

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
FIFTEENTH CONGRESS
Third Regular Session



COMMITTEE REPORT NO. 2386

Submitted by the Committee on Suffrage and Electoral Reforms on
06 SEP 2012

Re : House Bill No. 6542

Recommending Its Approval In Substitution Of HB Nos. 3001, 3023, 3201 and 3996

Sponsors : The Honorable Representatives Elpidio F. Barzaga, Jr., Gloria Macapagal-Arroyo, Salvador H. Escudero III, Walden F. Bello, Al Francis DC. Bichara, Maria Isabelle G. Climaco, Rufus B. Rodriguez, Edcel C. Lagman, Rexlon T. Gatchalian, Neptali M. Gonzales II, Arlene J. Bag-ao, Rodel M. Batocabe and Erico B. Aumentado

Mr. Speaker:

The Committee on Suffrage and Electoral Reforms, to which were referred:

House Bill No. 3001 introduced by the Honorable Representative Gloria Macapagal-Arroyo, entitled:

* AN ACT
TO AMEND REPUBLIC ACT NO. 9189 OTHERWISE KNOWN AS THE OVERSEAS
ABSENTEE VOTING ACT OF 2003*

House Bill No. 3023 introduced by the Honorable Representative Salvador H. Escudero III entitled:

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

House Bill No. 3201 introduced by the Honorable Representatives Walden F. Bello, Al Francis DC. Bichara, Maria Isabelle G. Climaco, Rufus B. Rodriguez, Edcel C. Lagman, Rexlon T. Gatchalian, Neptali M. Gonzales II, Arlene J. Bag-ao and Rodel M. Batocabe entitled:

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

and HB 3966 introduced by the Honorable Representative Erico B. Aumentado entitled:

"AN ACT
PROVIDING FOR THE ADOPTION OF VOTING BY MAIL AS AN OPTION TO PERSONAL
VOTING IN ALL COUNTRIES WITH OVERSEAS FILIPINO WORKERS AMENDING FOR THE
PURPOSE REPUBLIC ACT NO. 9189, OTHERWISE KNOWN AS "THE OVERSEAS
ABSENTEE VOTING ACT OF 2003"

has considered the same and recommends that the attached House Bill No. 6542 entitled:

AN ACT
AMENDING REPUBLIC ACT NO. 9189, ENTITLED "AN ACT PROVIDING FOR A
SYSTEM OF OVERSEAS ABSENTEE VOTING BY QUALIFIED CITIZENS OF
THE PHILIPPINES ABROAD, APPROPRIATING FUNDS THEREFOR, AND FOR
OTHER PURPOSES"

be approved in substitution of House Bill Nos. 3001, 3023, 3201 and 3996 with the Honorable Representatives Gloria Macapagal-Arroyo, Salvador H. Escudero III, Walden F. Bello, Al Francis DC. Bichara, Maria Isabelle G. Climaco, Rufus B. Rodriguez, Edcel C. Lagman, Rexlon T. Gatchalian, Neptali M. Gonzales II, Arlene J. Bag-ao, Rodel M. Batocabe and Erico B. Aumentado as authors thereof.

Respectfully submitted:

HON. ELPIDIO F. BARZAGA, JR.
Chairman
Committee on Suffrage and Electoral Reforms

HON. AL FRANCIS C. BICHARA
Chairman
Committee on Foreign Affairs

HOUSE OF REPRESENTATIVES

15th Congress
Third Regular Session

H.B. No. 6542

(In substitution to H.B. Nos. 3001, 3023, 3201 and 3966)

INTRODUCED BY REPRESENTATIVES Macapagal-Arceyo, Escudero, Bello, Bicharra, Climaco,
Rodriguez (R), Lagman, Gatchalian, Gonzales (N), Bag-ao, Batocabe and Aumentado

AN ACT
AMENDING REPUBLIC ACT NO. 9189, ENTITLED "AN ACT
PROVIDING FOR A SYSTEM OF OVERSEAS ABSENTEE VOTING
BY QUALIFIED CITIZENS OF THE PHILIPPINES ABROAD.
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER
PURPOSES"

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

1 **Section 1.** Section 1 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. 1. Short Title.** – This Act shall be known as "The Overseas
4 [Absentee] Voting Act of [2003] 2012."

5 **Section 2.** Section 3 of Republic Act No. 9189 is hereby amended to read
6 as follows:

7 "**Sec. 3. Definition of Terms.** – For purposes of this Act:

8 [c] **A.** ["**Certified List of Overseas [Absentee] Voters["** (**CLOV**) refer[s]
9 to the list of registered overseas [absentee] voters whose
10 applications to vote [in absentia]**OVERSEAS** have been
11 approved by the Commission, said list to be prepared by the
12 [Committee] **OFFICE [on] FOR OVERSEAS [Absentee] Voting**
13 of the Commission, on a country-by-country **AND POST BY**

1 POST basis. The list shall be approved by the Commission in an
2 *en banc* resolution:

3 b. ["*Commission*"] refers to the Commission on Elections:

4 [d]C. ["*Day of Election*"] refers to the actual date of elections in the
5 Philippines:

6 D. DEPARTMENT OF FOREIGN AFFAIRS OVERSEAS
7 VOTING SECRETARIAT (DFA-OVS) REFERS TO THE
8 SECRETARIAT BASED AT THE DEPARTMENT OF
9 FOREIGN AFFAIRS (DFA) HOME OFFICE TASKED TO
10 ASSIST THE OFFICE FOR OVERSEAS VOTING (OFOV)
11 UNDER THE COMMISSION, AND TO DIRECT,
12 COORDINATE AND OVERSEE THE PARTICIPATION OF
13 THE DFA IN THE IMPLEMENTATION OF THE
14 OVERSEAS VOTING LAW (OVL):

15 E. FIELD REGISTRATION REFERS TO THE CONDUCT OF
16 REGISTRATION OF OVERSEAS VOTERS AT PRE-
17 DETERMINED LOCATIONS, EITHER IN THE
18 PHILIPPINES, AS MAY BE DETERMINED BY THE
19 COMMISSION, OR OUTSIDE THE POSTS, UPON THE
20 FAVORABLE RECOMMENDATION OF THE DFA-OVS.
21 BOTH BEING OF LIMITED DURATION AND BASED ON
22 THE GUIDELINES PRESCRIBED BY THE COMMISSION
23 FOR THAT EXCLUSIVE PURPOSE; THE GOVERNMENT
24 SHALL NOT COLLECT FEES FOR THE SAME.

