

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Third Regular Session

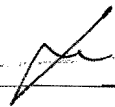
}

OFFICE OF THE SECRETARY

10 JAN 11 P2:18

SENATE

RECEIVED BY



COMMITTEE REPORT NO. 778

Submitted jointly by the Committees on Constitutional Amendments, Revision of Codes and Laws; Foreign Relations; and Finance on JAN 11 2010

Re: Senate Bill No. 3565, prepared by the Committees.

Recommending its approval in substitution of S. Nos. 2333, 3068, and taking into consideration H. No. 3793.

Sponsor: Senator Escudero.

MR. PRESIDENT:

The Committees on Constitutional Amendments, Revision of Codes and Laws; Foreign Relations; and Finance, to which were referred Senate Bill No. 2333, introduced by Senators Villar and Pimentel, Jr., entitled:

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

Senate Bill No. 3068, introduced by Senator Gordon, entitled:

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

and taking into consideration **House Bill No. 3793**, introduced by Representatives Locsin, Cuenco, Garcia (P.), Hontiveros-Baraquiuel, et. al., entitled:

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


have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 3565, prepared by the Committees, entitled:


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


be approved in substitution of Senate Bill Nos. 2333, 3068 and taking into consideration H. No. 3793, with Senators Villar, Pimentel, Jr., Gordon, Escudero, Angara, and Defensor Santiago, ^{and Angara Jr} as authors thereof.

Respectfully submitted


Chairmen:


EDGARDO J. ANGARA
Chairman
Committee on Finance


FRANCIS G. ESCUDERO
Chairman
Committee on Constitutional Amendments
Revision of Codes and Laws


MIRIAM DEFENSOR SANTIAGO
Chairperson
Committee on Foreign Relations

Vice Chairmen:


(subject to further study)

JOKER P. ARROYO
Committee on Finance
Member, Committee on Constitutional Amendments,
Revision of Codes and Laws



GREGORIO B. HONASAN II
Committee on Finance
Member, Committee on Foreign Relations

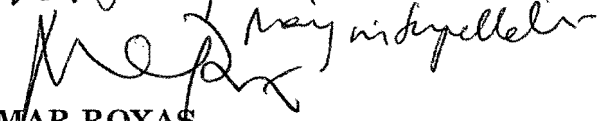
LOREN B. LEGARDA
Committee on Finance
Member, Committees on Constitutional
Amendments, Revision of Codes and Laws;
And Foreign Relations

BENIGNO S. AQUINO III
Committee on Finance
Member, Committee on Constitutional
Amendments, Revision of Codes and Laws

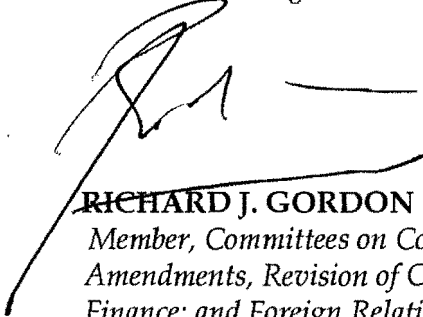
MEMBERS



MANUEL "LITO" LAPID
Member, Committees on Constitutional
Amendments, Revision of Codes and Laws;
Finance; and Foreign Relations

*wish renovations
may expedite*


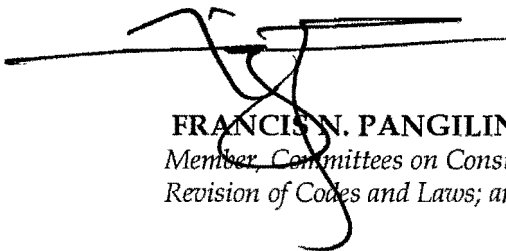
MAR ROXAS
Member, Committees on Constitutional
Amendments, Revision of Codes and Laws;
and Finance



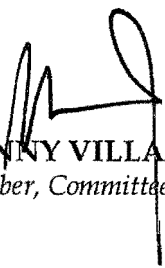
RICHARD J. GORDON
Member, Committees on Constitutional
Amendments, Revision of Codes and Laws;
Finance; and Foreign Relations



RODOLFO G. BIAZON
Member, Committees on Constitutional
Amendments, Revision of Codes and Laws;
Finance; and Foreign Relations



FRANCIS N. PANGILINAN
Member, Committees on Constitutional Amendments,
Revision of Codes and Laws; and Finance



MANNY VILLAR
Member, Committee on Finance

Prop. Amended
PIA S. CAYETANO
Member, Committee on Constitutional Amendments
Revision of Codes and Laws
Member, Committee on Finance
Member, Committee on Foreign Relations

Prop. Amended
M.A. MADRIGAL
Member, Committee on Constitutional Amendments, Revision of Codes & Laws
Member, Committee on Finance
Member, Committee on Foreign Relations

Prop. Amended
PANTINO M. LACSON
Member, Committee on Finance
Member, Committee on Foreign Relations

Prop. Amended
ALAN PETER "COMPANERO" S. CAYETANO
Member, Committee on Finance
Member, Committee on Foreign Relations

Prop. Amended
RAMON "BONG" REVILLA, JR.
Member, Committee on Finance

Prop. Amended
ANTONIO "SONNY" F. TRILLANES IV
Member, Committee on Finance

Ex Officio Members:

Prop. Amended
HON. JINGGOY EJERCITO-ESTRADA
President Pro Tempore

Prop. Amended
HON. JUAN MIGUEL F. ZUBIRI
Majority Leader

Prop. Amended
HON. AQUILINO PIMENTEL, JR.
Minority Leader
Vice Chairman, Committee on Foreign Relations

HON. JUAN PONCE ENRILE
President
Senate of the Philippines
Pasay City

SENATE

10 JAN 11 P2:18

S. No. 3565

RECEIVED BY 

Prepared by the Committees on Constitutional Amendments, Revision of Codes and Laws, Foreign Relations and Finance, with Senators Villar, Pimentel, Jr., Gordon, Escudero, Defensor Santiago and Angara, as authors

