATION SHALL BE CONDUCTED AT LEAST
10 ONE (1) YEAR BEFORE THE START OF THE VOTING
11 PERIOD. Towards this end, the Commission IS [shall]
12 AUTHORIZED TO UTILIZE AND optimize the use of existing
13 facilities, personnel and mechanisms of the various government
14 agencies for purposes of data gathering AND [data] validation,
15 information dissemination and facilitation of the registration
16 process.

17 "THE INFORMATION AND DATA ACQUIRED
18 THROUGH THIS PROCESS SHALL BE TREATED AS
19 CONFIDENTIAL AND SHALL BE USED SOLELY FOR AND
20 IN CONNECTION WITH THE LAWFUL AND OFFICIAL
21 FUNCTIONS OF THE COMMISSION, AND FOR THE
22 PURPOSES INTENDED BY THIS ACT.

23 "Pre-departure ORIENTATION programs (PDOS), services
24 and mechanisms offered and administered by the Department of
25 Foreign Affairs, Department of Labor and Employment, Philippine

1 Overseas Employment Administration, Overseas Workers' Welfare
2 Administration, Commission on Filipinos Overseas and BY other
3 appropriate agencies of the government AND PRIVATE
4 AGENCIES PROVIDING THE SAME SERVICES SHALL
5 INCLUDE THE SALIENT FEATURES OF THIS ACT AND
6 shall be utilized for purposes of supporting the overseas absentee
7 registration and voting processes, subject to SYSTEMS limitations
8 AND THOSE imposed by law.

9 "ALL EMPLOYMENT CONTRACTS PROCESSED AND
10 APPROVED BY THE PHILIPPINE OVERSEAS
11 EMPLOYMENT ADMINISTRATION SHALL CONTAIN THE
12 RIGHT OF THE MIGRANT WORKERS TO EXERCISE THEIR
13 CONSTITUTIONAL RIGHT OF SUFFRAGE WITHIN THE
14 LIMITS PROVIDED FOR BY THIS ACT."

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

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

20 "a) A valid Philippine passport. In the absence of a valid
21 passport, a certification of the Department of Foreign Affairs
22 that it has reviewed the appropriate documents submitted by
23 the applicant and HAS found them sufficient to warrant the
24 issuance of a passport, or that the applicant is a holder of a

1 valid passport but is unable to produce the same for a valid
2 reason;

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

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

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

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

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

16 ["c. In the case of immigrants and permanent residents not
17 otherwise disqualified to vote under this Act, an affidavit
18 declaring the intention to resume actual physical permanent
19 residence in the Philippines not later than three (3) years
20 after approval of his/her registration as an overseas absentee
21 voter under this Act. Such affidavit shall also state that
22 he/she has not applied for citizenship in another country];

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

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

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

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

1 *“Sec. [9]13. National Registry of Overseas Absentee*
2 *Voters (NROAV).* – The Commission shall maintain a National
3 Registry of Overseas Absentee Voters (NROAV) CONTAINING
4 THE NAMES OF REGISTERED OVERSEAS ABSENTEE
5 VOTERS AND THE POSTS WHERE THEY ARE
6 REGISTERED. [Approved applications of overseas absentee
7 registrants shall also be included in the permanent list of voters
8 of the city or municipality where the registrant is domiciled, with
9 the corresponding annotation that such person has been
10 registered or will be voting as an overseas absentee voter. The
11 registry shall also include those registered under Republic Act
12 No. 8189 and who have been issued certifications as overseas
13 absentee voters. The entries in the National Registry of Overseas
14 Absentee Voters and the annotations as overseas absentee voters
15 in the Certified Voters' List shall be permanent, and cannot be
16 cancelled or amended except in any of the following cases:

17 “[9.1. When the overseas absentee voter files a letter under
18 oath addressed to the Commission that he/she wishes to be removed
19 from the Registry of Overseas Absentee Voters, or that his/her
20 name be transferred to the regular registry of voters; or,

21 “[9.2. When an overseas absentee voter's name was ordered
22 removed by the Commission from the Registry of Overseas Absentee
23 Voters for his/her failure to exercise his/her right to vote under this
24 Act for two (2) consecutive national elections.]

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

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

10 “*SEC.14. DEACTIVATION OF REGISTRATION.* - “THE
11 RERB SHALL DEACTIVATE AND REMOVE THE
12 REGISTRATION RECORDS OF THE FOLLOWING
13 PERSONS FROM THE CORRESPONDING BOOK OF
14 VOTERS AND PLACE THE SAME, PROPERLY MARKED
15 AND DATED, IN THE INACTIVE FILE AFTER ENTERING
16 THE CAUSE(S) OF DEACTIVATION. THE FACT OF
17 DEACTIVATION SHALL BE ANNOTATED IN THE NROAV
18 AND THE CORRESPONDING ROAV:

19 “A). ANY PERSON WHO HAS BEEN SENTENCED BY
20 FINAL JUDGMENT TO SUFFER IMPRISONMENT FOR NOT
21 LESS THAN ONE (1) YEAR, SUCH DISABILITY NOT
22 HAVING BEEN REMOVED BY PLENARY PARDON OR
23 AMNESTY; PROVIDED, HOWEVER, THAT ANY PERSON
24 DISQUALIFIED TO VOTE UNDER THIS PARAGRAPH
25 SHALL AUTOMATICALLY REACQUIRE THE RIGHT TO

1 VOTE UPON THE EXPIRATION OF FIVE (5) YEARS AFTER
2 SERVICE OF SENTENCE, AS CERTIFIED BY THE CLERKS
3 OF COURTS OF THE MUNICIPAL / MUNICIPAL CIRCUIT /
4 METROPOLITAN / REGIONAL TRIAL COURTS AND THE
5 SANDIGANBAYAN;

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

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

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

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

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

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

20 "[11.1. Every qualified citizen of the Philippines abroad
21 whose application for registration has been approved, including
22 those previously registered under Republic Act No. 8189, shall, in
23 every national election, file with the officer of the embassy,
24 consulate or other foreign service establishment authorized by the
25 Commission, a sworn written application to vote in a form

1 prescribed by the Commission. The authorized officer of such
2 embassy, consulate or other foreign service establishment shall
3 transmit to the Commission the said application to-vote within five
4 (5) days from receipt thereof. The application form shall be
5 accomplished in triplicate and submitted together with the
6 photocopy of his/her overseas absentee voter certificate of
7 registration.

