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REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )

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SENATE  
S. No. 3068

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Introduced by **Senator Richard J. Gordon**

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### EXPLANATORY NOTE

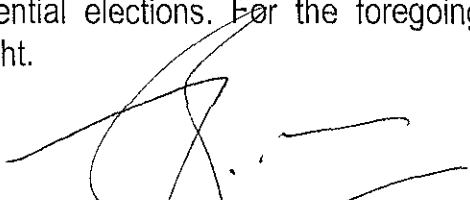
The Overseas Absentee Voting Act of 2003 (Republic Act No. 9189) guarantees to Filipinos who are temporarily or permanently residing overseas, or former Filipinos who have become naturalized citizens of other countries, the right to exercise their constitutional right to suffrage. First implemented in 2004, it presents to overseas absentee voters (OAVs) the opportunity to take part in national elections, allowing them to vote for candidates for national positions.

One out of 10 or roughly eight million Filipinos now work overseas, but in a report released by the Commission on Elections (COMELEC) on absentee voter participation, total registrants in 2003 were only 361,457, while 142,665 registered in 2006. These were for the 2004 and 2007 elections respectively.

The low rate of participation of OAVs is one of the factors behind the low turnout, according to the COMELEC. Other reasons include the distance of OAVs from voting posts, and the requirement to execute an Affidavit of Intent to Return. The affidavit states that one will return to the Philippines to take up permanent residence not later than three years after the approval of registration as an OAV.

This bill proposes to amend Republic Act No. 9189 by removing the requirement for execution of an Affidavit of Intent to Return, and creating a Resident Election Registration Board. It further proposes to allow the conduct of field or mobile registration in posts outside the main confines of Philippine embassies, and the use of Internet voting through appropriate technology with sufficient security.

With a review of these provisions of the law, it is expected that OAVs will have greater participation in the 2010 presidential elections. For the foregoing reasons, the passage of this measure is earnestly sought.



**RICHARD J. GORDON**  
Senator



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

3 "SEC. 3. Definition of Terms. – For purposes of this Act:

4 a) "**OVERSEAS** Absentee Voting" refers to the process by which qualified  
5 citizens of the Philippines abroad exercise their right to vote;

6 b) "Commission" refers to the Commission on Elections;

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

13 d) "Day of Election" refers to the actual date of elections in the Philippines;

- 1 e) "National Registry of Absentee Voters" refers to the consolidated list  
2 prepared, approved and maintained by the Commission, of overseas  
3 absentee voters whose applications for registration as absentee voters,  
4 including those [registered voters who have applied to be certified as  
5 absentee voters, including those] registered voters **UNDER REPUBLIC**  
6 **ACT NO. 8189** who have applied to be certified as absentee voters, have  
7 been approved by the **RESIDENT** Election Registration Board. **IT SHALL**  
8 **INDICATE THE POST WHERE THE OVERSEAS ABSENTEE VOTER IS**  
9 **REGISTERED;**
- 10 f) "Overseas Absentee Voter" refers to a citizen of the Philippines who is  
11 qualified to register and vote under this Act, not otherwise disqualified by  
12 law, who is abroad on the day of elections;
- 13 g) **"COMMITTEE ON OVERSEAS ABSENTEE VOTING (COAV)" REFERS**  
14 **TO THE COMMITTEE OF THE COMMISSION TASKED TO OVERSEE**  
15 **AND SUPERVISE THE EFFECTIVE IMPLEMENTATION OF THE**  
16 **OVERSEAS ABSENTEE VOTING LAW;**
- 17 h) **"DFA OVERSEAS ABSENTEE VOTING SECRETARIAT (DFA-OAVS)"**  
18 **REFERS TO THE SECRETARIAT BASED AT THE DEPARTMENT OF**  
19 **FOREIGN AFFAIRS (DFA) HOME OFFICE TASKED TO DIRECT,**  
20 **COORDINATE AND OVERSEE THE DEPARTMENT'S PARTICIPATION**  
21 **IN THE IMPLEMENTATION OF THE OVERSEAS ABSENTEE VOTING**  
22 **LAW (OAVL)";**
- 23 i) **"FIELD REGISTRATION" REFERS TO THE CONDUCT OF**  
24 **REGISTRATION AT PRE-DETERMINED LOCATION OUTSIDE THE**

1 POSTS FOR A LIMITED PERIOD, UPON FAVORABLE  
2 RECOMMENDATION OF THE DFA-OAVS AND APPROVAL OF THE  
3 COAV BASED ON THE GUIDELINES PRESCRIBED BY THE  
4 COMMISSION;

5 j) "MOBILE OR REMOTE REGISTRATION" REFERS TO THE CONDUCT  
6 OF REGISTRATION AT VARIOUS LOCATIONS OUTSIDE THE POSTS  
7 AND WHICH SHALL BE UNDERTAKEN AS PART OF THE POSTS'  
8 MOBILE CONSULAR AND OUTREACH ACTIVITIES TO FILIPINOS  
9 WITHIN THEIR JURISDICTION;

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

19 l) "POSTS" REFER TO THE PHILIPPINE EMBASSIES, CONSULATES,  
20 FOREIGN SERVICE ESTABLISHMENTS AND OTHER PHILIPPINE  
21 GOVERNMENT AGENCIES MAINTAINING OFFICES ABROAD HAVING  
22 JURISDICTION OVER THE PLACES WHERE THE OVERSEAS  
23 ABSENTEE VOTERS TEMPORARILY RESIDE;

1 m) "RESIDENT ELECTION REGISTRATION BOARD (RERB)" REFERS TO  
2 THE IN-HOUSE ELECTION REGISTRATION BOARD OF THE COAV  
3 COMPOSED OF THREE (3) RANKING OFFICIALS OF THE  
4 COMMISSION, THE MAIN FUNCTIONS OF WHICH ARE TO PROCESS,  
5 APPROVE, OR DISAPPROVE THE APPLICATION FOR  
6 REGISTRATION OR CERTIFICATION AS OVERSEAS ABSENTEE  
7 VOTER;

8 n) "VOTING PERIOD" REFERS TO A MAXIMUM OF THIRTY (30) DAYS  
9 OF VOTING INCLUDING THE DAY OF ELECTIONS, ESTABLISHED  
10 HOLIDAYS IN THE PHILIPPINES AND SUCH OTHER HOLIDAYS AS  
11 MAY BE DECLARED IN THE HOST COUNTRIES.