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

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

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

1 **IMPLEMENTATION OF THE OVERSEAS ABSENTEE VOTING**
2 **LAW;**

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

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

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

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

1 PART OF THE POSTS' MOBILE CONSULAR AND
2 OUTREACH ACTIVITIES TO FILIPINOS WITHIN THEIR
3 JURISDICTIONS;

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

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

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

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

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

13 M. "*RESIDENT ELECTION REGISTRATION BOARD (RERB)*"
14 REFERS TO THE IN-HOUSE ELECTION REGISTRATION
15 BOARD OF THE COAV COMPOSED OF THREE (3) RANKING
16 OFFICIALS FROM THE COMMISSION, WITH A
17 REPRESENTATIVE EACH FROM THE DEPARTMENT OF
18 FOREIGN AFFAIRS (DFA) AND THE DEPARTMENT OF
19 LABOR AND EMPLOYMENT (DOLE), THE MAIN FUNCTIONS
20 OF WHICH ARE TO PROCESS, APPROVE OR DISAPPROVE
21 ALL APPLICATIONS FOR REGISTRATION AND/OR
22 CERTIFICATION AS OVERSEAS ABSENTEE VOTERS,
23 INCLUDING DEACTIVATION, REACTIVATION AND
24 CANCELLATION OF REGISTRATION RECORDS;

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

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

14 P. *"SPECIAL BOARD OF CANVASSERS (SBOC)"* REFERS TO
15 THE BODY DEPUTIZED BY THE COMMISSION TO CANVASS
16 THE OVERSEAS ABSENTEE VOTING ELECTION RETURNS
17 SUBMITTED TO IT BY THE SPECIAL BOARD OF ELECTION
18 INSPECTORS;

19 Q. *"SPECIAL BOARD OF ELECTION INSPECTORS (SBEI)"*
20 REFERS TO THE BODY DEPUTIZED BY THE COMMISSION
21 TO CONDUCT THE VOTING AND COUNTING OF VOTES;

22 R. *"SYSTEM OF CONTINUING REGISTRATION"* REFERS TO
23 THE ACT OF ACCOMPLISHING AND FILING OF A SWORN
24 APPLICATION FOR REGISTRATION AND/OR

1 CERTIFICATION BY A QUALIFIED OVERSEAS ABSENTEE
2 VOTER BEFORE THE PERSONNEL DEPUTIZED BY THE
3 COMMISSION WITHIN ONE (1) YEAR BEFORE THE START
4 OF THE VOTING PERIOD AND OF INCLUDING THE SAME
5 IN THE NROAV UPON APPROVAL BY THE RERB;

6 S. "VOTING PERIOD" REFERS TO A CONTINUOUS THIRTY
7 (30)-DAY PERIOD, THE LAST DAY OF WHICH IS THE DAY
8 OF ELECTION, INCLUSIVE OF ESTABLISHED HOLIDAYS IN
9 THE PHILIPPINES AND OF SUCH OTHER HOLIDAYS IN
10 THE HOST COUNTRIES.

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

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

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

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

- 20 "a) Those who have lost their Filipino citizenship in accordance with
21 Philippine laws;
- 22 "b) Those who have expressly renounced their Philippine citizenship
23 and who have pledged allegiance to a foreign country, EXCEPT
24 THOSE WHO HAVE REACQUIRED OR RETAINED THEIR

1 PHILIPPINE CITIZENSHIP UNDER REPUBLIC ACT NO.
2 9225, OTHERWISE KNOWN AS THE "CITIZENSHIP
3 RETENTION AND REACQUISITION ACT OF 2003";

4 "c) Those who have committed and are convicted in a final judgment by
5 a PHILIPPINE court or tribunal of an offense punishable by
6 imprisonment of not less than one (1) year, [including those who
7 have committed and been found guilty of Disloyalty as defined
8 under Article 137 of the Revised Penal Code] such disability not
9 having been removed by plenary pardon or amnesty: *Provided,*
10 *however,* That any person disqualified to vote under this subsection
11 shall automatically acquire the right to vote upon **THE** expiration
12 of five (5) years after service of sentence, **AND;** [*Provided, further,*
13 That the Commission may take cognizance of final judgments
14 issued by foreign courts or tribunals only on the basis of reciprocity
15 and subject to the formalities and processes prescribed by the *Rules*
16 *of Court* on execution of judgments;]

17 ["d) An immigrant or a permanent resident who is recognized as
18 such in the host country, unless he/she executes, upon registration,
19 an affidavit prepared for the purpose by the Commission declaring
20 that he/she shall resume actual physical permanent residence in the
21 Philippines not later than three (3) years from approval of his/her
22 registration under this Act. Such affidavit shall also state that
23 he/she has not applied for citizenship in another country. Failure to
24 return shall be the cause for the removal of the name of the

1 immigrant or permanent resident from the National Registry of
2 Absentee Voters and his/her permanent disqualification to vote in
3 *absentia*].

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

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

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

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

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

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

19 “[6.1. Upon receipt of the application for registration, the Election
20 Officer shall immediately set the application for hearing, the notice of
21 which shall be posted in a conspicuous place in the premises of the city or
22 municipal building of the applicant's stated residence for at least one (1)
23 week before the date of the hearing. The Election Officer shall
24 immediately furnish a copy of the application to the designated

1 representatives of political parties and other accredited groups.

2 “[6.2. If no verified objection to the application is filed, the Election
3 Officer shall immediately forward the application to the Election
4 Registration Board, which shall decide on the application within one (1)
5 week from the date of hearing without waiting for the quarterly meeting of
6 the Board. The applicant shall be notified of the approval or disapproval of
7 his/her application by registered mail.

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

16 “[6.4. The application shall be approved or disapproved based on
17 the merits of the objection, counter-affidavit and documents submitted by
18 the party objecting and those of the applicant.

19 “[6.5 A Certificate of Registration as an overseas absentee voter
20 shall be issued by the Commission to all applicants whose applications
21 have been approved, including those certified as registered voters. The
22 Commission shall include the approved applications in the National
23 Registry of Absentee Voters.