1 F. *MOBILE REGISTRATION* REFERS TO THE CONDUCT
2 OF REGISTRATION OF OVERSEAS VOTERS AT
3 VARIOUS LOCATIONS OUTSIDE THE POSTS, OTHER
4 THAN AT FIELD REGISTRATIONS, UNDERTAKEN AS
5 PART OF THE POSTS' MOBILE CONSULAR AND
6 OUTREACH ACTIVITIES TO FILIPINOS WITHIN THEIR
7 JURISDICTIONS;

8 G. *MUNICIPAL/CITY/DISTRICT REGISTRY OF OVERSEAS*
9 *VOTERS (ROV)* REFER TO THE CONSOLIDATED LIST
10 PREPARED, APPROVED AND MAINTAINED BY THE
11 COMMISSION FOR EVERY
12 MUNICIPALITY/CITY/DISTRICT. OF OVERSEAS
13 VOTERS WHOSE APPLICATIONS FOR REGISTRATION
14 AS SUCH, INCLUDING THOSE REGISTERED VOTERS
15 UNDER REPUBLIC ACT NO. 8189, "VOTER'S
16 REGISTRATION ACT OF 1996", WHO APPLIED FOR
17 CERTIFICATION AS OVERSEAS VOTERS, HAVE BEEN
18 APPROVED BY THE ELECTION REGISTRATION BOARD
19 AND/OR RESIDENT ELECTION REGISTRATION
20 BOARD;

21 [e]III. ["*National Registry of Overseas [Absentee] Voters (NROV)*"]

22 refers to the consolidated list prepared, approved and
23 maintained by the Commission, of overseas [absentee] voters
24 whose applications for registration as OVERSEAS [absentee]
25 voters, including those registered voters UNDER REPUBLIC

1 ACT NO. 8189 who have applied to be certified as [absentee]
2 OVERSEAS voters have been approved by the RESIDENT
3 Election Registration Board. INDICATING THE POST
4 WHERE THE OVERSEAS VOTER IS REGISTERED:

5 *I. OFFICE FOR OVERSEAS VOTING (OFOV) REFERS TO THE*
6 *OFFICE OF THE COMMISSION TASKED TO OVERSEE*
7 *AND SUPERVISE THE EFFECTIVE IMPLEMENTATION*
8 *OF THE OVERSEAS VOTING ACT;*

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

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

16 *L. POSTS REFER TO THE PHILIPPINE EMBASSIES,*
17 *CONSULATES, FOREIGN SERVICE ESTABLISHMENTS*
18 *AND OTHER PHILIPPINE GOVERNMENT AGENCIES*
19 *MAINTAINING OFFICES ABROAD AND HAVING*
20 *JURISDICTION OVER THE PLACES WHERE THE*
21 *OVERSEAS VOTERS RESIDE;*

22 *M. RESIDENT ELECTION REGISTRATION BOARD (RERB)*
23 *REFERS TO THE IN-HOUSE ELECTION REGISTRATION*
24 *BOARD IN EVERY POST AND IN THE OFOV, WHO*
25 *PROCESS, APPROVE OR DISAPPROVE ALL*

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

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

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

19 P. *SPECIAL BOARD OF CANVASSERS (SBOC)* REFERS TO
20 THE BODY DEPUTIZED BY THE COMMISSION TO
21 CANVASS THE OVERSEAS VOTING ELECTION
22 RETURNS SUBMITTED TO IT BY THE SPECIAL BOARD
23 OF ELECTION INSPECTORS;

24 Q. *SPECIAL BOARD OF ELECTION INSPECTORS (SBEI)*
25 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 VOTER
BEFORE THE PERSONNEL DEPUTIZED BY THE
COMMISSION WITHIN SIX (6) MONTHS BEFORE THE
START OF THE OVERSEAS VOTING PERIOD AND OF
INCLUDING THE SAME IN THE NROV UPON
APPROVAL BY THE RERB; AND

S. *VOTING PERIOD* REFERS TO A CONTINUOUS THIRTY-
DAY (30) 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. 3. 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[ice-P]resident, senators and party-list representatives. AS
WELL AS IN ALL NATIONAL REFERENDA AND
PLEBISCITES."

Sec. 4. Section 5 of the same Act is hereby amended as follows:

1 “Sec. 5. *Disqualifications.* - The following shall be
2 disqualified from **REGISTERING AND** voting under this Act:

3 a) Those who have lost their Filipino citizenship in accordance
4 with Philippine laws:

5 b) Those who have expressly renounced their Philippine
6 citizenship and who have pledged allegiance to a foreign
7 country; **EXCEPT THOSE WHO HAVE REACQUIRED**
8 **OR RETAINED THEIR PHILIPPINE CITIZENSHIP**
9 **UNDER REPUBLIC ACT NO. 9225, OTHERWISE**
10 **KNOWN AS THE “CITIZENSHIP RETENTION AND**
11 **REACQUISITION ACT OF 2003”;**

12 c) Those who have committed and are convicted in a final
13 judgment by a **PHILIPPINE** court or tribunal of an offense
14 punishable by imprisonment of not less than one (1) year
15 [including those who have committed and been found guilty
16 of Disloyalty as defined under Article 137 of the Revised
17 Penal Code] such disability not having been removed by
18 plenary pardon or amnesty: *Provided, however,* That any
19 person disqualified to vote under this subsection shall
20 automatically acquire the right to vote upon **THE** expiration
21 of five (5) years after service of sentence. **AND; [Provided,**
22 *further,* That the Commission may take cognizance of final
23 judgments issued by foreign courts or tribunals only on the
24 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.5. 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

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

8 6.1. Upon receipt of the application for registration, the
9 Election Officer shall immediately set the application for hearing,
10 the notice of which shall be posted in a conspicuous place in the
11 premises of the city or municipal building of the applicant's stated
12 residence for at least one (1) week before the date of the hearing.
13 The Election Officer shall immediately furnish a copy of the
14 application to the designated representatives of political parties and
15 other accredited groups.