12 **SEC. 2.** Section 4 of the same Act is hereby amended as follows:

13 "Section 4. Coverage. All citizens of the Philippines abroad, who are not otherwise  
14 disqualified by law, at least eighteen (18) years of age on the day of elections, may  
15 vote for president, vice-president, senators and party-list representatives.  
16 **REGISTERED OVERSEAS ABSENTEE VOTERS ARE ALSO QUALIFIED TO**  
17 **VOTE DURING NATIONAL REFERENDA AND PLEBISCITES.**

18 **SEC. 3.** Section 5 of the same Act is hereby amended as follows:

19 "SEC. 5. Disqualifications – The following shall be disqualified from voting  
20 under this Act:

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

1           **REACQUIRED OR RETAINED THEIR PHILIPPINE CITIZENSHIP UNDER**  
2           **REPUBLIC ACT NO. 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  
5           by a court or tribunal of an offense punishable by imprisonment of not less  
6           than one (1) year, including those who have committed and been found guilty  
7           of Disloyalty as defined under Article 137 of the Revised Penal Code, such  
8           disability not having been removed by plenary pardon or amnesty: Provided,  
9           however, That any person disqualified to vote under this subsection shall  
10          automatically acquire the right to vote upon expiration of five (5) years after  
11          service of sentence; Provided, further, That the Commission may take  
12          cognizance of final judgments issued by foreign courts or tribunals only on the  
13          basis of reciprocity and subject to the formalities and processes prescribed by  
14          the Rules of court on execution of judgments;

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

1 e) Any citizen of the Philippines abroad previously declared insane or  
2 incompetent by competent authority in the Philippines or abroad, as verified  
3 by the Philippine embassies, consulates or Foreign Service establishments  
4 concerned, unless such competent authority subsequently certifies that such  
5 person is no longer insane or incompetent.

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

7 "SEC. 6. **Personal Overseas Absentee Registration.** - Registration **AND**  
8 **CERTIFICATION** as an overseas absentee voter [shall] **WILL** be done in person **AT**  
9 **THE POSTS THAT HAVE JURISDICTION OVER THE LOCALITY WHERE THE**  
10 **APPLICANT TEMPORARILY RESIDES. THE VOTER WILL ALSO SUBMIT**  
11 **HIMSELF/HERSELF TO THE CAPTURE OF BIOMETRIC INFORMATION AS MAY**  
12 **BE REQUIRED BY THE COMMISSION.**

13 **FIELD AND MOBILE REGISTRATION CENTERS MAY ALSO BE SET UP**  
14 **BY THE POSTS CONCERNED TO ENSURE ACCESSIBILITY BY THE**  
15 **OVERSEAS ABSENTEE VOTERS. PRE-DEPARTURE REGISTRATION SHALL**  
16 **LIKEWISE BE CONDUCTED IN ACCREDITED GOVERNMENT AGENCIES OR**  
17 **FACILITIES TO BE DETERMINED BY THE COMMISSION.**

18 **REMOTE REGISTRATION THROUGH THE INTERNET MAY ALSO BE**  
19 **ALLOWED BASED ON THE GUIDELINES AND PROCEDURES DETERMINED BY**  
20 **THE COMMISSION IN CONSULTATION WITH THE JOINT CONGRESSIONAL**  
21 **OVERSIGHT COMMITTEE, PROVIDED THAT THE APPROPRIATE**  
22 **TECHNOLOGY WILL ENSURE ADEQUATE DATA SECURITY AND VOTER**  
23 **AUTHENTICITY.**

1 [Qualified citizens of the Philippines abroad who failed to register under  
2 Republic Act No. 8189, otherwise known as the "The Voters Registration Act of  
3 1996", may personally apply for registration with the Election Registration Board of  
4 the city or municipality where they were domiciled immediately prior to their  
5 departure from the Philippines, or with the representative of the Commission at the  
6 Philippine embassies, consulates and other foreign service establishments that have  
7 jurisdiction over the locality where they temporarily reside. Subject to the specific  
8 guidelines herein provided, the Commission is hereby authorized to prescribe  
9 additional procedures for overseas absentee registration pursuant to the provisions  
10 of Republic Act No. 9189, whenever applicable taking into strict consideration the  
11 time zones and the various periods and processes herein provided for the proper  
12 implementation of this Act. The embassies, consulates and other foreign service  
13 establishments shall transmit within (5) days from receipt the accomplished  
14 registration forms to the Commission, after which the Commission shall coordinate  
15 with the Election Officer of the city or municipality of the applicant's stated residence  
16 for verification, hearing and annotation in the permanent list of voters.

17 All applications for the May, 2004 elections shall be filed with the Commission  
18 not later than two hundred eighty (280) calendar days before the day of elections.  
19 For succeeding elections, the Commission shall provide for the period within which  
20 applications to register must be filed.]

21 **IN THE CASE OF A SEAFARER, HE MAY FILE HIS APPLICATION**  
22 **PERSONALLY AT ANY POST, INDICATING IN HIS APPLICATION FORM THE**  
23 **SPECIFIC ADDRESS WHERE HE WANTS HIS BALLOT TO BE SENT. HE**



1           **SHALL LIKEWISE SUBMIT HIMSELF FOR LIVE CAPTURE OF HIS**  
2           **BIOMETRICS.**

3           [In the case of seafarers, the Commission shall provide a special mechanism  
4           for the time and manner of personal registration taking into consideration the nature  
5           of their work.

6           6.1. Upon receipt of the application for registration, the Election Officer shall  
7           immediately set the application for hearing, the notice of which shall be posted in a  
8           conspicuous place in the premises of the city or municipal building of the applicant's  
9           stated residence for at least one (1) week before the date of the hearing. The  
10          Election Officer shall immediately furnish a copy of the application to the designated  
11          representatives of political parties and other accredited groups.

12          6.2. If no verified objection to the application is filed, the Election Officer shall  
13          immediately forward the application to the Election Registration Board, which shall  
14          decide on the application within one (1) week from the date of hearing without  
15          waiting for the quarterly meeting of the Board. The applicant shall be notified of the  
16          approval or disapproval of his/her application by registered mail.