8 “[11.2. Every application to vote in *absentia* may be done
9 personally at, or by mail to, the embassy, consulate or foreign
10 service establishment, which has jurisdiction over the country
11 where he/she has indicated his/her address for purposes of the
12 elections.

13 “[11.3. Consular and diplomatic services rendered in
14 connection with the overseas absentee voting processes shall be
15 made available at no cost to the overseas absentee voter.

16 “[Sec. 12. *Verification and Approval of Application to*
17 *Vote.* - All applications shall be acted upon by the Commission upon
18 receipt thereof, but in no case later than one hundred fifty (150)
19 days before the day of elections. In the event of disapproval of the
20 application, the voter or his authorized representative may file a
21 Motion for Reconsideration with the Commission personally, or by
22 registered mail, within ten (10) days from receipt of the notice of
23 disapproval. The Commission shall act within five (5) days from
24 receipt of such Motion for Reconsideration and shall immediately

1 notify the voter of its decision. The decision of the Commission shall
2 be final and executory.

3 “[The Commission shall issue an overseas absentee voter
4 identification card to those whose applications to vote have been
5 approved.]”

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

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

18 “THE COAV SHALL SUBMIT SAID APPLICATION TO
19 THE RERB FOR APPROPRIATE ACTION.”

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

22 “*SEC.17. CANCELLATION OF REGISTRATION. - THE*
23 *RERB SHALL CANCEL THE REGISTRATION RECORDS OF*
24 *THOSE WHO HAVE DIED, AS CERTIFIED BY EITHER THE*
25 *POSTS OR BY THE LOCAL CIVIL REGISTRAR, AND THOSE*

1 WHO HAVE BEEN PROVEN TO HAVE LOST THEIR
2 FILIPINO CITIZENSHIP."

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

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

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

18 "SEC. 19. APPLICATION FOR CORRECTION OF
19 ENTRIES AND CHANGE OF NAME. - ANY REGISTERED
20 ABSENTEE VOTER MAY FILE WITH THE COAV, OR WITH
21 THE POST HAVING JURISDICTION OVER HER/HIS
22 RESIDENCE, NOT LATER THAN ONE HUNDRED TWENTY
23 (120) DAYS BEFORE THE START OF THE VOTING PERIOD,
24 AN APPLICATION UNDER OATH FOR THE CORRECTION
25 OF MISSPELLED NAME OR OTHER ENTRIES; CHANGE OF

1 NAME BY REASON OF MARRIAGE, DEATH OF HUSBAND,
2 OR BY VIRTUE OF A COURT ORDER; AND/OR CHANGE OR
3 CORRECTION OF ANY ENTRY IN THE NROAV, CLOAV
4 AND THE VOTER'S IDS."

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

7 "Sec.[13] 20 . *Preparation and Posting of Certified List*
8 *of Overseas Absentee Voters.* - The Commission shall prepare the
9 CLOAV [Certified List of Overseas] within one hundred twenty
10 (120) days before every NATIONAL election, and furnish within
11 the same period ELECTRONIC AND HARD copies thereof to the
12 appropriate POSTS [embassies, consulates and other foreign
13 service establishments], which shall post the same in their bulletin
14 boards AND/OR WEBSITES within ten (10) days from receipt
15 thereof.

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

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

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

5 “[14.1] 21.1. The Commission shall cause the printing of
6 ballots for overseas absentee voters, [voting instructions,] and **ALL**
7 **OTHER ACCOUNTABLE** election forms in such number as may
8 be necessary, but in no case shall [it] **THEY** exceed the total
9 number of approved applications. Security markings shall be used
10 in the printing of ballots for overseas absentee voters.

11 “[14.2]21.2. The Commission shall present to the authorized
12 representatives of the Department of Foreign Affairs and **OF** the
13 accredited major political parties the ballots for overseas absentee
14 voters, voting instructions, election forms and other election
15 paraphernalia for scrutiny and inspection prior to their transmittal
16 to the **POSTS** [embassies, consulates and other foreign service
17 establishments concerned].

18 “[14.3]21.3. The Commission shall **TRANSMIT, AS FAR AS**
19 **PRACTICABLE BUT** not later than **FORTY** [seventy]-five [75]
20 **(45)** days **BEFORE** the day of elections, [transmit] by special pouch
21 to the **POSTS** [embassies, consulates and other foreign service
22 establishments,] the exact number of ballots for overseas absentee
23 voters corresponding to the number of approved applications, along
24 with such [materials and election paraphernalia] **ACCOUNTABLE**
25 **FORMS** necessary to ensure the integrity of the election.”

1 “[14.4]21.4. The authorized representatives of accredited
2 major political parties shall have the right to be present in all
3 phases of printing, transmittal and casting of MAILED ballots
4 abroad. [Unclaimed ballots properly marked as such, shall be
5 cancelled and shipped to the Commission by the least costly
6 method.]”

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

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

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

19 “SEC. 23. *VOTING.* - VOTING MAY BE DONE EITHER
20 PERSONALLY, BY MAIL, OR BY ANY OTHER MEANS AS
21 MAY BE ALLOWED UNDER OTHER EXISTING LAWS. FOR
22 THIS PURPOSE, THE COMMISSION SHALL ISSUE THE
23 NECESSARY GUIDELINES ON THE MANNER AND
24 PROCEDURES OF VOTING.