1 “[6.6. If the application has been approved, any interested party
2 may file a petition for exclusion not later than two hundred ten (210) days
3 before the day of elections with the proper municipal or metropolitan trial
4 court. The petition shall be decided within fifteen (15) days after its filing
5 on the basis of the documents submitted in connection therewith. Should
6 the court fail to render a decision within the prescribed period, the ruling
7 of the Election Registration Board shall be considered affirmed.

8 “[6.7. If the application has been disapproved, the applicant or his
9 authorized representative shall, within a period of five (5) days from
10 receipt of the notice of disapproval, have the right to file a petition for
11 inclusion with the proper municipal or metropolitan trial court. The
12 petition shall be decided within five (5) days after its filing on the basis of
13 documents submitted in connection therewith.

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

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

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

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

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

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

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

19 “7.1. THE RERB SHALL PROCESS, APPROVE OR
20 DISAPPROVE ALL APPLICATIONS FOR REGISTRATION
21 AND/OR CERTIFICATION AS OVERSEAS ABSENTEE VOTERS,
22 INCLUDING DEACTIVATION, REACTIVATION AND
23 CANCELLATION OF REGISTRATION RECORDS.

1 “7.2 THE RERB SHALL HAVE THE SOLE POWER AND
2 AUTHORITY TO APPROVE OR DISAPPROVE THE
3 APPLICATION FOR REGISTRATION AND/OR CERTIFICATION.”

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

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

6 “8.1. UPON RECEIPT OF THE APPLICATIONS FOR
7 REGISTRATION AND/OR CERTIFICATION FROM THE POSTS
8 AND FROM THE DULY DESIGNATED REGISTRATION CENTERS
9 IN THE PHILIPPINES, THE RERB SHALL SCHEDULE THE
10 HEARING OF THE APPLICATIONS FOR REGISTRATION
11 AND/OR CERTIFICATION.

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

21 “8.2. ANY PARTY MAY FILE AN OBJECTION TO THE
22 APPLICATION WITHIN SEVEN (7) DAYS AFTER THE
23 PUBLICATION OR POSTING OF THE NAMES OF THE
24 APPLICANTS. IN CASE OF DISAPPROVAL OF THE

1 APPLICATION FOR REGISTRATION AND/OR CERTIFICATION,
2 THE RERB SHALL NOTIFY THE APPLICANT, OR HER/HIS
3 AUTHORIZED REPRESENTATIVE IN THE PHILIPPINES,
4 WITHIN FIVE (5) DAYS FROM THE DATE OF DISAPPROVAL,
5 STATING THE REASONS THEREFOR.

6 "8.3. THE RERB SHALL INCLUDE THE NAMES OF THE
7 APPLICANTS WITH APPROVED APPLICATIONS IN THE
8 NATIONAL REGISTRY OF OVERSEAS ABSENTEE VOTERS
9 (NROAV) AND IN THE CERTIFIED LIST OF OVERSEAS
10 ABSENTEE VOTERS (CLOAV) IN THE POSTS WHERE THEY
11 INTEND TO VOTE, SUBJECT TO THE APPROVAL OF THE
12 COMMISSION EN BANC. THE NAMES OF APPLICANTS WITH
13 APPROVED APPLICATIONS SHALL BE PUBLISHED IN THE
14 WEBSITES OF THE COMMISSION, THE DFA, THE DOLE AND
15 THE ACCREDITED FILIPINO CIVIL SOCIETY ORGANIZATIONS.

16 "8.4. APPROVAL OF THE RERB ON APPLICATIONS FOR
17 REGISTRATION OR CERTIFICATION SHALL BE IMMEDIATELY
18 EXECUTORY, UNLESS REVERSED OR SET ASIDE BY FINAL
19 AND EXECUTORY JUDGMENT BY A COURT OF COMPETENT
20 JURISDICTION.

21 "8.5. THE RERB SHALL PERFORM SUCH OTHER DUTIES
22 AS MAY BE CONSISTENT WITH ITS FUNCTIONS, AS PROVIDED
23 IN THIS ACT."

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

1 **“SEC.9. PETITION FOR INCLUSION/ EXCLUSION -**

2 **“9.1. PETITION FOR EXCLUSION. - IF THE APPLICATION**
3 **HAS BEEN APPROVED, ANY INTERESTED PARTY MAY FILE A**
4 **PETITION FOR EXCLUSION NOT LATER THAN ONE HUNDRED**
5 **EIGHTY (180) DAYS BEFORE THE DAY OF ELECTIONS WITH**
6 **THE PROPER MUNICIPAL / METROPOLITAN TRIAL COURT,**
7 **EITHER 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 BASIS OF**
11 **THE DOCUMENTS SUBMITTED WITHIN FIFTEEN (15) DAYS**
12 **FROM ITS FILING, BUT NOT LATER THAN ONE HUNDRED**
13 **TWENTY (120) DAYS BEFORE THE START OF THE VOTING**
14 **PERIOD. SHOULD THE COURT FAIL TO RENDER A DECISION**
15 **WITHIN THE PRESCRIBED PERIOD, THE RULING OF THE**
16 **RERB SHALL BE CONSIDERED AFFIRMED.”**

17 **“9.2. PETITION FOR INCLUSION. - IF THE APPLICATION**
18 **HAS BEEN DISAPPROVED, THE APPLICANT OR HER/HIS**
19 **AUTHORIZED REPRESENTATIVE SHALL HAVE THE RIGHT TO**
20 **FILE A MOTION FOR RECONSIDERATION BEFORE THE RERB**
21 **WITHIN A PERIOD OF FIVE (5) DAYS FROM RECEIPT OF THE**
22 **NOTICE OF DISAPPROVAL. THE MOTION SHALL BE DECIDED**
23 **WITHIN FIVE (5) DAYS AFTER ITS FILING ON THE BASIS OF**
24 **DOCUMENTS SUBMITTED. THE RESOLUTION OF THE RERB**

1 SHALL BE IMMEDIATELY EXECUTORY, UNLESS REVERSED
2 OR SET ASIDE BY THE COURT.

3 "WITHIN TEN (10) DAYS FROM RECEIPT OF NOTICE
4 DENYING THE MOTION FOR RECONSIDERATION, THE
5 APPLICANT MAY FILE A PETITION FOR INCLUSION WITH THE
6 PROPER 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 BASIS OF
11 THE DOCUMENTS SUBMITTED WITHIN FIFTEEN (15) DAYS
12 FROM FILING, BUT NOT LATER THAN ONE HUNDRED TWENTY
13 (120) DAYS BEFORE THE START OF THE VOTING PERIOD.
14 SHOULD THE COURT FAIL TO RENDER A DECISION WITHIN
15 THE PRESCRIBED PERIOD, THE RERB RULING SHALL BE
16 CONSIDERED AFFIRMED.