17          6.3. In the event that an objection to the application is filed prior to or on the  
18          date of hearing, the Election Officer shall notify the applicant of said objection by  
19          registered mail, enclosing therein copies of affidavits or documents submitted in  
20          support of the objection filed with the said Election Officer, if any. The applicant shall  
21          have the right to file his counter-affidavit by registered mail, purely stating therein  
22          facts and defenses sworn before any officer in the host country authorized to  
23          administer oaths.

1           6.4. The application shall be approved or disapproved based on the merits of  
2 the objection, counter-affidavit and documents submitted by the party objecting and  
3 those of the applicant.

4           6.5. A Certificate of Registration as an overseas absentee voter shall be  
5 issued by the Commission to all applicants whose applications have been approved  
6 including those certified as registered voters. The Commission shall include the  
7 approved applications in the National Registry of Absentee Voters.

8           6.6. If the application has been approved, any interested party may file a  
9 petition for exclusion not later than two hundred ten (210) days before the day of  
10 elections with the proper municipal or metropolitan trial court. The petition shall be  
11 *decided within fifteen (15) days after its filing on the basis of the documents*  
12 *submitted in connection therewith.* Should the court fail to render a decision within  
13 the prescribed period, the ruling of the Election Registration Board shall be  
14 considered affirmed.

15           6.7 If the application has been disapproved, the applicant or his authorized  
16 representative shall within a period of five (5) days from receipt of the notice of  
17 disapproval, have the right to file a petition for inclusion with the proper municipal or  
18 metropolitan trial court. The petition shall be decided within five (5) days after its  
19 filing on the basis of documents submitted in connection therewith.

20           Qualified citizens of the Philippines abroad, who have previously registered  
21 as voters pursuant to Republic Act No. 8189 shall apply for certification as absentee  
22 voters and for inclusion in the National Registry of Overseas Absentee Voters, with a  
23 corresponding annotation in the Certified Voters' List.】

24 **SEC. 5.** A new Section 7 is hereby inserted in the same Act to read as follows:

1 "SECTION 7. RESIDENT ELECTION REGISTRATION BOARD; POWERS;  
2 EFFECT. – THERE SHALL BE A RESIDENT ELECTION REGISTRATION BOARD  
3 (RERB) WHICH SHALL PROCESS, APPROVE OR DISAPPROVE ALL  
4 APPLICATIONS FOR REGISTRATION OR CERTIFICATION OF OVERSEAS  
5 ABSENTEE VOTERS.

6 AN APPLICANT WHOSE APPLICATION FOR REGISTRATION HAS BEEN  
7 APPROVED BY THE RERB SHALL BE ENTITLED TO VOTE ONLY AS AN  
8 OVERSEAS ABSENTEE VOTER UNDER THIS ACT. HE MAY VOTE IN LOCAL  
9 ELECTIONS UPON APPROVAL OF HIS REQUEST FOR TRANSFER OF  
10 REGISTRATION RECORD BY THE LOCAL ELECTION REGISTRATION BOARD  
11 OF THE CITY/MUNICIPALITY COMPRISING HIS RESIDENCE."

12 **SEC. 6.** A new Section 8 is hereby inserted in the same Act to read as follows:

13 "SEC. 8. DUTIES AND FUNCTIONS OF THE RERB. -

14 8.1. UPON RECEIPT OF THE APPLICATIONS FOR REGISTRATION  
15 FROM THE POSTS, THE RERB OF THE COMMISSION SHALL SCHEDULE THE  
16 HEARING OF THE APPLICATIONS FOR REGISTRATION.

17 IT SHALL BE THE DUTY OF THE RERB TO NOTIFY ALL POLITICAL  
18 PARTIES AND OTHER PARTIES CONCERNED OF THE PENDING  
19 APPLICATIONS FOR REGISTRATION THROUGH A WEEKLY UPDATED  
20 PUBLICATION IN THE WEBSITES OF THE COMMISSION AND THE DFA-OAVS  
21 AND POSTING THE NAMES OF THE APPLICANTS IN CONSPICUOUS PLACES  
22 NEAR THE PLACE WHERE THE RERB WILL HOLD ITS HEARING.

1           8.2. THE RERB SHALL HAVE THE SOLE POWER AND AUTHORITY TO  
2 APPROVE OR DISAPPROVE THE APPLICATION FOR REGISTRATION OR  
3 CERTIFICATION ON THE BASIS OF THE NON-FILING OF ANY OBJECTION  
4 FROM ANY PARTY WITHIN SEVEN (7) DAYS AFTER THE PUBLICATION OR  
5 POSTING OF THE NAMES OF THE APPLICANTS. IN CASE OF DISAPPROVAL  
6 OF THE APPLICATION FOR REGISTRATION, WITHIN FIVE (5) DAYS FROM THE  
7 DATE OF DISAPPROVAL, THE RERB SHALL NOTIFY THE APPLICANT OR  
8 HER/HIS AUTHORIZED REPRESENTATIVE IN THE PHILIPPINES STATING THE  
9 REASONS THEREFORE.

10           8.3. THE RERB SHALL INCLUDE THE NAME OF THE APPLICANT  
11 WITH APPROVED APPLICATIONS IN THE NATIONAL REGISTRY OF  
12 ABSENTEE VOTERS AND IN THE CERTIFIED LIST OF OVERSEAS ABSENTEE  
13 VOTERS (CLOAV) IN THE POSTS WHERE SHE/HE INTENDS TO VOTE IN THE  
14 NEXT NATIONAL ELECTIONS SUBJECT TO THE APPROVAL OF THE  
15 COMMISSION EN BANC.

16           8.4. APPROVAL OF THE RERB ON APPLICATION FOR  
17 REGISTRATION SHALL BE IMMEDIATELY EXECUTORY UNLESS REVERSED  
18 OR SET ASIDE BY A COURT OF COMPETENT JURISDICTION IN A DECISION  
19 WHICH HAS BECOME FINAL AND EXECUTORY.