16 6.2. If no verified objection to the application is filed, the
17 Election Officer shall immediately forward the application to the
18 Election Registration Board, which shall decide on the application
19 within one (1) week from the date of hearing without waiting for the
20 quarterly meeting of the Board. The applicant shall be notified of
21 the approval or disapproval of his/her application by registered
22 mail.

23 6.3. In the event that an objection to the application is filed
24 prior to or on the date of hearing, the Election Officer shall notify
25 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 VOTERS.

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

REMOTE REGISTRATION MAY ALSO BE ALLOWED BASED ON GUIDELINES AND PROCEDURES TO BE DETERMINED BY THE COMMISSION: PROVIDED, THAT THE APPROPRIATE TECHNOLOGY SHALL BE ADOPTED TO ENSURE ADEQUATE SECURITY AND VOTER AUTHENTICITY.

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

Sec. 6. A new Section 7 is hereby inserted to read as follows:

"SEC. 7. RESIDENT ELECTION REGISTRATION BOARD (RERB); COMPOSITION, DISQUALIFICATIONS AND

1 *COMPENSATION.* THE RERB SHALL BE A THREE (3)
2 MAN BOARD COMPOSED OF: A) A CAREER OFFICIAL OF
3 THE DEPARTMENT OF FOREIGN AFFAIRS (DFA) AS
4 CHAIRPERSON; B) THE MOST SENIOR OFFICER FROM
5 THE DEPARTMENT OF LABOR AND EMPLOYMENT
6 (DOLE) OR ANY GOVERNMENT AGENCY OF THE
7 PHILIPPINES MAINTAINING OFFICES ABROAD AS
8 MEMBER; AND C) A REGISTERED OVERSEAS VOTER OF
9 KNOWN PROBITY, AS MEMBER.

10 IN CASE OF DISQUALIFICATION OR NON-
11 AVAILABILITY OF THE MOST SENIOR OFFICER FROM
12 THE DOLE OR ANY GOVERNMENT AGENCY OF THE
13 PHILIPPINES MAINTAINING OFFICES ABROAD, THE
14 COMMISSION SHALL DESIGNATE A CAREER OFFICIAL
15 FROM THE EMBASSY OR CONSULATE CONCERNED.

16 THE RERB IN MANILA SHALL HOLD OFFICE IN THE
17 MAIN OFFICE OF THE COMMISSION IN INTRAMUROS.
18 MANILA. THE RERB SHALL BE COMPOSED OF ANY
19 SENIOR OFFICIAL OF THE COMMISSION ON ELECTIONS
20 AS THE CHAIRPERSON AND THE TWO (2) OTHER
21 MEMBERS SHALL BE FROM THE DFA AND THE DOLE,
22 WHOSE RANK SHALL NOT BE LOWER THAN A DIVISION
23 CHIEF OR ITS EQUIVALENT.

24 7.1. *DISQUALIFICATION OF MEMBERS OF THE*
25 *RERB.* - NO MEMBER OF THE RERB SHALL BE RELATED

1 TO EACH OTHER OR TO THE INCUMBENT PRESIDENT.
2 VICE-PRESIDENT OR SENATOR OF THE PHILIPPINES OR
3 ANY INCUMBENT MEMBER OF THE HOUSE OF
4 REPRESENTATIVES REPRESENTING THE PARTY-LIST
5 SYSTEM OF REPRESENTATION, WITHIN THE FOURTH
6 CIVIL DEGREE OF CONSANGUINITY OR AFFINITY.

7 7.2 COMPENSATION OF THE MEMBERS OF THE
8 RERB - EACH MEMBER OF THE RERB SHALL BE
9 ENTITLED TO AN HONORARIUM AT RATES APPROVED
10 BY THE DEPARTMENT OF BUDGET AND MANAGEMENT
11 (DBM)."

12 Sec. 7. A new Section 8 is hereby inserted to read as follows:

13 "SEC. 8. DUTIES AND FUNCTIONS OF THE RERB. - THE
14 RERB SHALL HAVE THE FOLLOWING DUTIES AND
15 FUNCTIONS:

16 A. POST IN THE BULLETIN BOARDS OF THE EMBASSY
17 OR CONSULATES OR AT THE OFFICE OF THE OFOV, AS THE
18 CASE MAY BE, AND IN THEIR RESPECTIVE WEBSITES, THE
19 NAMES OF THE APPLICANTS AND THE DATES WHEN THEIR
20 APPLICATIONS SHALL BE HEARD, AS WELL AS THE PLACE
21 WHERE THE RERB WILL HOLD ITS HEARING;

22 B. NOTIFY, THROUGH THE OFOV, ALL POLITICAL
23 PARTIES AND OTHER PARTIES CONCERNED OF THE
24 PENDING APPLICATIONS THROUGH A WEEKLY UPDATED
25 PUBLICATION IN THE WEBSITE OF THE COMMISSION;

C. ACT ON ALL APPLICATIONS RECEIVED;

D. NOTIFY ALL APPLICANTS, WHOSE APPLICATIONS HAVE BEEN DISAPPROVED, STATING THE REASONS FOR SUCH DISAPPROVAL;

E. PREPARE A LIST OF ALL APPROVED APPLICATIONS DURING EACH HEARING AND POST THE SAME BULLETIN BOARDS OF THE EMBASSY OR CONSULATES OR AT THE OFFICE OF THE OFOV, AS THE CASE MAY BE, AND IN THEIR RESPECTIVE WEBSITES;

F. DEACTIVATE THE REGISTRATION RECORDS OF OVERSEAS VOTERS; AND

G. PERFORM SUCH OTHER DUTIES AS MAY BE CONSISTENT WITH ITS FUNCTIONS AS PROVIDED UNDER THIS ACT."

Sec. 8. A new Section 9 is hereby inserted to read as follows:

"SEC. 9. PETITION FOR EXCLUSION, MOTION FOR RECONSIDERATION, PETITION FOR INCLUSION -

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 START OF THE OVERSEAS VOTING PERIOD WITH THE PROPER MUNICIPAL / METROPOLITAN TRIAL COURT, IN THE CITY OF MANILA OR WHERE THE

OVERSEAS VOTER RESIDES IN THE PHILIPPINES. 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 OVERSEAS 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. *MOTION FOR RECONSIDERATION*. - IF THE
APPLICATION HAS BEEN DISAPPROVED, THE
APPLICANT OR THE 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.