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

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

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

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

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

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

16 “Pre-departure **ORIENTATION** programs (**PDOS**), services and
17 mechanisms offered and administered by the Department of Foreign
18 Affairs, Department of Labor and Employment, Philippine Overseas
19 Employment Administration, Overseas Workers’ Welfare Administration,
20 Commission on Filipinos Overseas and **BY** other appropriate agencies of
21 the government **AND PRIVATE AGENCIES PROVIDING THE SAME**
22 **SERVICES SHALL INCLUDE THE SALIENT FEATURES OF THIS**
23 **ACT AND** shall be utilized for purposes of supporting the overseas

1 absentee registration and voting processes, subject to SYSTEMS
2 limitations AND THOSE imposed by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 ***“Sec. [9]13. National Registry of Overseas Absentee Voters***
14 ***(NROAV).*** – The Commission shall maintain a National Registry of
15 Overseas Absentee Voters **(NROAV) CONTAINING THE NAMES**
16 **OF REGISTERED OVERSEAS ABSENTEE VOTERS AND THE**
17 **POSTS WHERE THEY ARE REGISTERED.** [Approved applications
18 of overseas absentee registrants shall also be included in the permanent
19 list of voters of the city or municipality where the registrant is
20 domiciled, with the corresponding annotation that such person has been
21 registered or will be voting as an overseas absentee voter. The registry
22 shall also include those registered under Republic Act No. 8189 and
23 who have been issued certifications as overseas absentee voters. The
24 entries in the National Registry of Overseas Absentee Voters and the

1 annotations as overseas absentee voters in the Certified Voters' List
2 shall be permanent, and cannot be cancelled or amended except in any
3 of the following cases:

4 “[9.1. When the overseas absentee voter files a letter under oath
5 addressed to the Commission that he/she wishes to be removed from the
6 Registry of Overseas Absentee Voters, or that his/her name be transferred
7 to the regular registry of voters; or,

8 “[9.2. When an overseas absentee voter's name was ordered
9 removed by the Commission from the Registry of Overseas Absentee
10 Voters for his/her failure to exercise his/her right to vote under this Act for
11 two (2) consecutive national elections.]

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

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

20 “*SEC.14. DEACTIVATION OF REGISTRATION.* - “THE RERB
21 SHALL DEACTIVATE AND REMOVE THE REGISTRATION
22 RECORDS OF THE FOLLOWING PERSONS FROM THE
23 CORRESPONDING BOOK OF VOTERS AND PLACE THE SAME,
24 PROPERLY MARKED AND DATED, IN THE INACTIVE FILE

1 AFTER ENTERING THE CAUSE(S) OF DEACTIVATION. THE
2 FACT OF DEACTIVATION SHALL BE ANNOTATED IN THE
3 NROAV AND THE CORRESPONDING ROAV:

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

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

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

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

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

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

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

4 “[11.1. Every qualified citizen of the Philippines abroad whose
5 application for registration has been approved, including those previously
6 registered under Republic Act No. 8189; shall, in every national election,
7 file with the officer of the embassy, consulate or other foreign service
8 establishment authorized by the Commission, a sworn written application
9 to vote in a form prescribed by the Commission. The authorized officer of
10 such embassy, consulate or other foreign service establishment shall
11 transmit to the Commission the said application to-vote within five (5)
12 days from receipt thereof. The application form shall be accomplished in
13 triplicate and submitted together with the photocopy of his/her overseas
14 absentee voter certificate of registration.

15 “[11.2. Every application to vote in *absentia* may be done personally
16 at, or by mail to, the embassy, consulate or foreign service establishment,
17 which has jurisdiction over the country where he/she has indicated his/her
18 address for purposes of the elections.

19 “[11.3. Consular and diplomatic services rendered in connection
20 with the overseas absentee voting processes shall be made available at no
21 cost to the overseas absentee voter.

22 **“[Sec. 12. Verification and Approval of Application to Vote. -**
23 All applications shall be acted upon by the Commission upon receipt
24 thereof, but in no case later than one hundred fifty (150) days before the

1 day of elections. In the event of disapproval of the application, the voter or
2 his authorized representative may file a Motion for Reconsideration with
3 the Commission personally, or by registered mail, within ten (10) days
4 from receipt of the notice of disapproval. The Commission shall act within
5 five (5) days from receipt of such Motion for Reconsideration and shall
6 immediately notify the voter of its decision. The decision of the
7 Commission shall be final and executory.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “[14.1] 21.1. The Commission shall cause the printing of ballots for
4 overseas absentee voters, [voting instructions,] and **ALL OTHER**
5 **ACCOUNTABLE** election forms in such number as may be necessary,
6 but in no case shall [it] **THEY** exceed the total number of approved
7 applications. Security markings shall be used in the printing of ballots for
8 overseas absentee voters.

9 “[14.2]21.2. The Commission shall present to the authorized
10 representatives of the Department of Foreign Affairs and **OF** the
11 accredited major political parties the ballots for overseas absentee voters,
12 voting instructions, election forms and other election paraphernalia for
13 scrutiny and inspection prior to their transmittal to the **POSTS**
14 [embassies, consulates and other foreign service establishments
15 concerned].

16 “[14.3]21.3. The Commission shall **TRANSMIT, AS FAR AS**
17 **PRACTICABLE BUT** not later than **FORTY** [seventy]-five [75] **(45)**
18 days **BEFORE** the day of elections, [transmit] by special pouch to the
19 **POSTS** [embassies, consulates and other foreign service establishments,]
20 the exact number of ballots for overseas absentee voters corresponding to
21 the number of approved applications, along with such [materials and
22 election paraphernalia] **ACCOUNTABLE FORMS** necessary to ensure
23 the integrity of the election.”