20           8.5. IF THE APPLICATION HAS BEEN APPROVED, ANY INTERESTED  
21 PARTY MAY FILE A PETITION FOR EXCLUSION NOT LATER THAN ONE  
22 HUNDRED EIGHTY (180) DAYS BEFORE THE DAY OF ELECTIONS WITH THE  
23 PROPER MUNICIPAL OR METROPOLITAN TRIAL COURT. THE PETITION  
24 SHALL BE DECIDED WITHIN FIFTEEN (15) DAYS AFTER ITS FILING ON THE

1 BASIS OF THE DOCUMENTS SUBMITTED IN CONNECTION THEREWITH.  
2 SHOULD THE COURT FAIL TO RENDER A DECISION WITHIN THE  
3 PRESCRIBED PERIOD, THE RULING OF THE RERB SHALL BE CONSIDERED  
4 AFFIRMED.

5 8.6. IF THE APPLICATION HAS BEEN DISAPPROVED, THE APPLICANT OR  
6 HER/HIS AUTHORIZED REPRESENTATIVE SHALL, WITHIN A PERIOD OF FIVE  
7 (5) DAYS FROM RECEIPT OF THE NOTICE OF DISAPPROVAL, HAVE THE  
8 RIGHT TO FILE A MOTION FOR RECONSIDERATION BEFORE THE RERB  
9 WHICH SHALL BE DECIDED WITHIN FIVE (5) DAYS AFTER ITS FILING ON THE  
10 BASIS OF DOCUMENTS SUBMITTED IN CONNECTION THEREWITH. THE  
11 RESOLUTION OF THE RERB ON THE MOTION FOR RECONSIDERATION  
12 SHALL BE IMMEDIATELY EXECUTORY UNLESS REVERSED OR SET ASIDE  
13 BY THE COURT IN A DECISION WHICH HAS BECOME FINAL AND  
14 EXECUTORY.

15 THE ADVERSE PARTY MAY FILE A PETITION FOR INCLUSION WITHIN  
16 TEN (10) DAYS FROM RECEIPT OF THE NOTICE DENYING THE MOTION FOR  
17 RECONSIDERATION WITH THE PROPER MUNICIPAL OR METROPOLITAN  
18 TRIAL COURT. THE PETITION SHALL BE DECIDED WITHIN FIFTEEN (15)  
19 DAYS AFTER ITS FILING ON THE BASIS OF THE DOCUMENTS SUBMITTED IN  
20 CONNECTION THEREWITH. SHOULD THE COURT FAIL TO RENDER A  
21 DECISION WITHIN THE PRESCRIBED PERIOD, THE RULING OF THE RERB  
22 SHALL BE CONSIDERED AFFIRMED.

1           QUALIFIED CITIZENS OF THE PHILIPPINES ABROAD WHO HAVE  
2           PREVIOUSLY REGISTERED AS VOTERS PURSUANT TO REPUBLIC ACT NO.  
3           8189 SHALL APPLY FOR CERTIFICATION AS ABSENTEE VOTERS AND FOR  
4           INCLUSION IN THE NATIONAL REGISTRY OF OVERSEAS ABSENTEE  
5           VOTERS. IN CASE OF APPROVAL, THE ELECTION OFFICER CONCERNED  
6           SHALL ANNOTATE THE NAME OF THE VOTER IN THE CERTIFIED VOTERS'  
7           LIST AND HIS VOTER'S REGISTRATION RECORDS.

8           APPLICANTS WHOSE APPLICATIONS FOR REGISTRATION AND  
9           CERTIFICATION AS OVERSEAS ABSENTEE VOTERS HAVE BEEN APPROVED  
10          MUST NOTIFY THE COAV, THROUGH ITS CHAIRMAN, IN THE EVENT OF  
11          CHANGE OF VOTING VENUE AT LEAST ONE HUNDRED EIGHTY (180) DAYS  
12          PRIOR TO THE NEXT NATIONAL ELECTIONS; *PROVIDED*, THAT THOSE WHO  
13          WOULD EVENTUALLY VOTE IN THE PHILIPPINES SHOULD REGISTER IN THE  
14          MUNICIPALITY WHERE THEY INTEND TO VOTE AND WITHIN THE TIME  
15          FRAME PROVIDED FOR LOCAL REGISTRATION: *PROVIDED FURTHER*, THAT  
16          THE APPLICANT SHALL NOTIFY THE COAV, THROUGH ITS CHAIRMAN, OF  
17          HIS TRANSFER IN THE PHILIPPINES AT LEAST ONE HUNDRED EIGHTY (180)  
18          DAYS PRIOR TO THE NEXT NATIONAL ELECTIONS FOR PURPOSES OF  
19          CANCELLING HIS NAME IN THE CLOAV AND REMOVING HIS OVERSEAS  
20          ABSENTEE VOTER'S REGISTRATION RECORDS FROM THE BOOK OF  
21          VOTERS.

1 THE COMMISSION SHALL EXERT ALL EFFORTS TO ISSUE AN  
2 OVERSEAS ABSENTEE VOTER IDENTIFICATION CARD TO THOSE WHOSE  
3 APPLICATIONS TO VOTE HAVE BEEN APPROVED.”

4 **SEC. 7.** Section 7 of the same Act is hereby renumbered as Section 9.

5 “SEC.[7].9 - **System of Continuing Registration** - The Commission shall ensure  
6 that the benefits of the system of continuing registration are extended to qualified  
7 overseas absentee voters. Towards this end, the Commission **IS AUTHORIZED**  
8 **TO UTILIZE AND** [shall] optimize the use of existing facilities, personnel and  
9 mechanisms of the various government agencies for purposes of data gathering,  
10 data validation, information dissemination and facilitation of the registration  
11 process.

12 Pre-departure programs, services and mechanisms offered and administered by  
13 the Department of Foreign Affairs, Department of Labor and Employment,  
14 Philippine Overseas Employment Administration, Overseas Workers' Welfare  
15 Administration, Commission on Filipinos Overseas and other appropriate agencies  
16 of the government **AND PRIVATE AGENCIES PROVIDING SAME SERVICES**  
17 shall be utilized for purposes of supporting the overseas absentee registration and  
18 voting processes, subject to **SYSTEMS** limitations **AND THOSE** imposed by law.