9.3. *PETITION FOR INCLUSION*. - 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, IN THE CITY OF MANILA OR WHERE THE OVERSEAS VOTER RESIDES IN THE PHILIPPINES, 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 OVERSEAS 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, OTHERWISE KNOWN AS THE "VOTERS REGISTRATION ACT OF 1996" SHALL APPLY FOR CERTIFICATION AS OVERSEAS VOTERS AND FOR INCLUSION IN THE NROV. IN CASE OF APPROVAL, THE ELECTION OFFICER CONCERNED SHALL ANNOTATE THE FACT OF REGISTRATION/CERTIFICATION AS OVERSEAS VOTER BEFORE THE VOTER'S NAME AS APPEARING IN THE CERTIFIED VOTERS LIST AND IN THE VOTER'S REGISTRATION RECORDS."

1 **Sec. 9.** A new Section 10 is hereby inserted to read as follows:

2 **"SEC.10. TRANSFER OF REGISTRATION RECORD. -**

3 IN THE EVENT OF CHANGE OF VOTING VENUE, AN
4 APPLICATION FOR TRANSFER OF REGISTRATION
5 RECORD MUST BE FILED BY THE OVERSEAS VOTER
6 WITH THE OFOV, THROUGH ITS CHAIRPERSON, AT
7 LEAST ONE HUNDRED EIGHTY (180) DAYS PRIOR TO THE
8 START OF THE OVERSEAS VOTING PERIOD: *PROVIDED*,
9 THAT THOSE WHO WOULD EVENTUALLY VOTE IN THE
10 PHILIPPINES SHOULD REGISTER WITHIN THE TIME
11 FRAME PROVIDED FOR LOCAL REGISTRATION IN THE
12 MUNICIPALITY, CITY OR DISTRICT WHERE THEY
13 INTEND TO VOTE AND; *PROVIDED: FURTHER*, THAT
14 THOSE WHO HAVE REGISTERED IN THE MUNICIPALITY,
15 CITY OR DISTRICT WHERE THEY RESIDED PRIOR TO
16 THEIR DEPARTURE ABROAD NEED NOT REGISTER
17 ANEW; *PROVIDED: FINALLY*, THAT TRANSFEREES SHALL
18 NOTIFY THE OFOV, THROUGH ITS CHAIRPERSON, OF
19 THEIR TRANSFER BACK TO THE PHILIPPINES AT LEAST
20 ONE HUNDRED EIGHTY (180) DAYS PRIOR TO THE NEXT
21 NATIONAL ELECTIONS FOR PURPOSES OF CANCELLING
22 THEIR NAMES FROM THE CLOV AND OF REMOVING
23 THEIR OVERSEAS VOTER'S REGISTRATION FROM THE
24 BOOK OF VOTERS".

Sec. 10. Section 7 of the same Act is hereby renumbered as Section 11

and is amended to read as follows:

"SEC. 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 COMMENCE NOT LATER THAN SIX (6) MONTHS AFTER THE CONDUCT OF THE LAST NATIONAL ELECTIONS.** Towards this end, the Commission shall **BE 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.

Pre-departure **ORIENTATION SEMINARS** [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.

1 ALL EMPLOYMENT CONTRACTS PROCESSED AND
2 APPROVED BY THE PHILIPPINE OVERSEAS
3 EMPLOYMENT ADMINISTRATION SHALL STATE THE
4 RIGHT OF MIGRANT WORKERS TO EXERCISE THEIR
5 CONSTITUTIONAL RIGHT OF SUFFRAGE WITHIN THE
6 LIMITS PROVIDED FOR BY THIS ACT."

7 *Sec. 11.* Section 8 of the same Act is hereby renumbered as Sec. 12 and
8 is amended to read as follows:

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

12 a) A valid Philippine passport. In the absence of a valid
13 passport, a certification of the Department of Foreign Affairs
14 that it has reviewed the appropriate documents submitted by
15 the applicant and HAS found them sufficient to warrant the
16 issuance of a passport, or that the applicant is a holder of a
17 valid passport but is unable to produce the same for a valid
18 reason:

19 b) Accomplished registration form prescribed by the
20 Commission. AND: [containing the following mandatory
21 information:

22 i. Last known residence of the applicant in the Philippines
23 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) ORIGINAL OR CERTIFIED TRUE COPY OF THE ORDER OF APPROVAL ON THEIR APPLICATION TO RETAIN OR REACQUIRE THEIR FILIPINO CITIZENSHIP ISSUED BY THE POST; OR FOR APPLICANTS WHO AVAILED THEMSELVES OF THE CITIZENSHIP RETENTION AND REACQUISITION ACT (RA 9225), 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 VOTER SHALL BE CONSIDERED AS APPLICATIONS TO VOTE OVERSEAS. AN OVERSEAS VOTER IS PRESUMED TO BE ABROAD UNTIL THE OVERSEAS VOTER APPLIES FOR TRANSFER OF ONE'S REGISTRATION RECORDS OR REQUESTS TO BE DELETED FROM THE NROV."

Sec. 12. 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 (NROV). -- The Commission shall maintain a National Registry of Overseas [Absentee] Voters OR NROV CONTAINING THE NAMES OF REGISTERED OVERSEAS 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

1 registered or will be voting as an overseas absentee voter. The
2 registry shall also include those registered under Republic Act
3 No. 8189 and who have been issued certifications as overseas
4 absentee voters. The entries in the National Registry of Overseas
5 Absentee Voters and the annotations as overseas absentee voters
6 in the Certified Voters' List shall be permanent, and cannot be
7 cancelled or amended except in any of the following cases:

8 9.1. When the overseas absentee voter files a letter under oath
9 addressed to the Commission that he/she wishes to be removed from
10 the Registry of Overseas Absentee Voters, or that his/her name be
11 transferred to the regular registry of voters; or,

12 9.2. When an overseas absentee voter's name was ordered
13 removed by the Commission from the Registry of Overseas Absentee
14 Voters for his/her failure to exercise his/her right to vote under this
15 Act for two (2) consecutive national elections.]