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

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

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

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

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

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

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

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

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

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

21 “[16.1] 24.1 Upon receipt [by the designated officer of the embassy,
22 consulate and other foreign service establishments] of the ballots AND
23 OTHER ACCOUNTABLE FORMS, VOTING MACHINES AND
24 OTHER HARDWARE AND SOFTWARE for overseas absentee voters

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

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

20 "THE COMMISSION SHALL, LIKEWISE, CONSTITUTE AS
21 **MANY SPECIAL BOARDS OF ELECTION INSPECTORS (SBEIS)**
22 **AS MAY BE NECESSARY TO CONDUCT AND SUPERVISE THE**
23 **VOTING AND COUNTING OF VOTES.**

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

11 “ALL SBEI RESOLUTIONS SHALL BE VALID ONLY WHEN
12 APPROVED BY A MAJORITY OF THE MEMBERS OF THE
13 BOARD.”

14 “24.2. VOTING SHALL BE DONE AT THE POSTS, OR
15 WHEREVER FIELD REGISTRATIONS WERE CONDUCTED, OR
16 AT ANY OTHER POLLING PLACE DESIGNATED/ACCREDITED
17 AS SUCH BY THE COMMISSION.

18 “[16.2. The overseas absentee voter shall personally accomplish
19 his/her ballot at the embassy, consulate or other foreign service
20 establishment that has jurisdiction over the country where he/she
21 temporarily resides or at any polling place designated and accredited by
22 the Commission.]

23 “[16.3]. 24.3. The overseas absentee voter shall cast **HER/HIS**
24 [his/her] ballot, upon presentation of the absentee voter identification card

1 issued by the Commission **OR SUCH OTHER DOCUMENTS**
2 **ACCEPTABLE TO THE SBEI AT THE POST AS SUFFICIENT TO**
3 **ESTABLISH HER/HIS IDENTITY** [within thirty (30) days before the
4 day of elections. In the case of seafarers, they shall cast their ballots
5 anytime within sixty (60) days before the day of elections as prescribed in
6 the Implementing Rules and Guidelines].

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

12 “[16.4] 24.4. All accomplished ballots received shall be placed **IN**
13 sealed containers and kept in a secure place designated by the
14 Commission.

15 “[16.5] 24.5. The **SBRCG** [embassies, consulates and other foreign
16 service establishments concerned] shall keep a complete record of the
17 ballots for overseas absentee voters, specifically indicating the number of
18 ballots they actually received [, and in cases where voting by mail is
19 allowed under Section 17 hereof, the names and addresses of the voters to
20 whom these ballots were sent, including proof of receipt thereof]. In
21 addition, the **SBRCG** [embassies, consulates and other foreign service
22 establishments] shall submit a formal report to the Commission and **TO**
23 the Joint Congressional Oversight Committee created under this Act
24 within thirty (30) days from the day of elections. Such report shall contain

1 data on the number of ballots cast and received by the offices, the number
2 of invalid and unclaimed ballots and other pertinent data.

3 **“24.6 BEFORE THE START OF THE COUNTING, ALL**
4 **UNUSED BALLOTS SHALL BE ACCOUNTED FOR AND**
5 **DISPOSED OF APPROPRIATELY BY THE CONCERNED POSTS,**
6 **WITH THE CORRESPONDING FORMAL REPORT OF SUCH**
7 **FACTS TRANSMITTED TO THE COMMISSION.**

8 “[16.6. The overseas absentee voter shall be instructed that his/her
9 ballot shall not be counted if it is not inside the special envelope furnished
10 him/her when it is cast.

11 “[16.7. Ballots not claimed by the overseas absentee voters at the
12 embassies, consulates and other foreign service establishments, in case of
13 personal voting, and ballots returned to the embassies, consulates and
14 other foreign service establishments concerned, in the case of voting by
15 mail, shall be cancelled and shipped to the Commission by the least costly
16 method within six (6) months from the day of elections.]

17 “[16.8] 22.7. Only ballots cast [and mailed ballots received by the
18 Philippine embassies, consulates and other foreign service establishments
19 concerned in accordance with Section 17 hereof before the close of voting on
20 the day of elections shall be counted in accordance with Section 18 hereof.
21 All envelopes containing the ballots received by the embassies, consulates
22 and other foreign service establishments after the prescribed period shall
23 not be opened, and shall be cancelled and shipped to the Commission by
24 the least costly method within six (6) months from the day of elections] AT

1 **OR BEFORE THE CLOSE OF VOTING ON THE DAY OF**
2 **ELECTIONS SHALL BE COUNTED.”**

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

10 “[16.10] 22.8. During **THE VOTING**, [this phase of the election
11 process] the authorized representatives of the political parties, candidates,
12 and accredited citizens' arms of the Commission shall be notified
13 **THEREOF** in writing [thereof] and shall have the right to witness the
14 proceedings.

15 “[16.11. The Commission shall study the use of electronic mail,
16 Internet, or other secured networks in the casting of votes, and submit a
17 report thereon to the Joint Congressional Oversight Committee.]”

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

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

22 “[17.1. For the May, 2004 elections, the Commission shall authorize
23 voting by mail in not more than three (3) countries, subject to the approval

1 of the Congressional Oversight Committee. Voting by mail may be allowed
2 in countries that satisfy the following conditions:

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

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

13 **"25.1. THE COMMISSION SHALL TAKE CUSTODY OF ALL**
14 **OUTGOING BALLOTS PREPARATORY TO THEIR MAILING TO**
15 **THE VOTERS OR TO THE POSTS.**

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

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

14 "[17.2] 25.2. The overseas absentee voter shall send HER/HIS
15 [his/her] accomplished ballot IN THE ACCOMPANYING SPECIAL
16 ENVELOPE AT ANY TIME AFTER RECEIPT THEREOF AND
17 ENSURE THAT THE SAME BALLOT IS RECEIVED AND
18 STAMPMARKED BY THE POST ON OR BEFORE THE CLOSE OF
19 VOTING ON THE DAY OF ELECTIONS [to the corresponding
20 embassy, consular or other foreign service establishment that has
21 jurisdiction over the country where he/she temporarily resides. He/she
22 shall be entitled to cast his/her ballot at any time upon his/her receipt
23 thereof, provided that the same is received before the close of voting on the
24 day of elections. The overseas absentee voter shall be instructed tht

1 his/her ballot shall not be counted if not transmitted in the special
2 envelope furnished him/her].