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

21 “SEC. [8] **10.** Requirements for Registration. – Every Filipino registrant shall be  
22 required to furnish the following documents:

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

6 b. Accomplished registration form prescribed by the Commission containing  
7 the following mandatory information:

8 i. Last known residence of the applicant in the Philippines before  
9 leaving for abroad

10 ii. Address of applicant abroad, or forwarding address in the case of  
11 seafarers; **AND**

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

15 iv. Name and address of applicant's authorized representative in the  
16 Philippines for purposes of Section 6.7 and Section 12  
17 hereof.]

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



1 Such affidavit shall also state that he/she has not applied for  
2 citizenship in another country.]

3 **C. APPLICANTS WHO WILL AVAIL OF THE BENEFITS GRANTED**  
4 **UNDER RA NO. 9225 SHALL BE REQUIRED TO PRESENT THE**  
5 **ORIGINAL OR CERTIFIED TRUE COPY OF THE ORDER OF**  
6 **APPROVAL APPROVING THEIR APPLICATION TO RETAIN OR**  
7 **REACQUIRE FILIPINO CITIZENSHIP ISSUED BY THE POST, OR AN**  
8 **IDENTIFICATION CERTIFICATE ISSUED BY THE BUREAU OF**  
9 **IMMIGRATION.**

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

13 **ALL APPLICATIONS FOR REGISTRATION AS AN OVERSEAS**  
14 **ABSENTEE VOTER SHALL BE CONSIDERED AS APPLICATIONS TO VOTE IN**  
15 **ABSENTIA. AN OVERSEAS ABSENTEE VOTER IS PRESUMED TO BE ABROAD**  
16 **UNLESS HE/SHE APPLIES FOR TRANSFER OF REGISTRATION RECORD OR**  
17 **HE/SHE REQUESTS THAT HIS/HER NAME BE CANCELLED FROM THE**  
18 **NROAV.”**

19 **SEC. 9.** Section 9 of the same Act is hereby renumbered as Section 11 and is amended to  
20 read as follows:

21 **“Sec.[9] 11. National Registry of Overseas Absentee Voters.** - The Commission  
22 shall maintain a National Registry of Overseas Absentee Voters (**NROAV**). **ALL**

1 [Approved applications of] overseas absentee registrants **WHOSE APPLICATION**  
2 **HAD BEEN APPROVED** shall also be included in the **REGULAR REGISTRY OF**  
3 **OVERSEAS ABSENTEE VOTERS (ROAV) IN THE CITY OR MUNICIPALITY**  
4 **WHERE THE REGISTRANT IS DOMICILED.** [Permanent list of voters of the city or  
5 municipality where the registrant is domiciled with the corresponding annotation that  
6 such person has been registered or will be voting as an overseas absentee voter. The  
7 registry shall also include those registered under Republic Act No. 8189 and who have  
8 been issued certifications as overseas absentee voters. The entries in the National  
9 Registry of Overseas Absentee Voters and the annotations as overseas absentee  
10 voters in the Certified Voters List shall be permanent, and cannot be cancelled or  
11 amended except in any of the following cases:

12 9.1 When the overseas absentee voter files a letter under oath addressed to  
13 the Commission that he / she wishes to be removed from the Registry of Overseas  
14 Absentee Voters, or that his / her name to be transferred to the regular registry of  
15 voters; or,

16 9.2 When an overseas absentee voter's name was ordered removed by the  
17 Commission from the Registry of Overseas Absentee Voters for his/her failure to  
18 exercise his/her right to vote under this Act for two (2) consecutive national  
19 elections.]

20 **TOWARDS THIS END, THE COMMISSION SHALL PROVIDE EACH**  
21 **MUNICIPALITY OR CITY WITH A REGISTRY OF OVERSEAS ABSENTEE VOTERS**  
22 **(ROAV) FOR THEIR REFERENCE.**

1 THE COMMISSION SHALL DEACTIVATE THE REGISTRATION AND  
2 REMOVE THE REGISTRATION RECORDS OF THE FOLLOWING PERSONS  
3 FROM THE NROAV AND THE CORRESPONDING ROAV AND PLACE THE SAME,  
4 PROPERLY MARKED AND DATED IN INDELIBLE INK, IN THE INACTIVE FILE  
5 AFTER ENTERING THE CAUSE OF DEACTIVATION:

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

15 B. ANY PERSON WHO HAS BEEN ADJUDGED BY FINAL JUDGMENT BY A  
16 COMPETENT COURT OR TRIBUNAL OF HAVING CAUSED/COMMITTED ANY  
17 CRIME INVOLVING DISLOYALTY TO THE DULY CONSTITUTED  
18 GOVERNMENT, SUCH AS REBELLION, SEDITION, VIOLATION OF THE ANTI-  
19 SUBVERSION AND FIREARMS LAWS, OR ANY CRIME AGAINST NATIONAL  
20 SECURITY, UNLESS RESTORED TO HIS FULL CIVIL AND POLITICAL RIGHTS  
21 IN ACCORDANCE WITH LAW; PROVIDED, THAT HE SHALL REGAIN HIS  
22 RIGHT TO VOTE AUTOMATICALLY UPON THE EXPIRATION OF FIVE (5)  
23 YEARS AFTER SERVICE OF SENTENCE;

1 C. ANY PERSON DECLARED BY COMPETENT AUTHORITY TO BE INSANE OR  
2 INCOMPETENT UNLESS SUCH DISQUALIFICATION HAS BEEN  
3 SUBSEQUENTLY REMOVED BY A DECLARATION OF A PROPER AUTHORITY  
4 THAT SUCH PERSON IS NO LONGER INSANE OR INCOMPETENT;

5 D. ANY PERSON WHO DID NOT VOTE IN THE TWO (2) SUCCESSIVE PRECEDING  
6 NATIONAL ELECTIONS AS SHOWN BY THEIR VOTING RECORDS; AND

7 E. ANY PERSON WHOSE REGISTRATION HAS BEEN ORDERED EXCLUDED BY  
8 THE COURT.

9 **SEC. 10.** Section 10 of the same Act is hereby renumbered as Section 12.

10 **SEC. 11.** Sections 11 and 12 of the same Act are hereby deleted:

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

12 11. 1. Every qualified citizen of the Philippines abroad whose application for  
13 registration has been approved, including those previously registered under  
14 Republic Act No. 8189, shall, in every national election, file with the officer of the  
15 embassy, consulate or other foreign service establishment authorized by the  
16 Commission, a sworn written application to vote in a form prescribed by the  
17 Commission. The authorized officer of such embassy, consulate or other Foreign  
18 Service establishment shall transmit to the Commission the said application to vote  
19 within five (5) days from receipt thereof. The application form shall be accomplished  
20 in triplicate and submitted together with the photocopy of his/her overseas  
21 absentee voter certificate of registration.