16 **LIKEWISE. THE COMMISSION SHALL MAINTAIN A**
17 **REGISTRY OF VOTERS (ROV) PER MUNICIPALITY, CITY**
18 **OR DISTRICT CONTAINING THE NAMES OF REGISTERED**
19 **OVERSEAS VOTERS DOMICILED THEREIN. THE**
20 **COMMISSION SHALL PROVIDE EACH AND EVERY**
21 **MUNICIPALITY, CITY OR DISTRICT WITH A COPY OF**
22 **THEIR RESPECTIVE ROVs FOR THEIR REFERENCE."**

23 *Sec. 13. A new Section 14 is hereby inserted to read as follows:*

24 **"SEC.14. DEACTIVATION OF REGISTRATION. - THE**
25 **RERB SHALL DEACTIVATE AND REMOVE THE**

1 REGISTRATION RECORDS OF THE FOLLOWING
2 PERSONS FROM THE CORRESPONDING BOOK OF
3 VOTERS AND PLACE THE SAME, PROPERLY MARKED
4 AND DATED, IN THE INACTIVE FILE AFTER ENTERING
5 ANY OF THE FOLLOWING CAUSES OF DEACTIVATION:

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

18 B) ANY PERSON DECLARED BY COMPETENT
19 AUTHORITY TO BE INSANE OR INCOMPETENT, UNLESS
20 SUCH DISQUALIFICATION HAS BEEN SUBSEQUENTLY
21 REMOVED BY A DECLARATION OF A PROPER
22 AUTHORITY THAT SUCH PERSON IS NO LONGER INSANE
23 OR INCOMPETENT;

1 C) ANY PERSON WHO DID NOT VOTE IN TWO (2)
2 CONSECUTIVE NATIONAL ELECTIONS AS SHOWN BY
3 VOTING RECORDS, AND

4 D) ANY PERSON WHOSE REGISTRATION HAS BEEN
5 ORDERED EXCLUDED BY THE COURTS.

6 THE FACT OF DEACTIVATION SHALL BE ANNOTATED IN THE
7 NROV AND THE CORRESPONDING ROV.”

8 *Sec. 14.* Section 10 of the same Act is hereby renumbered as Section 15

9 “Sec. 1[0]5. Notice of Registration and Election. The
10 Commission shall, through the embassies, consulates and other foreign
11 service establishments, cause the publication in a newspaper of general
12 circulation of the place, date and time of the holding of a regular or
13 special national election and the requirements for the participation of
14 qualified citizens of the Philippines abroad, at least six (6) months before
15 the date set for the filing of applications for registration.

16 The Commission shall determine the countries where publication
17 shall be made, and the frequency thereof, taking into consideration the
18 number of overseas Filipinos present in such countries. Likewise, the
19 Commission and the Department of Foreign Affairs shall post the same
20 in their respective websites.”

21 *Sec 15.* Sections 11 and 12 of the same Act are hereby deleted.

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

23 11.1. Every qualified citizen of the Philippines abroad whose
24 application for registration has been approved, including those
25 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

1 receipt of such Motion for Reconsideration and shall immediately
2 notify the voter of its decision. The decision of the Commission shall
3 be final and executory.

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

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

9 ***"SEC. 16. REACTIVATION OF REGISTRATION. - ANY***
10 ***OVERSEAS VOTER WHOSE REGISTRATION HAS BEEN***
11 ***DEACTIVATED PURSUANT TO THE PRECEDING SECTION***
12 ***MAY FILE WITH THE RERB AT ANY TIME, BUT NOT***
13 ***LATER THAN ONE HUNDRED TWENTY (120) DAYS***
14 ***BEFORE THE START OF THE OVERSEAS VOTING***
15 ***PERIOD, A SWORN APPLICATION FOR REACTIVATION***
16 ***OF REGISTRATION IN THE FORM OF AN AFFIDAVIT***
17 ***STATING THAT THE GROUNDS FOR THE DEACTIVATION***
18 ***NO LONGER EXIST."***

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

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

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

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

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

16 *Sec. 19.* 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. - WITHIN NINETY (90)
20 DAYS BEFORE THE START OF THE VOTING PERIOD, ANY
21 REGISTERED VOTER MAY FILE WITH THE OFOV, OR
22 WITH THE POST HAVING JURISDICTION OVER THE
23 VOTER'S RESIDENCE, AN APPLICATION UNDER OATH
24 FOR THE CORRECTION OF MISSPELLED NAME OR
25 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 NROV, CLOV AND THE VOTER'S IDS."

Sec. 20. 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 Certified List of [Absentee] Overseas VOTERS OR CLOV
[within one hundred twenty (120)] NOT LATER THAN NINETY
(90) days before [every election] THE START OF THE
OVERSEAS VOTING PERIOD, 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, NON-GOVERNMENTAL ORGANIZATIONS 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. 21. 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] **THESE** 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] **ALL 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 **MAILED** ballots abroad. [Unclaimed ballots properly marked as such, shall be cancelled and shipped to the Commission by the least costly method.]”

Sec. 22. 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]The 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 THIRTY-DAY (30) OVERSEAS VOTING PERIOD SHALL BE PROHIBITED.**”

Sec. 23. 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 DETERMINED BY THE COMMISSION. FOR THIS PURPOSE, THE COMMISSION SHALL ISSUE THE**

NECESSARY GUIDELINES ON THE MANNER AND
PROCEDURES OF VOTING.

THE OFOV, IN CONSULTATION WITH DFA-OVS,
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."

SEC. 24. 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 for overseas [absentee] voters AND OTHER
ACCOUNTABLE FORMS, VOTING MACHINES AND OTHER
HARDWARE AND SOFTWARE. [for overseas absentee voters,

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

11 THE COMMISSION SHALL CONSTITUTE AS MANY
12 SBRCGs AS MAY BE NECESSARY TO RECEIVE AND TAKE
13 CUSTODY OF ALL ACCOUNTABLE AND OTHER
14 ELECTION FORMS, SUPPLIES AND PARAPHERNALIA
15 FROM THE OFOV FOR TRANSMITTAL TO THE SBEIs AND
16 TO THE SBOC. EACH SBRCG SHALL BE COMPOSED OF
17 THREE (3) MEMBERS FROM AMONG THE STAFF OF THE
18 POSTS CONCERNED, INCLUDING THEIR ATTACHED
19 AGENCIES, AND FILIPINO CITIZENS ABROAD.

20 THE COMMISSION SHALL, LIKEWISE, CONSTITUTE
21 AS MANY SBEIs AS MAY BE NECESSARY TO CONDUCT
22 AND SUPERVISE THE VOTING AND COUNTING OF
23 VOTES.