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

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

15 “THE COMMISSION SHALL ISSUE AN OVERSEAS
16 ABSENTEE VOTER IDENTIFICATION CARD TO THOSE
17 WHOSE APPLICATIONS TO VOTE HAVE BEEN
18 APPROVED.”

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

21 “*Sec. [16] 24. PERSONAL VOTING.* - Casting and Submission of
22 Ballots.

23 “[16.1] 24.1 Upon receipt [by the designated officer of the
24 embassy, consulate and other foreign service establishments] of the
25 ballots **FOR OVERSEAS ABSENTEE VOTERS AND OTHER**

1 ACCOUNTABLE FORMS, VOTING MACHINES AND OTHER
2 HARDWARE AND SOFTWARE for overseas absentee voters
3 [voting instructions, election forms and other paraphernalia] THE
4 SBRCG [he/she] shall make them available on the premises to the
5 qualified overseas absentee voters in their respective jurisdictions
6 [during the thirty (30) days before the day of elections when
7 overseas absentee voters may cast their vote. Immediately upon
8 receiving it, the overseas absentee voter must fill-out his/her ballot
9 personally, in secret, without leaving the premises of the embassies,
10 consulates, and other Foreign Service establishments concerned.]
11 DURING THE THIRTY-DAY (30) VOTING PERIOD.

12 "THE COMMISSION SHALL CONSTITUTE AS MANY
13 SPECIAL BALLOT RECEPTION GROUPS (SBRCGs) AS
14 MAY BE NECESSARY TO RECEIVE AND TAKE CUSTODY
15 OF ALL ACCOUNTABLE AND OTHER ELECTION FORMS,
16 SUPPLIES AND PARAPHERNALIA FROM THE COAV FOR
17 TRANSMITTAL TO THE SPECIAL BOARDS OF ELECTION
18 INSPECTORS (SBEIS) AND TO THE SPECIAL BOARD OF
19 CANVASSERS. EACH SBRCG SHALL BE COMPOSED OF
20 THREE (3) MEMBERS FROM AMONG THE STAFF OF THE
21 POSTS CONCERNED, INCLUDING THEIR ATTACHED
22 AGENCIES, AND FILIPINO CITIZENS ABROAD.

23 "THE COMMISSION SHALL, LIKEWISE,
24 CONSTITUTE AS MANY SPECIAL BOARDS OF ELECTION
25 INSPECTORS (SBEIs) AS MAY BE NECESSARY TO

1 CONDUCT AND SUPERVISE THE VOTING AND COUNTING
2 OF VOTES.

3 "EACH SBEI SHALL BE COMPOSED OF A
4 CHAIRMAN, DESIGNATED AS SUCH BY THE COMMISSION
5 FROM AMONG CAREER PUBLIC OFFICERS POSTED
6 ABROAD, AND TWO (2) GOVERNMENT OFFICERS AS
7 MEMBERS, ONE OF WHOM SHALL BE DESIGNATED AS
8 POLL CLERK. IN THE ABSENCE OF SUCH OTHER
9 GOVERNMENT OFFICERS, THE TWO MEMBERS SHALL
10 BE FILIPINO CITIZENS QUALIFIED TO REGISTER OR
11 VOTE UNDER THIS ACT AND SHALL BE DEPUTIZED BY
12 THE COMMISSION NOT LATER THAN SIXTY (60) DAYS
13 BEFORE THE START OF THE VOTING PERIOD.

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

17 "24.2. VOTING SHALL BE DONE AT THE POSTS, OR
18 WHEREVER FIELD REGISTRATIONS WERE CONDUCTED,
19 OR AT ANY OTHER POLLING PLACE
20 DESIGNATED/ACCREDITED AS SUCH BY THE
21 COMMISSION.

22 "[16.2. The overseas absentee voter shall personally
23 accomplish his/her ballot at the embassy, consulate or other foreign
24 service establishment that has jurisdiction over the country where

1 he/she temporarily resides or at any polling place designated and
2 accredited by the Commission.]

3 "[16.3]. 24.3. The overseas absentee voter shall cast
4 HER/HIS [his/her] ballot, upon presentation of the absentee voter
5 identification card issued by the Commission OR SUCH OTHER
6 DOCUMENTS ACCEPTABLE TO THE SBEI AT THE POST
7 AS SUFFICIENT TO ESTABLISH HER/HIS IDENTITY [within
8 thirty (30) days before the day of elections. In the case of seafarers,
9 they shall cast their ballots anytime within sixty (60) days before
10 the day of elections as prescribed in the Implementing Rules and
11 Guidelines].

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

17 "[16.4] 24.4. All accomplished ballots received shall be placed
18 IN sealed containers and kept in a secure place designated by the
19 Commission.

20 "[16.5] 24.5. The SBRCG [embassies, consulates and other
21 foreign service establishments concerned] shall keep a complete
22 record of the ballots for overseas absentee voters, specifically
23 indicating the number of ballots they actually received [, and in
24 cases where voting by mail is allowed under Section 17 hereof, the
25 names and addresses of the voters to whom these ballots were sent,

1 including proof of receipt thereof]. In addition, the SBRCG
2 [embassies, consulates and other foreign service establishments]
3 shall submit a formal report to the Commission and TO the Joint
4 Congressional Oversight Committee created under this Act within
5 thirty (30) days from the day of elections. Such report shall contain
6 data on the number of ballots cast and received by the offices, the
7 number of invalid and unclaimed ballots and other pertinent data.

8 "24.6 BEFORE THE START OF THE COUNTING, ALL
9 UNUSED BALLOTS SHALL BE ACCOUNTED FOR AND
10 DISPOSED OF APPROPRIATELY BY THE CONCERNED
11 POSTS, WITH THE CORRESPONDING FORMAL REPORT
12 OF SUCH FACTS TRANSMITTED TO THE COMMISSION.