1 11. 2. Every application to vote in absentia may be done personally at, or by mail  
2 to, the embassy, consulate or Foreign Service establishment, which has jurisdiction  
3 over the country where he/she has indicated his/her address for purposes of the  
4 elections.

5 11. 3. Consular and diplomatic services rendered in connection with the overseas  
6 absentee voting processes shall be made available at no cost to the overseas  
7 absentee voter.

8 **Sec. 12 - *Verification and Approval of Application to Vote*** - All applications shall  
9 be acted upon by the Commission upon receipt thereof, but in no case later than  
10 one hundred fifty (150) days before the day of elections. In the event of disapproval  
11 of the application, the voter or his authorized representative may file a Motion for  
12 Reconsideration with the Commission personally, or by registered mail, within ten  
13 (10) days from receipt of the notice of disapproval. The Commission shall act within  
14 five (5) days from receipt of such Motion for Reconsideration and shall immediately  
15 notify the voter of its decision. The decision of the Commission shall be final and  
16 executory.

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

19 **SEC. 12.** A new Section 13 of the same Act is hereby inserted to read as follows:

20 **“SEC. 13. REACTIVATION OF REGISTRATION. — ANY OVERSEAS ABSENTEE**  
21 **VOTER WHOSE REGISTRATION HAS BEEN DEACTIVATED PURSUANT TO**  
22 **THE PRECEDING SECTION MAY FILE WITH THE COAV ANY TIME BUT NOT**

1           LATER THAN ONE HUNDRED TWENTY (120) DAYS BEFORE THE NEXT  
2           NATIONAL ELECTIONS A SWORN APPLICATION FOR REACTIVATION OF HIS  
3           REGISTRATION IN THE FORM OF AN AFFIDAVIT STATING THAT THE  
4           GROUNDS FOR THE DEACTIVATION NO LONGER EXIST. THE COAV SHALL  
5           SUBMIT SAID APPLICATION TO THE RERB FOR APPROPRIATE ACTION.”

6   **SEC. 13.** A new Section 14 of the same Act is hereby inserted to read as follows:

7           “**SEC.14. CANCELLATION OF REGISTRATION. — THE RERB SHALL CANCEL**  
8           **THE REGISTRATION RECORDS OF THOSE WHO HAVE DIED AS CERTIFIED**  
9           **BY EITHER THE POSTS OR THE LOCAL CIVIL REGISTRAR AND THOSE WHO**  
10           **HAVE BEEN PROVEN TO HAVE LOST THEIR FILIPINO CITIZENSHIP.”**

11   **SEC. 14.** Section 13 of the same Act is hereby renumbered as Section 15 and is amended  
12 to read as follows:

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

20           Subject to reasonable regulation and the payment of fees in such amounts as may,  
21           be fixed by the Commission, the candidates, political parties, accredited citizens'

1 arms, **AND** all other interested persons [and all embassies, consulates and other  
2 foreign service establishments] shall be furnished copies thereof.”

3 **SEC. 15.** Section 14 of the same Act is hereby renumbered as Section 16 and is amended  
4 to read as follows:

5 “SEC.[14]**16. Printing and Transmittal of Ballots, Voting Instructions, Election**  
6 **Forms and Paraphernalia**

7 [14.1] **16.1.** The Commission shall cause the printing of ballots for overseas  
8 absentee voters, [voting instructions,] and **ALL OTHER ACCOUNTABLE** election  
9 forms in such number as may be necessary, but in no case shall it exceed the total  
10 number of approved applications. Security markings shall be used in the printing of  
11 ballots for overseas absentee voters.

12 [14.2] **16.2.** The Commission shall present to the authorized representatives of the  
13 Department of Foreign Affairs and the accredited major political parties the ballots for  
14 overseas absentee voters, voting instructions, election forms and other election  
15 paraphernalia for scrutiny and inspection prior to their transmittal to the **POSTS**  
16 [embassies, consulates and other foreign service establishments concerned].

17 [14.3] **16.3.** The Commission shall, **AS FAR AS PRACTICABLE**, [not later than  
18 seventy five (75) days before the day of elections,] transmit by special pouch to the  
19 **POSTS** [embassies, consulates and other foreign service establishments] the exact  
20 number of ballots for overseas absentee voters corresponding to the number of  
21 approved applications, along with such [materials and election paraphernalia]  
22 **ACCOUNTABLE FORMS** necessary to ensure the [secrecy and] integrity of the

1 election, **NOT LATER THAN FORTY FIVE (45) DAYS BEFORE THE DAY OF**  
2 **ELECTIONS.**

3 [14.4] **16.4.** The authorized representatives of accredited major political parties shall  
4 have the right to be present in all phases of printing, transmittal, and casting of  
5 mailed ballots abroad. [Unclaimed ballots properly marked as such, shall be  
6 cancelled and shipped to the Commission by the least costly method.]”

7 **SEC. 16.** Section 15 of the same Act is hereby renumbered as Section 17 and is amended  
8 to read as follows:

9 **“SEC.[15]17. Regulation on Campaigning Abroad.** - The use of campaign  
10 materials, as well as the limits on campaign spending shall be governed by the laws  
11 and regulations applicable in the Philippines **AND TO THE EXTENT ALLOWABLE**  
12 **BY THE LAWS OF HOST COUNTRIES.”**

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

14 **“SEC. 18. VOTING. – VOTING MAY BE DONE EITHER PERSONALLY, BY MAIL**  
15 **OR ANY OTHER MEANS AS MAYBE ALLOWED UNDER SECTION 52(i) OF**  
16 **BATAS PAMBANSA BLG. 881 AS AMENDED. THE COAV, IN CONSULTATION**  
17 **WITH DFA-OAVS, SHALL DETERMINE THE COUNTRIES WHERE VOTING**  
18 **SHALL BE DONE BY ANY MODE TAKING INTO CONSIDERATION THE**  
19 **MINIMUM CRITERIA ENUMERATED UNDER THIS ACT WHICH SHALL**  
20 **INCLUDE THE NUMBER OF REGISTERED VOTERS, ACCESSIBILITY OF THE**  
21 **POSTS, EFFICIENCY OF THE HOST COUNTRY’S APPLIED SYSTEM AND**  
22 **SUCH OTHER CIRCUMSTANCES THAT MAY AFFECT THE CONDUCT OF**  
23 **VOTING.**