24 EACH SBEI SHALL BE COMPOSED OF A
25 CHAIRPERSON, 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 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] AN overseas [absentee] voter shall cast
his/her [ballot] VOTE, upon presentation of the [absentee] voter
identification card issued by the Commission OR SUCH OTHER

DOCUMENTS DEEMED BY THE SBEI AT THE POST AS
SUFFICIENT TO ESTABLISH THE VOTER'S 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

[REDACTED]

[16.4] 24.4. All accomplished ballots received shall be plac-d
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,

[REDACTED]

including proof of receipt thereof]. In addition, WITHIN THIRTY
(30) DAYS FROM THE DAY OF ELECTIONS 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 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. 25. 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 MAIL THE BALLOTS INTENDED FOR THE REGISTERED VOTERS THROUGH THE POSTS USING THE DIPLOMATIC POUCH OR CARGO FACILITY OR SUCH OTHER FACILITIES AS MAY BE APPROVED BY THE COMMISSION; PROVIDED, THAT THE SECRECY AND SANCTITY OF THE MAILED BALLOTS ARE ENSURED. MAILING OF THE BALLOTS SHALL BE DONE NOT LATER THAN THIRTY (30) DAYS BEFORE THE START OF THE VOTING PERIOD.

FOR THIS PURPOSE, THE COMMISSION SHALL
ISSUE THE NECESSARY GUIDELINES AND PROCEDURES
TO IMPLEMENT THIS PROVISION.

THE COMMISSION SHALL CONSTITUTE SBRCGs
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 OFOV FOR TRANSMITTAL TO THE SBEIs AND
TO THE SBOC, AS WELL AS TO RECORD, VERIFY,
RECEIVE AND TAKE CUSTODY OF ALL MAILED
ACCOMPLISHED BALLOTS. EACH SBRCG 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 THE
[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 that 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.**

1 25.4. THE COMMISSION SHALL MAINTAIN A
2 COMPLETE REPORT OF THE NAMES AND ADDRESSES
3 OF THE VOTERS TO WHOM THE BALLOTS WERE SENT,
4 INCLUDING THE NUMBER OF BALLOTS CAST AND
5 RECEIVED BY THE SBRCG, THE NUMBER OF INVALID
6 AND UNCLAIMED BALLOTS, AS WELL AS OTHER
7 PERTINENT DATA AND SUBMIT A TIMELY REPORT
8 THEREON TO THE JOINT CONGRESSIONAL OVERSIGHT
9 COMMITTEE.

10 25.5. ALL MAILED BALLOTS MARKED "RETURN TO
11 SENDER" AND RETURNED TO THE COMMISSION SHALL
12 NOT BE OPENED. THE SAME SHALL BE CANCELLED AND
13 DISPOSED OF APPROPRIATELY, WITH A
14 CORRESPONDING INVENTORY REPORT THEREON DULY
15 FURNISHED THE MAJOR POLITICAL PARTIES NOT
16 LATER THAN THIRTY (30) DAYS AFTER THE DAY OF
17 ELECTIONS."

18 *Sec. 26.* A new Section 26 of the same Act is hereby inserted to read as
19 follows:

20 "SEC. 26. *VOIING BY SEAFARERS.* - SEAFARERS
21 MAY VOTE IN ACCORDANCE WITH SECTION 23 OF THIS
22 ACT. FOR THIS PURPOSE, THE COMMISSION SHALL
23 PREPARE A SEPARATE CLOV FOR SEAFARERS."

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

1 "SEC. 27. VOTING PRIVILEGE OF MEMBERS OF THE
2 SBEI, SBRCG AND SBOC. - GOVERNMENT EMPLOYEES
3 POSTED ABROAD WHO WILL PERFORM ELECTION
4 DUTIES AS MEMBERS OF THE SBEI, SBRCG AND SBOC
5 SHALL BE ALLOWED TO VOTE IN THEIR RESPECTIVE
6 POSTS; *PROVIDED, THAT, THEY ARE REGISTERED*
7 EITHER IN THE PHILIPPINES OR AS OVERSEAS
8 VOTERS."

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

11 "Sec. [18]28. - *On-site Counting and Canvassing* -

12 [18.1] 28.1. The counting and canvassing of votes shall be
13 conducted onsite in the country where the votes were actually cast.
14 The opening of the specially-marked envelopes and containers
15 containing the ballots and the counting and canvassing of votes
16 shall be conducted within the premises of the [embassies,
17 consulates and other Foreign Service establishments, or in such
18 other places as may be designated by the Commission pursuant to
19 the Implementing Rules and Regulations.] **POSTS** or **WITHIN**
20 **ANY OTHER POLLING PLACE DESIGNATED/ACCREDITED**
21 **AS SUCH BY THE COMMISSION.** The Commission shall
22 ensure that the start of counting in polling places abroad shall [be
23 synchronized] **AS FAR AS PRACTICABLE, COINCIDE** with
24 the start of the counting in the Philippines, **TAKING INTO**
25 **CONSIDERATION THE RESPECTIVE TIME ZONES OF THE**

1 DIFFERENT POSTS: *PROVIDED, THAT, NO COUNTING*
2 *AND CANVASSING SHALL COMMENCE PRIOR TO THE*
3 *CLOSING OF VOTING. "*

4 [18.2]. 28.2. [For these purposes, the Commission shall
5 constitute as many Special Boards of Election Inspectors (SBEIs) as
6 may be necessary to conduct and supervise the counting of votes as
7 provided in Section 18.1 hereof. The Special Boards of Election
8 Inspectors to be constituted therein shall be composed of a
9 Chairman and two (2) members, one (1) of whom shall be
10 designated as poll clerk. The ambassador, or consul-general, or any
11 career public officer posted abroad designated by the Commission,
12 as the case may be, shall act as the chairman, in the absence of
13 other government officers, the two (2) other members shall be
14 citizens of the Philippines who are qualified to register and vote
15 under this Act and deputized by the Commission not later than
16 sixty (60) days before the day of elections. All resolutions of the
17 Special Boards of Election Inspectors SBEIs on issues brought
18 before it during the conduct of its proceedings shall be valid only
19 when they carry the approval of the chairman.]