13 "[16.6. The overseas absentee voter shall be instructed that
14 his/her ballot shall not be counted if it is not inside the special
15 envelope furnished him/her when it is cast.

16 "[16.7. Ballots not claimed by the overseas absentee voters at
17 the embassies, consulates and other foreign service establishments,
18 in case of personal voting, and ballots returned to the embassies,
19 consulates and other foreign service establishments concerned, in
20 the case of voting by mail, shall be cancelled and shipped to the
21 Commission by the least costly method within six (6) months from
22 the day of elections.]

23 "[16.8] 24.7. Only ballots cast [and mailed ballots received by
24 the Philippine embassies, consulates and other foreign service
25 establishments concerned in accordance with Section 17 hereof

1 before the close of voting on the day of elections shall be counted in
2 accordance with Section 18 hereof. All envelopes containing the
3 ballots received by the embassies, consulates and other foreign
4 service establishments after the prescribed period shall not be
5 opened, and shall be cancelled and shipped to the Commission by the
6 least costly method within six (6) months from the day of elections]
7 **AT OR BEFORE THE CLOSE OF VOTING ON THE DAY OF**
8 **ELECTIONS SHALL BE COUNTED.”**

9 “[16.9. A Special Ballot Reception and Custody Group
10 composed of three (3) members shall be constituted by the
11 Commission from among the staff of the embassies, consulates and
12 other foreign service establishments—concerned, including their
13 attached agencies, and citizens of the Philippines abroad, who will
14 be deputized to receive ballots and take custody of the same
15 preparatory to their transmittal to the Special Boards of Election
16 Inspectors.]

17 “[16.10] 24.8. During **THE VOTING**, [this phase of the
18 election process] the authorized representatives of the political
19 parties, candidates, and accredited citizens' arms of the Commission
20 shall be notified **THEREOF** in writing [thereof] and shall have the
21 right to witness the proceedings.

22 “[16.11. The Commission shall study the use of electronic
23 mail, Internet, or other secured networks in the casting of votes, and
24 submit a report thereon to the Joint Congressional Oversight
25 Committee.]”

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

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

5 "[17.1. For the May, 2004 elections, the Commission shall
6 authorize voting by mail in not more than three (3) countries,
7 subject to the approval of the Congressional Oversight Committee.
8 Voting by mail may be allowed in countries that satisfy the
9 following conditions:

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

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

1 “25.1. THE COMMISSION SHALL TAKE CUSTODY OF
2 ALL OUTGOING BALLOTS PREPARATORY TO THEIR
3 MAILING TO THE VOTERS OR TO THE POSTS.

4 “THE COMMISSION SHALL MAIL THE BALLOTS
5 DIRECTLY TO THE REGISTERED VOTERS OR TO THE
6 POSTS THROUGH THE FACILITIES OF THE PHILIPPINE
7 POSTAL CORPORATION (PHILPOST). THE PHILPOST
8 SHALL ENSURE THE SECRECY AND SANCTITY OF THE
9 MAILED BALLOTS AND SHALL GIVE THEM PREFERENCE
10 OVER ALL OTHER MAIL MATTERS.

11 “THE COMMISSION SHALL CONSTITUTE SPECIAL
12 BALLOT RECEPTION GROUPS (SBRCGs) FOR EVERY
13 POST FOR WHICH VOTING BY MAIL IS THE DESIGNATED
14 VOTING MODE TO RECEIVE AND TAKE CUSTODY OF ALL
15 ACCOUNTABLE AND OTHER ELECTION FORMS,
16 SUPPLIES AND PARAPHERNALIA FROM THE COAV FOR
17 TRANSMITTAL TO THE SPECIAL BOARDS OF ELECTION
18 INSPECTORS (SBEIS) AND TO THE SPECIAL BOARD OF
19 CANVASSERS, AS WELL AS TO RECORD, VERIFY,
20 RECEIVE AND TAKE CUSTODY OF ALL MAILED
21 ACCOMPLISHED BALLOTS. EACH SBRCG SHALL BE
22 COMPOSED OF THREE (3) MEMBERS FROM AMONG THE
23 STAFF OF THE POSTS CONCERNED, INCLUDING THEIR
24 ATTACHED AGENCIES, AND FILIPINO CITIZENS
25 ABROAD.”

1 “[17.2] 25.2. The overseas absentee voter shall send
2 HER/HIS [his/her] accomplished ballot IN THE
3 ACCOMPANYING SPECIAL ENVELOPE AT ANY TIME
4 AFTER RECEIPT THEREOF AND ENSURE THAT THE
5 SAME BALLOT IS RECEIVED AND STAMPMARKED BY
6 THE POST ON OR BEFORE THE CLOSE OF VOTING ON
7 THE DAY OF ELECTIONS [to the corresponding embassy,
8 consular or other foreign service establishment that has jurisdiction
9 over the country where he/she temporarily resides. He/she shall be
10 entitled to cast his/her ballot at any time upon his/her receipt
11 thereof, provided that the same is received before the close of voting
12 on the day of elections. The overseas absentee voter shall be
13 instructed tht his/her ballot shall not be counted if not transmitted
14 in the special envelope furnished him/her].