1 **SEC. 18.** Section 16 of the same Act is hereby renumbered as Section 19 and is amended  
2 to read as follows:

3 “SEC. [16] **19. PERSONAL VOTING-** Casting and Submission of Ballots. [16.1]  
4 **19.1.** Upon receipt [by the designated officer of the embassy, consulate and other  
5 foreign service establishments] of the ballots **AND SUCH OTHER ACCOUNTABLE**  
6 **FORMS, VOTING MACHINES AND OTHER HARDWARE AND SOFTWARE** for  
7 overseas absentee voters [, voting instructions, election forms and other  
8 paraphernalia] **BY THE DESIGNATED OFFICER OF THE POST**, he/she shall make  
9 them available on the premises to the qualified overseas absentee voters in their  
10 respective jurisdictions during the thirty (30) days before **AND ON** the day of  
11 elections when overseas absentee voters may cast their vote. Immediately upon  
12 receiving it, the overseas absentee voter must fill-out his/her ballot personally, in  
13 secret, without leaving the premises of the **POSTS** [embassies, consulates and other  
14 Foreign Service establishments concerned].

15 [16.2] **19.2.** The overseas absentee voter shall personally accomplish his/her ballot  
16 at the **POST** [ embassy, consulate or other foreign service establishment] that has  
17 jurisdiction over the country where he/she temporarily resides or at any polling place  
18 designated and accredited by the Commission **AND APPROVED BY THE HOST**  
19 **GOVERNMENT.**

20 16.3] **19.3. VOTING SHALL BE FOR A MAXIMUM PERIOD OF THIRTY (30) DAYS**  
21 **INCLUDING THE DAY OF ELECTIONS, ESTABLISHED HOLIDAYS IN THE**  
22 **PHILIPPINES AND SUCH OTHER HOLIDAYS AS MAY BE DECLARED IN THE**  
23 **HOST COUNTRIES.**

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

8           **UPON WRITTEN REQUEST FROM THE POSTS AND FAVORABLE**  
9 **RECOMMENDATION OF THE DFA, THE COMMISSION MAY PRESCRIBE A**  
10 **LESSER NUMBER OF DAYS OF VOTING WHEN ALL REGISTERED OVERSEAS**  
11 **ABSENTEE VOTERS THEREAT HAVE ALREADY CAST THEIR VOTES.**

12 [16.4] **19.4.** All accomplished ballots received shall be placed [unopened] inside  
13 sealed containers and kept in a secure place designated by the Commission.

14 [16.5] **19.5.** The **POSTS** [embassies, consulates and other foreign service  
15 establishments concerned] shall keep a complete record of the ballots for overseas  
16 absentee voters, specifically indicating the number of ballots they actually received [,  
17 and in cases where voting by mail is allowed under Section 17 hereof, the names  
18 and addresses of the voters to whom these ballots were sent, including proof of  
19 receipt thereof]. In addition, the **POSTS** [embassies, consulates and other Foreign  
20 Service establishments] shall submit a formal report to the Commission and the Joint  
21 Congressional Oversight Committee created under this Act within thirty (30) days  
22 from the day of elections. Such report shall contain data on the number of ballots  
23 cast and received by the offices, the number of invalid and unclaimed ballots and  
24 other pertinent data.

1           **19.6. BEFORE THE START OF COUNTING, ALL UNUSED BALLOTS**  
2           **SHALL BE APPROPRIATELY DISPOSED OF BY THE CONCERNED POST**  
3           **AFTER ACCOUNTING FOR THE SAME WITH THE FORMAL REPORT**  
4           **TRANSMITTED TO THE COMMISSION OF SUCH FACT.**

5           [16.6 The overseas absentee voter shall be instructed that his/her ballot  
6           shall not be counted if it is not inside the special envelope furnished him/her when it  
7           is cast.

8           16.7. Ballots not claimed by the overseas absentee voters at the embassies,  
9           consulates and other foreign service establishments, in case of personal voting,  
10          and ballots returned to the embassies, consulates and other foreign service  
11          establishments concerned, in the case of voting by mail, shall be cancelled and  
12          shipped to the Commission by the least costly method within six (6) months from  
13          the day of elections.]

14          [16.8.] **19.7. Only ballots cast, ON OR BEFORE THE CLOSE OF VOTING**  
15          **ON THE DAY OF ELECTIONS, SHALL BE COUNTED AFTER THE**  
16          **PRESCRIBED PERIOD.** [and mailed ballots received by the Philippine embassies,  
17          consulates and other foreign service establishments concerned in accordance with  
18          Section 17 hereof before the close of voting on the day of elections shall be  
19          counted in accordance with Section 18 hereof. All envelopes containing the ballots  
20          received by the embassies, consulates and other Foreign Service establishments  
21          after the prescribed period shall not be opened, and shall be cancelled and shipped  
22          to the Commission by the least costly method within six (6) months from the day of  
23          elections.]

1           [16.9.] **19.8.** A Special Ballot Reception and Custody Group (**SBRCG**)  
2 composed of three (3) members shall be constituted by the Commission from  
3 among the staff of the **POSTS** [embassies, consulates and other foreign service  
4 establishments] concerned, including their attached agencies, and citizens of the  
5 Philippines abroad, who will be deputized to receive ballots and **ALL OTHER**  
6 **ELECTION FORMS AND** take custody of the same preparatory to their transmittal  
7 to the Special Boards of Election Inspectors.

8           [16.10.] **19.9.** During this phase of the election process, the authorized  
9 representatives of political parties, candidates, and accredited citizens' arms of the  
10 Commission shall be notified in writing thereof and shall have the right to witness  
11 the proceedings.