20 Immediately upon the completion of the counting, the
21 [Special Boards of Election Inspectors] SBEIs shall transmit [via
22 facsimile and/or electronic mail] the results **THEREOF** to the
23 Commission in Manila and **TO** the accredited major political parties
24 **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] 28.3. [A Special Board of Canvassers] **THE 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] 28.4. The canvass of **OVERSEAS** votes shall not cause the delay of the proclamation of a winning candidate **OR THE DETERMINATION OF THE RESULT OF NATIONAL REFERENDA OR PLEBISCITES** 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 **OR ANNOUNCE THE RESULT OF NATIONAL REFERENDA OR PLEBISCITES** 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] 28.5. 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] **IN** 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] **SBOCs** shall be deemed a certificate of canvass of a city or a province.

[18.7]28.6. 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. 29. A new Section 29 is hereby inserted to read as follows:

"SEC. 29. 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

VOTING PROCESS, THE COMMISSION MAY EXPLORE AND ADOPT OTHER MORE EFFICIENT, RELIABLE AND SECURE MODES OR SYSTEMS, ENSURING THE SECRECY AND SANCTITY OF THE ENTIRE PROCESS, WHETHER PAPER-BASED OR ELECTRONIC-BASED TECHNOLOGY OR SUCH OTHER LATEST TECHNOLOGY AVAILABLE, FOR ONSITE AND REMOTE REGISTRATION AND ELECTIONS."

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

"SEC. 30. 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 TAXES AND IMPORT DUTIES, SUBJECT TO GOVERNMENT PROCUREMENT RULES AND REGULATIONS."

Sec. 31. [Sec. 19 of the same Act is hereby renumbered as] A NEW Section 31 [and is amended] IS HEREBY INSERTED to read as follows:

"Sec. 31. ESTABLISHMENT OF AN OFFICE FOR OVERSEAS VOTING UNDER THE COMMISSION.- THE

COMMISSION IS HEREBY AUTHORIZED TO ESTABLISH AN OFFICE FOR OVERSEAS VOTING TASKED SPECIFICALLY TO OVERSEE AND SUPERVISE THE EFFECTIVE IMPLEMENTATION OF THE OVERSEAS VOTING LAW: PROVIDED, THAT ITS SECRETARIAT SHALL COME FROM THE EXISTING SECRETARIAT PERSONNEL OF THE COMMISSION ON ELECTIONS."

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

"SEC. 32. CREATION OF THE DEPARTMENT OF FOREIGN AFFAIRS OVERSEAS VOTING SECRETARIAT (DFA-OVS) - A SECRETARIAT BASED IN THE DEPARTMENT OF FOREIGN AFFAIRS (DFA) HOME OFFICE IS HEREBY CREATED TO ASSIST THE OFOV, AND TO DIRECT, COORDINATE AND OVERSEE THE PARTICIPATION OF THE DFA IN THE IMPLEMENTATION OF THE OVERSEAS VOTING LAW (OVL): PROVIDED, THAT ITS SECRETARIAT SHALL COME FROM THE EXISTING SECRETARIAT PERSONNEL OF THE DEPARTMENT OF FOREIGN AFFAIRS."

Sec. 33. Sec.19 of the same Act is hereby deleted.

[Sec.19 Authority of the Commission to Promulgate Rules. - The Commission shall issue the necessary rules and regulations to effectively implement the provisions of this within sixty (60) days from the effectivity 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. 34. 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 **OVERSEAS** [absentee] voting for qualified overseas [absentee] voters. It may require the support and assistance of the Department of Foreign Affairs, through the **POSTS**, [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] the rights of overseas [absentee] voters, [absentee] **OVERSEAS** 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 ALLOCATE NOT LESS THAN TEN PER CENT (10%) OF THE OVERSEAS VOTING BUDGET TO DEFRAID THE COSTS OF EFFECTIVELY CARRYING OUT THE OVERSEAS VOTERS INFORMATION AND EDUCATION CAMPAIGN.

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

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Sec. 35. A new Section 34 is hereby inserted to read as follows:

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"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 VOTERS, THE OVERSEAS 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*,

FURTHERMORE, 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 A QUALIFIED OVERSEAS
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. 36. A new Section 35 is hereby inserted to read as follows:

"*SEC. 35. TRAININGS.* - ALL MEMBERS OF THE
FOREIGN SERVICE CORP SHALL RECEIVE TRAINING ON
OVERSEAS VOTING PROCESSES, RULES AND
PROCEDURES FROM THE COMMISSION. SUCH TRAINING
SHALL BE UNDERTAKEN IN COORDINATION WITH THE
DFA-OVS, AND SHALL FORM AN INTEGRAL PART OF
THEIR PRE-POSTING BRIEFING AND ORIENTATION.

THE OFOV, THROUGH ITS CHAIRPERSON, MAY
ALSO AUTHORIZE THE CONDUCT OF TRAINING FOR
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

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(120) DAYS BEFORE EACH SCHEDULED REGISTRATION
OR NATIONAL ELECTION."

Sec. 37. Section 21 of the same Act is hereby renumbered as Section 36.

Sec. 38. 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
VOTING PROCESSES SHALL BE MADE AVAILABLE AT NO
COST TO THE OVERSEAS VOTER. FEES SHALL BE
CHARGED AS USUAL ON ALL OTHER CONSULAR AND

DIPLOMATIC SERVICES NOT RELATED TO OVERSEAS
VOTING.

Sec. 39. Section 23 of the same Act is hereby renumbered as Section 38.

Sec. 40. 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 **ONE'S** [his/her] name, address, or period of residence for the
purposes of establishing **THE** [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 REQUIRED FOR
PURPOSES OF THIS ACT:

[24.4. For any person to steal, destroy, conceal, mutilat- 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 continue serving, or to comply with
ONE'S [his/her] sworn duties after acceptance of THE [his/her
appointment] DEPUTIZATION:

[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 THE [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] 39.7. For any person who, after being deputized by the
Commission to undertake activities in connection with the

1 implementation of this Act shall campaign for or assist, in whatever
2 manner, candidates in the elections:

3 **39.8. FOR ANY PERSON TO ENGAGE IN PARTISAN**
4 **POLITICAL ACTIVITY ABROAD DURING THE THIRTY-DAY**
5 **(30) OVERSEAS VOTING PERIOD.**

6 [24.9] 39.9. For any person who is not a citizen of the
7 Philippines to participate, by word or deed, directly or indirectly
8 through qualified organizations/associations, in any manner and at
9 any stage of the Philippine political process abroad, including
10 participation in the campaign and elections.