15 “[17.3] 25.3. Only mailed ballots STAMPMARKED
16 BY THE LOCAL POSTAL SERVICE AS HAVING BEEN
17 MAILED BEFORE CLOSE OF VOTING AND RECEIVED
18 BY THE SBCRG DURING THE COUNTING OF VOTES
19 SHALL BE COUNTED. [received by the Philippine embassy,
20 consulate and other foreign service establishments before the close
21 of voting on the day of elections shall be counted in accordance with
22 Section 18 hereof.] All envelopes containing the ACCOMPLISHED
23 ballots received AFTER THE COUNTING OF VOTES SHALL
24 NOT BE OPENED AND SHALL BE FILED AND KEPT [by the

1 embassies, consulates and other foreign service establishments
2 after the prescribed period shall not be opened, and shall be
3 cancelled and disposed of] appropriately **FOR PURPOSES OF**
4 **DOCUMENTATION**, with a corresponding **INVENTORY** report
5 thereon [submitted to the Commission not later than thirty (30)
6 days from the day of elections]. **ACCREDITED MAJOR**
7 **POLITICAL PARTIES SHALL BE FURNISHED COPIES**
8 **OF THE SAID REPORT NOT LATER THAN THIRTY**
9 **(30) DAYS AFTER THE DAY OF ELECTIONS.**

10 "25.4. THE COMMISSION SHALL MAINTAIN A
11 COMPLETE REPORT OF THE NAMES AND ADDRESSES
12 OF THE VOTERS TO WHOM THE BALLOTS WERE SENT,
13 INCLUDING THE NUMBER OF BALLOTS CAST AND
14 RECEIVED BY THE SBRCG, THE NUMBER OF INVALID
15 AND UNCLAIMED BALLOTS, AS WELL AS OTHER
16 PERTINENT DATA AND MAKE A TIMELY REPORT
17 THEREON TO JOINT CONGRESSIONAL OVERSIGHT
18 COMMITTEE.

19 "25.5. ALL MAILED BALLOTS MARKED "RETURN TO
20 SENDER" AND RETURNED TO THE COMMISSION SHALL
21 NOT BE OPENED. THE SAME SHALL BE CANCELLED AND
22 DISPOSED OF APPROPRIATELY, WITH A
23 CORRESPONDING INVENTORY REPORT THEREON DULY
24 FURNISHED THE MAJOR POLITICAL PARTIES NOT

1 LATER THAN THIRTY (30) DAYS AFTER THE DAY OF
2 ELECTIONS.”

3 *Sec. 25.* A new Section 26 of the same Act is hereby inserted to read as
4 follows:

5 “SEC. 26. *VOTING BY SEAFARERS.* - SEAFARERS
6 MAY VOTE IN ACCORDANCE WITH SECTION 21 OF THIS
7 ACT. FOR THIS PURPOSE, THE COMMISSION SHALL
8 PREPARE A SEPARATE CLOAV FOR SEAFARERS.”

9 *Sec. 26.* A new Section 27 of the same Act is hereby inserted to read as
10 follows:

11 “SEC. 27. *VOTING PRIVILEGE OF MEMBERS OF THE*
12 *SBEI, SBRCG AND SBOC.* - GOVERNMENT EMPLOYEES
13 POSTED ABROAD WHO WILL PERFORM ELECTION
14 DUTIES AS MEMBERS OF THE SBEI, SBRCG AND SBOC
15 SHALL BE ALLOWED TO VOTE IN THE POST; *PROVIDED,*
16 *THAT,* THEY ARE REGISTERED EITHER IN THE
17 PHILIPPINES OR AS OVERSEAS ABSENTEE VOTERS.”

18 *Sec. 28.* Section 18 of the same Act is hereby renumbered as Section 28
19 and amended to read as follows:

20 “*Sec. [18]28. - On-site Counting and Canvassing -*

21 “[18.1] 28.1. The counting and canvassing of votes shall be
22 conducted onsite in the country where the votes were actually cast.
23 The opening of the specially-marked envelopes and containers
24 containing the ballots and the counting and canvassing of votes
25 shall be conducted within the premises of the [embassies,

1 consulates and other Foreign Service establishments, or in such
2 other places as may be designated by the Commission pursuant to
3 the Implementing Rules and Regulations.]—**POSTS or WITHIN**
4 **ANY OTHER POLLING PLACE DESIGNATED/ACCREDITED**
5 **AS SUCH BY THE COMMISSION.** The Commission shall
6 ensure that the start of counting in polling places abroad shall, [be
7 synchronized] **AS FAR AS PRACTICABLE, COINCIDE** with
8 the start of the counting in the Philippines, **TAKING INTO**
9 **CONSIDERATION THE RESPECTIVE TIME ZONES OF THE**
10 **DIFFERENT POSTS.”**

11 “[18.2]. 28.2. [For these purposes, the Commission shall
12 constitute as many Special Boards of Election Inspectors (SBEIs) as
13 may be necessary to conduct and supervise the counting of votes as
14 provided in Section 18.1 hereof. The Special Boards of Election
15 Inspectors to be constituted therein shall be composed of a
16 Chairman and two (2) members, one (1) of whom shall be
17 designated as poll clerk. The ambassador, or consul-general, or any
18 career public officer posted abroad designated by the Commission,
19 as the case may be, shall act as the chairman; in the absence of
20 other government officers, the two (2) other members shall be
21 citizens of the Philippines who are qualified to register and vote
22 under this Act and—deputized by the Commission not later than
23 sixty (60) days before the day of elections. All resolutions of the
24 Special Boards of Election Inspectors **SBEIs** on issues brought

1 before it during the conduct of its proceedings shall be valid only
2 when they carry the approval of the chairman.]

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

10 ["18.3. Only ballots cast on, or received by the embassies,
11 consulates and other foreign service establishments before the close
12 of voting on the day of elections shall be included in the counting of
13 votes. Those received afterwards shall not be counted.]

14 "[18.4] **28.3. A Special Board of Canvassers (SBOC)**
15 **composed of THE HIGHEST RANKING OFFICER FROM THE**
16 **POST** [a lawyer preferably of the Commission] as
17 chair[man]**PERSON**, a senior career officer from any of the
18 government agencies maintaining a post abroad and, in the absence
19 of another government officer, a citizen of the Philippines qualified
20 to vote under this Act **AND** deputized by the Commission, as vice-
21 chair[man]**PERSON** and member-secretary, respectively, shall be
22 constituted to canvass the election returns submitted to it by the
23 **SBEIs** [Special Boards of Election Inspectors]. Immediately upon
24 the completion of the canvass, the chair[man]**PERSON** of the
25 **SBOC** [Special Boards of Canvassers] shall transmit via facsimile,

1 electronic mail, **AND/or BY** any other **SAFE, SECURE AND**
2 **RELIABLE** means of transmission [equally safe and reliable] the
3 Certificates of Canvass and the Statements of Votes to the
4 Commission, and shall cause to preserve the same immediately
5 after the conclusion of the canvass, and make it available upon the
6 instructions of the Commission.