3 **“[17.3] 25.3.** Only mailed ballots **STAMPMARKED BY THE**
4 **LOCAL POSTAL SERVICE AS HAVING BEEN MAILED**
5 **BEFORE CLOSE OF VOTING AND RECEIVED BY THE**
6 **SBCRG DURING THE COUNTING OF VOTES SHALL BE**
7 **COUNTED.** [received by the Philippine embassy, consulate and other
8 foreign service establishments before the close of voting on the day of
9 elections shall be counted in accordance with Section 18 hereof.] All
10 envelopes containing the **ACCOMPLISHED** ballots received **AFTER**
11 **THE COUNTING OF VOTES SHALL NOT BE OPENED AND**
12 **SHALL BE FILED AND KEPT** [by the embassies, consulates and other
13 foreign service establishments after the prescribed period shall not be
14 opened, and shall be cancelled and disposed of] appropriately **FOR**
15 **PURPOSES OF DOCUMENTATION,** with a corresponding
16 **INVENTORY** report thereon [submitted to the Commission not later
17 than thirty (30) days from the day of elections]. **ACCREDITED**
18 **MAJOR POLITICAL PARTIES SHALL BE FURNISHED**
19 **COPIES OF THE SAID REPORT NOT LATER THAN THIRTY**
20 **(30) DAYS AFTER THE DAY OF ELECTIONS.**

21 **“26.4. THE COMMISSION SHALL MAINTAIN A COMPLETE**
22 **REPORT OF THE NAMES AND ADDRESSES OF THE VOTERS TO**
23 **WHOM THE BALLOTS WERE SENT, INCLUDING THE NUMBER**

1 OF BALLOTS CAST AND RECEIVED BY THE SBRCG, THE
2 NUMBER OF INVALID AND UNCLAIMED BALLOTS, AS WELL AS
3 OTHER PERTINENT DATA AND MAKE A TIMELY REPORT
4 THEREON TO JOINT CONGRESSIONAL OVERSIGHT
5 COMMITTEE.

6 "26.5. ALL MAILED BALLOTS MARKED "RETURN TO
7 SENDER" AND RETURNED TO THE COMMISSION SHALL NOT
8 BE OPENED. THE SAME SHALL BE CANCELLED AND
9 DISPOSED OF APPROPRIATELY, WITH A CORRESPONDING
10 INVENTORY REPORT THEREON DULY FURNISHED THE
11 MAJOR POLITICAL PARTIES NOT LATER THAN THIRTY (30)
12 DAYS AFTER THE DAY OF ELECTIONS."

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

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

18 *Sec. 26.* A new Section 28 of the same Act is hereby inserted to read as follows:

19 "SEC. 28. *VOTING PRIVILEGE OF MEMBERS OF THE SBEI,*
20 *SBRCG AND SBOC.* - GOVERNMENT EMPLOYEES POSTED
21 ABROAD WHO WILL PERFORM ELECTION DUTIES AS
22 MEMBERS OF THE SBEI, SBRCG AND SBOC SHALL BE
23 ALLOWED TO VOTE IN THE POST; *PROVIDED, THAT, THEY*

1 ARE REGISTERED EITHER IN THE PHILIPPINES OR AS
2 OVERSEAS ABSENTEE VOTERS.”

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

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

6 “[18.1] 29.1. The counting and canvassing of votes shall be
7 conducted onsite in the country where the votes were actually cast. The
8 opening of the specially-marked envelopes and containers containing the
9 ballots and the counting and canvassing of votes shall be conducted within
10 the premises of the [embassies, consulates and other Foreign Service
11 establishments, or in such other places as may be designated by the
12 Commission pursuant to the Implementing Rules and Regulations.]

13 **POSTS or WITHIN ANY OTHER POLLING PLACE**
14 **DESIGNATED/ACCREDITED AS SUCH BY THE COMMISSION.**

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

20 “[18.2]. 29.2. [For these purposes, the Commission shall constitute
21 as many Special Boards of Election Inspectors (SBEIs) as may be
22 necessary to conduct and supervise the counting of votes as provided in
23 Section 18.1 hereof. The Special Boards of Election Inspectors to be
24 constituted therein shall be composed of a Chairman and two (2)

1 members, one (1) of whom shall be designated as poll clerk. The
2 ambassador, or consul-general, or any career public officer posted abroad
3 designated by the Commission, as the case may be, shall act as the
4 chairman; in the absence of other government officers, the two (2) other
5 members shall be citizens of the Philippines who are qualified to register
6 and vote under this Act and deputized by the Commission not later than
7 sixty (60) days before the day of elections. All resolutions of the Special
8 Boards of Election Inspectors **SBEIs** on issues brought before it during the
9 conduct of its proceedings shall be valid only when they carry the approval
10 of the chairman.]

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

17 [“18.3. Only ballots cast on, or received by the embassies, consulates
18 and other foreign service establishments before the close of voting on the
19 day of elections shall be included in the counting of votes. Those received
20 afterwards shall not be counted.]