11 The provision of existing laws to the contrary
12 notwithstanding, and with due regard to the Principle of Double
13 Criminality, the prohibited acts described in this section are
14 electoral offenses and **SHALL BE** punishable in the Philippines.

15 The penalties imposed under Section 264 of the Omnibus
16 Election Code, as amended, shall be imposed on any person found
17 guilty of committing any of the prohibited acts as defined in this
18 section: *Provided, That* the penalty of *prison mayor* in its minimum
19 period shall be imposed upon any person found guilty **UNDER**
20 Section [24.3]39.3 hereof without the benefit of the operation of the
21 Indeterminate Sentence Law. If the offender is a public officer or a
22 candidate, the penalty shall be *prison mayor* in its maximum
23 period. In addition, the offender shall be sentenced to suffer
24 perpetual disqualification to hold public office and deprivation of the
25 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. 41. 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 Chair[man] **PERSON** of the Senate Committee on Constitutional Amendments, Revision of Codes and Laws, and seven (7) other Senators designated by the Senate President, and the Chair[man] **PERSON** 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 **TO INCLUDE THE CHAIR OF THE COMMITTEE ON FOREIGN AFFAIRS** 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. 42. Sections 26, 27 and 28 of the same Act are hereby renumbered accordingly.

Sec. 43. A new Section 44 is hereby inserted to read as follows:

"Sec. 44. 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. [29] 44. Appropriations. - [The amount necessary to carry out the provisions of this Act shall be provided in a supplemental budget or included in the General Appropriations Act of the year of its enactment into law. Thereafter, the expenses for its continued implementation shall be included in the subsequent General Appropriations Act.] **THE AMOUNT NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT SHALL BE INCLUDED IN THE BUDGETS OF THE COMMISSION ON ELECTIONS AND THE DEPARTMENT OF FOREIGN AFFAIRS IN THE ANNUAL GENERAL APPROPRIATIONS ACT.**

Sec. 45. Implementing Rules and Regulations. - The Commission shall promulgate rules and regulations for the implementation and enforcement of the provision of this Act within sixty (60) days from the effectivity thereof.

1 *Sec. 46. Separability Clause.* - If any part or provision of this Act
2 shall be declared unconstitutional or invalid, other provisions hereof which
3 are not affected thereby shall continue to be in full force and effect.

4 *Sec. 47. Repealing Clause.* - All laws, presidential decrees, executive
5 orders, rules and regulations, other issuances, and parts thereof, which are
6 inconsistent with the provisions of this Act, are hereby repealed or modified
7 accordingly.

8 *Sec. 48. Effectivity Clause.* - This Act shall take effect fifteen (15) days
9 after its [complete] publication in the Official Gazette or at least in ~~three (3)~~
10 **TWO (2)** newspapers of general circulation.

11

12 Approved.

FACT SHEET

House Bill No. 6542

(In substitution of House Bill Nos. 3001, 3023, 3201 and 3966)

AN ACT

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

*Introduced by: Reps. Macapagal-Arroyo, Escudero, Bello,
Bichara, Climaco, Rodriguez (R), Lagman, Gatchalian,
Gonzales (N), Bag-ao, Batocabe and Aumentado*

*Committee Referral: Committees on Suffrage and Electoral Reforms
& Foreign Affairs*

*Committee Chairpersons: HON. ELPIDIO F. BARZAGA, JR.
& HON. AL FRANCIS C. BICHARA*

OBJECTIVE:

- To enfranchise more Filipino overseas voters worldwide by softening restrictive provisions of the existing law.

KEY PROVISIONS:

- Deletes the word "absentee" in the law which will now be termed as "Overseas Voting."
- Provides for the expansion of the coverage of the law under Section 4 by allowing Filipino overseas voters to vote not only for the presidential and midterm elections, but also in all national referenda and plebiscites.
- Provides for the deletion of Section 5 (d) of the law entitled, "Disqualifications" which requires an immigrant or permanent resident to execute an affidavit upon registration declaring that the resident shall resume actual physical residence in the Philippines not later than three (3) years from the approval of the registration. The same affidavit likewise states that the applicant shall not have applied for citizenship in another country which runs counter to the "Dual Citizenship Act" which was enacted into law after the institutionalization of the "Overseas Absentee Voting Act."

- Amends Section 6 of the law by making registration for overseas voting more accessible to Filipinos worldwide by way of setting up field and mobile registration centers by the posts concerned. This includes pre-departure registration that shall be conducted in accredited government agencies or facilities to be determined by the Commission. As regards to overseas Filipino workers, they may file their application personally at any post or at designated registration centers in the Philippines approved by the Commission. They shall likewise submit themselves for live capture of their biometrics.
- Expands the three (3) modes of voting as provided in a new section namely personal voting, voting by mail and any other means as may be allowed under existing laws (Section 52(I) of Batas Pambansa Blg. 881 as amended.)
- Creates a new Section 29 in the law entitled, "Authority to adopt other modes or systems using Automated Election System". COMELEC may explore and adopt other more efficient, reliable and secure modes or systems, whether paper-based or electronic-based technology or such other latest technology available, for onsite and remote registration and elections.
- Establishes an Office for Overseas Voting tasked specifically to oversee and supervise the effective implementation of the Overseas Voting Law.
- Mandates the creation of the Department of Foreign Affairs Overseas Voting Secretariat" (DFA-OVS) based at the DFA's home office to assist the Office for Overseas Voting, and to direct, coordinate and oversee the DFA's participation in the implementation of the Overseas Voting Law.
- Provides that for an "Information Campaign," which authorizes the Commission on Elections to appropriate not less than ten percent (10%) of the overseas voting budget for information dissemination and education campaign. It likewise gives authority to the COMELEC to enter into contracts with public or private entities to ensure effective and efficient information dissemination.

RELATED LAWS:

- Republic Act No. 9189 (The Overseas Absentee Voting Act of 2003)
- Batas Pambansa Blg. 881 (The Omnibus Election Code, as amended)
- Republic Act No. 8189 (The Continuing Registration Act)