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

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

17 "[18.5] 28.4. The canvass of **OVERSEAS** votes shall not
18 cause the delay of the proclamation of a winning candidate if the
19 outcome of the election will not be affected by the results thereof.
20 Notwithstanding the foregoing, the Commission, **AS NATIONAL**
21 **BOARD OF CANVASSERS FOR SENATORS AND PARTY-**
22 **LIST REPRESENTATIVES, OR CONGRESS, AS NATIONAL**
23 **BOARD OF CANVASSERS FOR PRESIDENT AND VICE-**
24 **PRESIDENT, SHALL PROCLAIM THE** [is empowered to order
25 the proclamation of] winning candidates despite the fact that the

1 scheduled election has not taken place in a particular country or
2 countries, if the holding of elections therein has been rendered
3 impossible by events, factors and circumstances peculiar to such
4 country or countries, and which events, factors and circumstances
5 are beyond the control or influence of the Commission."

6 "[18.6] 28.5. In the preparation of the final tally of votes on
7 the results of the national elections, [the Commission, shall ensure
8 that] the votes canvassed by each and every country shall be
9 reflected as a separate item from the tally of national votes. For
10 purposes of this Act, the returns of every election for P[p]resident
11 and V[v]ice-P[p]resident prepared by the Special Board of
12 Canvassers shall be deemed a certificate of canvass of a city or a
13 province."

14 "[18.7]28.6. Where feasible, the counting and canvassing of
15 votes shall be automated. Towards this end, the Commission is
16 hereby authorized to borrow, rent, lease or acquire automated
17 [voting] COUNTING machines for purposes of canvassing and
18 counting of votes pursuant to the provisions of this Act, and in
19 accordance with the Implementing Rules and Regulations
20 promulgated by the Commission."

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

22 "SEC. 29. AUTHORITY TO ADOPT OTHER MODES
23 OR SYSTEMS USING AUTOMATED ELECTION SYSTEM -
24 NOTWITHSTANDING CURRENT PROCEDURES AND
25 SYSTEMS HEREIN PROVIDED, FOR THE PROPER

1 IMPLEMENTATION OF THIS ACT AND IN VIEW OF THE
2 PECULIARITIES ATTENDANT TO THE OVERSEAS
3 ABSENTEE PROCESS, THE COMMISSION MAY
4 EXPLORE AND ADOPT OTHER MORE EFFICIENT,
5 RELIABLE AND SECURE MODES OR SYSTEMS,
6 WHETHER PAPER-, ELECTRONIC-, TECHNOLOGY- OR
7 INTERNET-BASED, FOR ONSITE AND REMOTE
8 REGISTRATION AND VOTING, COUNTING,
9 CANVASSING AND CONSOLIDATION OF VOTES, AS
10 WELL AS FOR THE TRANSMITTAL OF RESULTS.”

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

12 “*SEC. 30. PROCUREMENT OF FACILITIES,*
13 *EQUIPMENT, MATERIALS, SUPPLIES OR SERVICES. –*
14 *TO ACHIEVE THE PURPOSE OF THIS ACT, THE*
15 *COMMISSION MAY, LIKEWISE, PROCURE FROM LOCAL*
16 *OR FOREIGN SOURCES, THROUGH PURCHASE, LEASE,*
17 *RENT OR OTHER FORMS OF ACQUISITION,*
18 *HARDWARE OR SOFTWARE, FACILITIES, EQUIPMENT,*
19 *MATERIALS, SUPPLIES OR SERVICES IN*
20 *ACCORDANCE WITH EXISTING LAWS, FREE FROM*
21 *IMPORT TAXES AND DUTIES, SUBJECT TO*
22 *GOVERNMENT PROCUREMENT RULES AND*
23 *REGULATIONS.”*

24 *Sec. 31.* Sec. 19 of the same Act is hereby renumbered as Section 31 and
25 is amended to read as follows:

1 *"Sec.[19] 31 [Authority of the Commission to*
2 *Promulgate] Rules AND REGULATIONS.* – The Commission
3 shall PROMULGATE [issue the necessary] rules and regulations
4 FOR THE [to effectively–implement the] IMPLEMENTATION
5 AND ENFORCEMENT OF THE provisions of this ACT within
6 sixty (60) days from the effectivity THEREOF [of this Act]. [The
7 Implementing Rules and Regulations shall be submitted to the
8 Joint Congressional Oversight Committee created by virtue of this
9 Act for prior approval].

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

17 *Sec. 32.* Section 20 of the same Act is hereby renumbered as Section 32
18 and is amended to read as follows:

19 *"Sec. [20]32. - Information Campaign* - The Commission, in
20 coordination with agencies concerned, shall undertake an
21 information campaign to educate the public on the manner of
22 absentee voting for qualified overseas absentee voters. It may
23 require the support and assistance of the Department of Foreign
24 Affairs, through the POSTS [through the embassies, consulates
25 and other foreign service establishments], Department of Labor and

1 Employment, Department of Transportation and Communications,
2 Philippine Postal Corporation, Philippine Overseas Employment
3 Administration, Overseas Workers' Welfare Administration and the
4 Commission on Filipinos Overseas. [The Commission may deputize
5 Filipino organizations/associations overseas for the same purpose:
6 *Provided, that* any such deputized organization/ association shall be
7 prohibited from participating in the elections by campaigning for or
8 fielding candidates; *Provided, further,* That if any such deputized
9 organization/association is discovered to have a member who is not
10 a qualified overseas absentee voter, as herein defined, such
11 deputized organization/association shall be banned from
12 participating in any manner, and at any stage, in the Philippine
13 political process abroad.] "Such information campaign shall
14 educate the Filipino public, within and outside the Philippines, on
15 the **PHILIPPINE ELECTORAL SYSTEM**, [on] theIR rights **AS**
16 overseas absentee voters, absentee voting processes and other
17 related concerns. Information materials shall be developed by the
18 Commission for distribution, through the said government agencies
19 and private organizations. No government agency [or accredited
20 private organizations] shall prepare, print, distribute or post in
21 [websites] any information material without the prior approval of
22 the Commission.

