

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Third Regular Session

House Bill No. **6009**



Introduced by Magdalo Party-List Representatives
Hon. Francisco Ashley L. Acedillo and Hon. Gary C. Alejano

EXPLANATORY NOTE

Executive Order No. 157 (E.O. 157) was the first piece of legislation that provided for a system of local absentee voting. In Section 7 thereof, for the purpose of the 1987 Congressional Election, absentee voting was only applied to the elections for Senator.

In 1991, Section 12 of Republic Act No. 7166 (R.A. 7166), otherwise known as the "Synchronized National and Local Elections and Electoral Reforms Act", expanded the coverage of E.O. 157 by including the positions of President and Vice-President in the positions to be voted for under the local absentee voting. Hence, under RA 7166, local absentee voting is specifically limited to the elections for President, Vice-President, and Senators.

In 1995, Republic Act No. 7941 (R.A. 7941), otherwise known as the "Party-List System Act", was enacted into law, paving the way for the first Party-List Elections in 1998. Without any amendment being made to Section 12 of R.A. 7166, the Commission on Elections (COMELEC) included Party-List Representatives¹ among the positions to be voted for under local absentee voting. While it is correct, in principle, to allow local absentee voters to elect Party-List Representatives since they are voted at large, it is submitted that the same should have been done through an amendment of RA. 7166 and not through a resolution of the COMELEC.

Senator Aquilino Martin "Koko" L. Pimentel III first sought this as a remedial measure by filing Senate Bill 3387 in the 15th Congress to provide a legal basis to include the elections for Party-List Representatives in the system of local absentee voting. This bill seeks that very same remedy by proposing an amendment to Section 12 of R.A. 7166 by including therein Party-List Representatives as one of the positions to be voted for under the system of local absentee voting.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


HON. FRANCISCO ASHLEY L. ACEDILLO


HON. GARY C. ALEJANO

¹Resolution No. 3439 for the May 14, 2001 National and Local Elections; Resolution No. 6637 for the May 10, 2004 National and Local Elections; Resolution No. 7797 for the May 14, 2007 National and Local Elections; and Resolution No. 8793 for the May 10, 2010 National and Local Elections.

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AN ACT

TO INCLUDE PARTY-LIST REPRESENTATIVE IN THE LIST OF PUBLIC OFFICERS TO BE ELECTED UNDER THE LOCAL ABSENTEE VOTING, AMENDING FOR THE PURPOSE SECTION 12 OF REPUBLIC ACT NO. 7166, OTHERWISE KNOWN AS, "AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS AND FOR ELECTORAL REFORMS, AUTHORIZING APPROPRIATIONS THEREFOR, AND FOR OTHER PURPOSES"

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

1 **SECTION 1.** Section 12 of Republic Act No. 7166 is hereby amended to read as follows:

2
3 "Section 12. Absentee Voting. - Absentee voting as provided for in Executive Order No. 157
4 dated March 30, 1987 shall apply to the elections for President, Vice-President, [and] Senators,
5 **AND PARTY-LIST REPRESENTATIVE** only and shall be limited to members of the
6 Armed Forces of the Philippines and the Philippine National Police and other government
7 officers and employees who are duly registered voters and who, on election day, may
8 temporarily be assigned in connection with the performance of election duties to places where
9 they are not registered voters."

10
11 **SEC. 2. Separability Clause.** - Should any provision of this Act be declared invalid or
12 unconstitutional, such declaration shall not affect the validity of the remaining provisions of this Act.

13
14 **SEC. 3. Repealing Clause.** - All laws, presidential decrees, executive orders, resolutions, rules
15 and regulations, or any part thereof contrary to or inconsistent with the provisions of this Act are
16 hereby repealed or modified accordingly.

17
18 **SEC. 4. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in two (2)
19 newspapers of general circulation.

Approved,