21 “[18.4] **29.3.** A Special Board of Canvassers (**SBOC**) composed of
22 **THE HIGHEST RANKING OFFICER FROM THE POST** [a lawyer
23 preferably of the Commission] as chair[man]**PERSON**, a senior career
24 officer from any of the government agencies maintaining a post abroad

1 and, in the absence of another government officer, a citizen of the
2 Philippines qualified to vote under this Act **AND** deputized by the
3 Commission, as vice-chair[man]**PERSON** and member-secretary,
4 respectively, shall be constituted to canvass the election returns submitted
5 to it by the **SBEIs** [Special Boards of Election Inspectors]. Immediately
6 upon the completion of the canvass, the chair[man]**PERSON** of the
7 **SBOC** [Special Boards of Canvassers] shall transmit via facsimile,
8 electronic mail, **AND/or BY** any other **SAFE, SECURE AND**
9 **RELIABLE** means of transmission [equally safe and reliable] the
10 Certificates of Canvass and the Statements of Votes to the Commission,
11 and shall cause to preserve the same immediately after the conclusion of
12 the canvass, and make it available upon the instructions of the
13 Commission.

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

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

23 "[18.5] 29.4. The canvass of **OVERSEAS** votes shall not cause the
24 delay of the proclamation of a winning candidate if the outcome of the

1 election will not be affected by the results thereof. Notwithstanding the
2 foregoing, the Commission, **AS NATIONAL BOARD OF CANVASSERS**
3 **FOR SENATORS AND PARTY-LIST REPRESENTATIVES, OR**
4 **CONGRESS, AS NATIONAL BOARD OF CANVASSERS FOR**
5 **PRESIDENT AND VICE-PRESIDENT, SHALL PROCLAIM THE** [is
6 empowered to order the proclamation of] winning candidates despite the
7 fact that the scheduled election has not taken place in a particular country
8 or countries, if the holding of elections therein has been rendered
9 impossible by events, factors and circumstances peculiar to such country
10 or countries, and which events, factors and circumstances are beyond the
11 control or influence of the Commission.”

12 “[18.6] 29.5. In the preparation of the final tally of votes on the
13 results of the national elections, [the Commission, shall ensure that] the
14 votes canvassed by each and every country shall be reflected as a separate
15 item from the tally of national votes. For purposes of this Act, the returns
16 of every election for P[p]resident and V[v]ice-P[p]resident prepared by the
17 Special Board of Canvassers shall be deemed a certificate of canvass of a
18 city or a province.”

19 “[18.7]29.6. Where feasible, the counting and canvassing of votes
20 shall be automated. Towards this end, the Commission is hereby
21 authorized to borrow, rent, lease or acquire automated [voting]
22 **COUNTING** machines for purposes of canvassing and counting of votes
23 pursuant to the provisions of this Act, and in accordance with the
24 Implementing Rules and Regulations promulgated by the Commission.”

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

2 *“SEC. 30. AUTHORITY TO ADOPT OTHER MODES OR*
3 *SYSTEMS USING AUTOMATED ELECTION SYSTEM -*
4 *NOTWITHSTANDING CURRENT PROCEDURES AND*
5 *SYSTEMS HEREIN PROVIDED, FOR THE PROPER*
6 *IMPLEMENTATION OF THIS ACT AND IN VIEW OF THE*
7 *PECULIARITIES ATTENDANT TO THE OVERSEAS ABSENTEE*
8 *PROCESS, THE COMMISSION MAY EXPLORE AND ADOPT*
9 *OTHER MORE EFFICIENT, RELIABLE AND SECURE MODES*
10 *OR SYSTEMS, WHETHER PAPER-, ELECTRONIC-,*
11 *TECHNOLOGY- OR INTERNET-BASED, FOR ONSITE AND*
12 *REMOTE REGISTRATION AND VOTING, COUNTING,*
13 *CANVASSING AND CONSOLIDATION OF VOTES, AS WELL AS*
14 *FOR THE TRANSMITTAL OF RESULTS.”*

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

16 *“SEC. 31. PROCUREMENT OF FACILITIES, EQUIPMENT,*
17 *MATERIALS, SUPPLIES OR SERVICES. – TO ACHIEVE THE*
18 *PURPOSE OF THIS ACT, THE COMMISSION MAY, LIKEWISE,*
19 *PROCURE FROM LOCAL OR FOREIGN SOURCES, THROUGH*
20 *PURCHASE, LEASE, RENT OR OTHER FORMS OF*
21 *ACQUISITION, HARDWARE OR SOFTWARE, FACILITIES,*
22 *EQUIPMENT, MATERIALS, SUPPLIES OR SERVICES IN*
23 *ACCORDANCE WITH EXISTING LAWS, FREE FROM IMPORT*

1 **TAXES AND DUTIES, SUBJECT TO GOVERNMENT**
2 **PROCUREMENT RULES AND REGULATIONS.”**

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

5 *“Sec.[19]32. [Authority of the Commission to Promulgate]*
6 *Rules AND REGULATIONS.* – The Commission shall **PROMULGATE**
7 [issue the necessary] rules and regulations **FOR THE** [to effectively
8 implement the] **IMPLEMENTATION AND ENFORCEMENT OF THE**
9 provisions of this **ACT** within sixty (60) days from the effectivity
10 **THEREOF** [of this Act]. [The Implementing Rules and Regulations shall
11 be submitted to the Joint Congressional Oversight Committee created by
12 virtue of this Act for prior approval].

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

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

22 *“Sec. [20]33. - Information Campaign* - The Commission, in
23 coordination with agencies concerned, shall undertake an information
24 campaign to educate the public on the manner of absentee voting for

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

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

6 “THE COMMISSION MAY ENTER INTO CONTRACTS WITH
7 PUBLIC OR PRIVATE ENTITIES TO ENSURE EFFECTIVE AND
8 EFFICIENT INFORMATION DISSEMINATION.”