23 **"THE COMMISSION IS AUTHORIZED TO**
24 **APPROPRIATE NOT LESS THAN TEN PER CENT (10%) OF**
25 **THE OVERSEAS ABSENTEE VOTING BUDGET TO DEFRAY**

1 THE COSTS OF EFFECTIVELY CARRYING OUT THE
2 OVERSEAS ABSENTEE VOTERS INFORMATION AND
3 EDUCATION CAMPAIGN.

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

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

9 "SEC. 33. ROLE AND ENGAGEMENT OF FILIPINO
10 CIVIL SOCIETY ORGANIZATIONS. - THE COMMISSION
11 SHALL ENCOURAGE AND ENGAGE THE PARTICIPATION
12 OF LOCAL AND OVERSEAS FILIPINO CIVIL SOCIETY
13 ORGANIZATIONS AS ACCREDITED OR DEPUTIZED
14 PARTNERS AT ANY STAGE OF THE OVERSEAS
15 ELECTORAL PROCESS, SUBJECT TO THE GUIDELINES
16 AND LIMITATIONS ELSEWHERE PROVIDED IN THIS ACT
17 OR IN OTHER RELEVANT LAWS, AS WELL AS THOSE
18 THAT THE COMMISSION SHALL PROMULGATE;
19 PROVIDED, THAT ANY SUCH ORGANIZATION OR
20 ASSOCIATION SHALL BE ACCREDITED OR DEPUTIZED
21 ON THE BASIS OF THEIR PRESENCE, REACH AND
22 RESOURCES TO EDUCATE THE FILIPINO PUBLIC ON
23 THE PHILIPPINE ELECTORAL SYSTEM, THEIR RIGHTS
24 AS OVERSEAS ABSENTEE VOTERS, THE ABSENTEE
25 VOTING PROCESSES AND OTHER RELATED CONCERNS,

1 AS WELL AS TO DISSEMINATE INFORMATION
2 DEVELOPED BY THE COMMISSION EFFECTIVELY AND
3 IN A TIMELY MANNER; *PROVIDED, FURTHER*, THAT NO
4 SUCH ACCREDITED OR DEPUTIZED ORGANIZATION
5 SHALL PREPARE, PRINT, DISTRIBUTE OR POST ANY
6 INFORMATION OR MATERIAL WITHOUT THE PRIOR
7 APPROVAL OF THE COMMISSION; *PROVIDED, FURTHER*,
8 THAT ANY SUCH ACCREDITED OR DEPUTIZED
9 ORGANIZATION OR ASSOCIATION SHALL BE
10 PROHIBITED FROM CAMPAIGNING FOR OR FIELDING
11 CANDIDATES; *PROVIDED, FINALLY*, THAT IF ANY SUCH
12 ORGANIZATION OR ASSOCIATION IS DISCOVERED TO
13 HAVE A MEMBER WHO IS NOT QUALIFIED OVERSEAS
14 ABSENTEE VOTER AS HEREIN DEFINED, SUCH
15 DEPUTIZED ORGANIZATION OR ASSOCIATION SHALL BE
16 BANNED FROM PARTICIPATING IN ANY MANNER AND
17 AT ANY STAGE IN THE PHILIPPINE POLITICAL PROCESS
18 ABROAD.”

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

20 “*SEC. 34. TRAININGS.* - “TRAINING OF THE
21 MEMBERS OF FOREIGN SERVICE CORPS ON OVERSEAS
22 ABSENTEE VOTING PROCESSES, RULES AND
23 PROCEDURES, TO BE UNDERTAKEN BY THE
24 COMMISSION IN COORDINATION WITH THE DFA-OAVS,

1 SHALL FORM AN INTEGRAL PART OF THEIR BRIEFING
2 AND ORIENTATION PRIOR TO THEIR POSTING ABROAD.

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

11 *Sec. 35.* Section 21 of the same Act is hereby renumbered as Section 35.

12 *Sec. 36.* Section 22 of the same Act is hereby renumbered as Section 36
13 and is amended to read as follows:

14 *"Sec. [22]36. - Assistance from Government Agencies. -*

15 All government officers, particularly from the Department of
16 Foreign Affairs, Department of Labor and Employment,
17 Department of Transportation and Communications, Philippine
18 Postal Corporation, Philippine Overseas Employment
19 Administration, Overseas Workers' Welfare Administration,
20 Commission on Filipinos Overseas and other government offices
21 concerned with the welfare of the Filipinos overseas shall, to the
22 extent compatible with their primary responsibilities, assist the
23 Commission in carrying out the provisions of this Act. All such
24 agencies or officers thereof shall take reasonable measures to
25 expedite all election activities, which the Commission shall require

1 of them. When necessary, the Commission may send supervisory
2 teams headed by career officers to assist the **POSTS** [embassies,
3 consulates and other foreign service establishments concerned].

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

9 *Sec. 37.* Section 23 of the same Act is hereby renumbered as Section 37.