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

10 “*SEC. 34. ROLE AND ENGAGEMENT OF FILIPINO CIVIL*
11 *SOCIETY ORGANIZATIONS.* - THE COMMISSION SHALL
12 ENCOURAGE AND ENGAGE THE PARTICIPATION OF LOCAL
13 AND OVERSEAS FILIPINO CIVIL SOCIETY ORGANIZATIONS AS
14 ACCREDITED OR DEPUTIZED PARTNERS AT ANY STAGE OF
15 THE OVERSEAS ELECTORAL PROCESS, SUBJECT TO THE
16 GUIDELINES AND LIMITATIONS ELSEWHERE PROVIDED IN
17 THIS ACT OR IN OTHER RELEVANT LAWS, AS WELL AS THOSE
18 THAT THE COMMISSION SHALL PROMULGATE; *PROVIDED,*
19 THAT ANY SUCH ORGANIZATION OR ASSOCIATION SHALL BE
20 ACCREDITED OR DEPUTIZED ON THE BASIS OF THEIR
21 PRESENCE, REACH AND RESOURCES TO EDUCATE THE
22 FILIPINO PUBLIC ON THE PHILIPPINE ELECTORAL SYSTEM,
23 THEIR RIGHTS AS OVERSEAS ABSENTEE VOTERS, THE
24 ABSENTEE VOTING PROCESSES AND OTHER RELATED

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

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

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

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

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

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

11 “*Sec. [22]37. - Assistance from Government Agencies.* - All
12 government officers, particularly from the Department of Foreign Affairs,
13 Department of Labor and Employment, Department of Transportation and
14 Communications, Philippine Postal Corporation, Philippine Overseas
15 Employment Administration, Overseas Workers’ Welfare Administration,
16 Commission on Filipinos Overseas and other government offices concerned
17 with the welfare of the Filipinos overseas shall, to the extent compatible
18 with their primary responsibilities, assist the Commission in carrying out
19 the provisions of this Act. All such agencies or officers thereof shall take
20 reasonable measures to expedite all election activities, which the
21 Commission shall require of them. When necessary, the Commission may
22 send supervisory teams headed by career officers to assist the **POSTS**
23 [embassies, consulates and other foreign service establishments
24 concerned].

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

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

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

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

10 “*[24.1]39.1.* For any officer or employee of the Philippine
11 government to influence or attempt to influence any person covered by
12 this Act to vote, or not to vote, for a particular candidate. Nothing in this
13 Act shall be deemed to prohibit free discussion regarding politics or
14 candidates for public office.

15 “*[24.2]39.2.* For any person to deprive **ANOTHER** [any person] of
16 any right secured in this Act, or to give false information as to
17 **HER**/his[/her] name, address, or period of residence for the purposes of
18 establishing **HER**/his[/her] eligibility or ineligibility to register or vote
19 under this Act; or to conspire with another person for the purpose of
20 encouraging the giving of false information in order to establish the
21 eligibility or ineligibility of any individual to register or vote under this Act;
22 or to pay, or offer to pay, or to accept payment either for application **FOR**
23 **REGISTRATION**, or for voting;

1 “[24.3] 39.3. For any person to **STEAL, CONCEAL, ALTER,**
2 **DESTROY, MUTILATE, MANIPULATE, OR IN ANY WAY** tamper
3 with [the ballot,] the mail containing the ballots for overseas absentee
4 voters, **THE BALLOT,** the election returns, [including the
5 destruction, mutilation and manipulation thereof;] **OR ANY RECORD,**
6 **DOCUMENT OR PAPER AS REQUIRED FOR PURPOSES OF THIS**
7 **ACT;**

8 “[24.4. For any person to steal, destroy, conceal, mutilate or alter
9 any record, document or paper as required for purposes of this Act;]

10 “[24.5] 39.4. For any deputized agent to refuse without justifiable
11 ground, to serve or serving, or to comply with his/her sworn duties after
12 acceptance of his/her appointment;

13 “[24.6]” 39.5. For any public officer or employee **OR ACCREDITED**
14 **OR DEPUTIZED ORGANIZATION OR ASSOCIATION TO** [who shall]
15 cause the preparation, printing, distribution **OR POSTING** of information
16 **OR** material[, or post the same in websites] without the prior approval of
17 the Commission;

18 “[24.7] 39.6. For any public officer or employee to cause the
19 transfer, promotion, extension, recall of any member of the Foreign Service
20 corps, including members of the attached agencies, or otherwise cause the
21 movement of any such member from his current post or position one (1)
22 year before and three (3) months after the day of elections, without
23 securing the prior approval of the Commission;

1 “[24.8] 39.8. For any person who, after being deputized by the
2 Commission to undertake activities in connection with the implementation
3 of this Act, shall campaign for or assist, in whatever manner, candidates in
4 the elections;

5 **“39.9. FOR ANY PERSON TO ENGAGE IN PARTISAN
6 POLITICAL ACTIVITY ABROAD DURING THE 30-DAY OVERSEAS
7 ABSENTEE VOTING PERIOD.”**

8 “[24.9] 39.10. For any person who is not a citizen of the Philippines
9 to participate, by word or deed, directly or indirectly through qualified
10 organizations/associations, in any manner and at any stage of the
11 Philippine political process abroad, including participation in the campaign
12 and elections.

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

17 “The penalties imposed under Section 264 of the Omnibus Election
18 Code, as amended, shall be imposed on any person found guilty of
19 committing any of the prohibited acts as defined in this section: *Provided,*
20 *That* the penalty of *prision mayor* in its minimum period shall be imposed
21 upon any person found guilty **UNDER** Section [24.3]39.3 hereof without
22 the benefit of the operation of the Indeterminate Sentence Law. If the
23 offender is a public officer or a candidate, the penalty shall be *prision*
24 *mayor* in its maximum period. In addition, the offender shall be sentenced

1 to suffer perpetual disqualification to hold public office and deprivation of
2 the right to vote.”

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

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

12 “**Sec. [25] 40. Joint Congressional Oversight Committee.** - A
13 Joint Congressional Oversight Committee is hereby created, composed of
14 the Chairman of the Senate Committee on Constitutional Amendments,
15 Revision of Codes and Laws, and seven (7) other Senators designated by
16 the Senate President, and the Chairman of the House Committee on
17 Suffrage and Electoral Reforms and seven (7) other Members of the House
18 of Representatives designated by the Speaker of the House of
19 Representatives: Provided, That, of the seven (7) members to be
20 designated by each House of Congress, four (4) should come from the
21 majority and the remaining three (3) from the minority.

22 “[The Joint Congressional Oversight Committee shall have the
23 power to monitor and evaluate the implementation of this Act. It shall

1 review, revise, amend and approve the Implementing Rules and
2 Regulations promulgated by the Commission.]”

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

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

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

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

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

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

20 Approved,
21