10 *Sec. 38.* Section 24 of the same Act is hereby renumbered as Section 38
11 and is amended to read as follows:

12 “**Sec. [24] 38. Prohibited Acts.** In addition to the prohibited
13 acts provided by law, it shall be unlawful:

14 “[**24.1**]**38.1.** For any officer or employee of the Philippine
15 government to influence or attempt to influence any person covered
16 by this Act to vote, or not to vote, for a particular candidate.
17 Nothing in this Act shall be deemed to prohibit free discussion
18 regarding politics or candidates for public office.

19 “[**24.2**]**38.2.** For any person to deprive **ANOTHER** [any
20 person] of any right secured in this Act, or to give false information
21 as to **HER**/his[/her] name, address, or period of residence for the
22 purposes of establishing **HER**/his[/her] eligibility or ineligibility to
23 register or vote under this Act; or to conspire with another person for
24 the purpose of encouraging the giving of false information in order to
25 establish the eligibility or ineligibility of any individual to register or

1 vote under this Act; or to pay, or offer to pay, or to accept payment
2 either for application **FOR REGISTRATION**, or for voting;

3 “[24.3] 38.3. For any person to **STEAL, CONCEAL,**
4 **ALTER, DESTROY, MUTILATE, MANIPULATE, OR IN ANY**
5 **WAY** tamper with [the ballot,] the mail containing the ballots for
6 overseas absentee voters, **THE BALLOT**, the election returns,
7 [including the destruction, mutilation and manipulation thereof;]
8 **OR ANY RECORD, DOCUMENT OR PAPER AS REQUIRED**
9 **FOR PURPOSES OF THIS ACT;**

10 [“24.4. For any person to steal, destroy, conceal, mutilate or
11 alter any record, document or paper as required for purposes of this
12 Act;]

13 “[24.5] 38.4. For any deputized agent to refuse without
14 justifiable ground, to serve or serving, or to comply with his/her
15 sworn duties after acceptance of his/her appointment;

16 “[24.6]” 38.5. For any public officer or employee **OR**
17 **ACCREDITED OR DEPUTIZED ORGANIZATION OR**
18 **ASSOCIATION TO** [who shall] cause the preparation, printing,
19 distribution **OR POSTING** of information **OR** material[, or post the
20 same in websites] without the prior approval of the Commission;

21 “[24.7] 38.6. For any public officer or employee to cause the
22 transfer, promotion, extension, recall of any member of the Foreign
23 Service corps, including members of the attached agencies, or
24 otherwise cause the movement of any such member from his current

1 post or position one (1) year before and three (3) months after the
2 day of elections, without securing the prior approval of the
3 Commission;

4 “[24.8] 38.7. For any person who, after being deputized by
5 the Commission to undertake activities in connection with the
6 implementation of this Act, shall campaign for or assist, in whatever
7 manner, candidates in the elections;

8 “38.8. FOR ANY PERSON TO ENGAGE IN PARTISAN
9 POLITICAL ACTIVITY ABROAD DURING THE 30-DAY
10 OVERSEAS ABSENTEE VOTING PERIOD.”

11 “[24.9] 38.9. For any person who is not a citizen of the
12 Philippines to participate, by word or deed, directly or indirectly
13 through qualified organizations/associations, in any manner and at
14 any stage of the Philippine political process abroad, including
15 participation in the campaign and elections.

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

20 “The penalties imposed under Section 264 of the Omnibus
21 Election Code, as amended, shall be imposed on any person found
22 guilty of committing any of the prohibited acts as defined in this
23 section: *Provided, That* the penalty of *prision mayor* in its minimum
24 period shall be imposed upon any person found guilty **UNDER**
25 Section [24.3]38.3 hereof without the benefit of the operation of the

1 Indeterminate Sentence Law. If the offender is a public officer or a
2 candidate, the penalty shall be *prision mayor* in its maximum
3 period. In addition, the offender shall be sentenced to suffer
4 perpetual disqualification to hold public office and deprivation of the
5 right to vote."

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

14 *Sec. 39.* Section 25 of the same Act is hereby renumbered as Section 39
15 and is amended to read as follows:

16 "*Sec. [25] 39. Joint Congressional Oversight Committee.*

17 - A Joint Congressional Oversight Committee is hereby created,
18 composed of the Chairman of the Senate Committee on
19 Constitutional Amendments, Revision of Codes and Laws, and
20 seven (7) other Senators designated by the Senate President, and
21 the Chairman of the House Committee on Suffrage and Electoral
22 Reforms and seven (7) other Members of the House of
23 Representatives designated by the Speaker of the House of
24 Representatives: Provided, That, of the seven (7) members to be

1 designated by each House of Congress, four (4) should come from
2 the majority and the remaining three (3) from the minority.

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

7 *Sec. 40.* Sections 26, 27, 28 and 29 of the same Act are hereby
8 renumbered accordingly.

9 *Sec. 41.* A new Section 44 is hereby inserted to read as follows:

10 “*Sec. 44. TRANSITORY PROVISION - ALL PRIOR*
11 *ACTS, RESOLUTIONS, ISSUANCES OF THE*
12 *COMMISSION UNDER THIS ACT, NOT OTHERWISE*
13 *INCONSISTENT HEREWITH, INCLUDING THE*
14 *REGISTRATION OF VOTERS AND MODES OF VOTING,*
15 *SHALL REMAIN VALID AND EFFECTIVE.*”

16 *Sec. 42. Separability Clause* - If any part or provision of this Act
17 shall be declared unconstitutional or invalid, other provisions hereof which
18 are not affected thereby shall continue to be in full force and effect.

19 *Sec. 43. Repealing Clause* - All laws, presidential decrees, executive
20 orders, rules and regulations, other issuances, and parts thereof, which are
21 inconsistent with the provisions of this Act, are hereby repealed or modified
22 accordingly.

23 *Sec. 44. Effectivity* - This Act shall take effect fifteen (15) days after its
24 complete publication in the Official Gazette or at least in three (3) newspapers
25 of general circulation.

Approved,

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