12           [16.11.] **19.10.** The Commission shall **CONTINUOUSLY** study, **EVALUATE**  
13 **AND RECOMMEND THE ADOPTION OF** the use of electronic mail, internet or  
14 other secured networks in the casting of votes[, and submit] **IT SHALL LIKEWISE**  
15 **DEVELOP AND MAINTAIN THE APPROPRIATE SOFTWARE AND HARDWARE**  
16 **TECHNOLOGIES FOR SUCH PURPOSE FOR SUBMISSION OF** a report thereon  
17 to the Joint Congressional Oversight Committee.

18       **SEC. 19.** Section 17 of the same Act is hereby renumbered as Section 20 and is  
19 amended to read as follows:

20           “SEC. [17] **20.** Voting by Mail. – **MAILING AND SUBMISSION OF BALLOTS.**

21           [17.1 For the May 2004 elections, the Commission shall authorize voting by  
22 mail in not more than three (3) countries, subject to the approval of the

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

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

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

12 **20.1. THE COMMISSION SHALL TAKE CUSTODY OF ALL OUTGOING**  
13 **BALLOTS PREPARATORY TO THEIR MAILING TO THE VOTERS.**

14 **THE BALLOTS SHALL BE SENT BY THE COMMISSION DIRECTLY TO**  
15 **THE REGISTERED VOTERS BY MAIL THROUGH THE FACILITIES OF THE**  
16 **PHILIPPINE POSTAL CORPORATION (PHILPOST).**

17 **THE PHILPOST SHALL GIVE PREFERENCE TO THE MAILED BALLOTS**  
18 **OVER ALL OTHER MAIL MATTERS AND ENSURE THAT THEIR SANCTITY IS**  
19 **PRESERVED.**

20 **20.2. THE POSTS ADOPTING VOTING BY MAIL SHALL CONSTITUTE**  
21 **ITS SBRCS TO RECORD, VERIFY, RECEIVE AND TAKE CUSTODY OF**  
22 **ACCOMPLISHED MAILED BALLOTS.**

1            [17.2.] **20.3.** The overseas absentee voter shall send his/her accomplished  
2 ballot **AT ANY TIME UPON RECEIPT THEREOF, AND ENSURE THAT THE SAME**  
3 **BALLOT IS RECEIVED BY THE POST ON OR BEFORE 3:00 P.M. ON THE DAY**  
4 **OF ELECTIONS.** [To the corresponding embassy, consular or foreign service  
5 establishment that has jurisdiction over the country where he/she temporarily resides.  
6 He/she shall be entitled to cast his/her ballot at any time upon his/her receipt thereof,  
7 provided that the same is received before the close of voting on the day of elections.]  
8 The overseas absentee voter shall be instructed that his/her ballot shall not be  
9 counted if not transmitted in the special envelope furnished him/her.

10            [17.3.] **20.4.** Only mailed ballots received by the **POSTS** [Philippine  
11 embassy, consulate and other foreign service establishments] **ON OR** before the  
12 close of voting on the day of elections shall be counted in accordance with Section  
13 [18] **17** hereof. All envelopes containing the **ACCOMPLISHED** ballots received [by  
14 the embassies, consulates and other Foreign Service establishments] after the  
15 prescribed period shall not be opened, and [shall be cancelled and disposed of]  
16 **SHALL BE FILED AND KEPT** appropriately **FOR PURPOSES OF**  
17 **DOCUMENTATION,** with a corresponding **INVENTORY** report thereon.  
18 **ACCREDITED MAJOR POLITICAL PARTIES SHALL BE FURNISHED COPIES**  
19 **OF THE SAID REPORT** [submitted to the Commission] not later than thirty (30)  
20 days from the day of elections.

21            [17.4] **20.5. A COMPLETE REPORT OF THE NAMES AND**  
22 **ADDRESSES OF THE VOTERS TO WHOM THESE BALLOTS WERE SENT**  
23 **SHALL BE MAINTAINED BY THE COMMISSION. IN ADDITION,** [The

1 Commission] IT shall submit a formal report to the Joint Congressional Oversight  
2 Committee created under this Act within thirty (30) days from the day of  
3 elections. Such report shall contain data on the number of ballots cast and  
4 received by the offices, the number of invalid and unclaimed ballots and other  
5 pertinent data.

6 **20.6. ALL "RETURN TO SENDER" MAILED BALLOTS RETURNED TO**  
7 **COMMISSION SHALL NOT BE OPENED, AND SHALL BE CANCELLED AND**  
8 **DISPOSED OF APPROPRIATELY, WITH A CORRESPONDING INVENTORY**  
9 **REPORT THEREON DULY FURNISHED THE MAJOR POLITICAL PARTIES**  
10 **NOT LATER THAN THIRTY (30) DAYS FROM THE DAY OF ELECTIONS.**

11 **SEC. 20.** A new Section 21 of the same Act is hereby inserted to read as follows:

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

15 **SEC. 21.** Section 18 of the same Act is hereby renumbered as Section 22 and amended to  
16 read as follows:

17 **"SEC. [18] 22. - *On-site Counting and Canvassing* -**

18 **[18.1] 22.1. IN COUNTRIES WHERE PERSONAL VOTING IS ALLOWED**  
19 **BY THE COMMISSION, [The] counting and canvassing of votes shall be**  
20 **conducted on-site in the country where the votes were actually cast. The opening of**  
21 **the specially-marked envelopes containing the ballots and the counting and**  
22 **canvassing of votes shall be conducted within the premises of the embassies,**

1 consulates and other Foreign Service establishments, or in such other places as  
2 may be designated by the Commission pursuant to the Implementing Rules and  
3 Regulations. The **START OF COUNTING IN POLLING PLACES ABROAD**  
4 **SHALL, AS FAR AS PRACTICABLE, COINCIDE WITH THE START OF**  
5 **COUNTING IN THE PHILIPPINES TAKING INTO CONSIDERATION THE**  
6 **RESPECTIVE TIME ZONES OF THE DIFFERENT POSTS.** [Commission shall  
7 ensure that the start of counting in all polling places abroad shall be synchronized  
8 with the start of counting in the Philippines]

9 [18.2] **22.2.** For these purposes, the Commission shall constitute as many  
10 Special Boards of Election Inspectors (**SBEIs**) as may be necessary to conduct and  
11 supervise the counting of votes as provided in Section [18.1] **22.1** hereof. **IN THE**  
12 **POSTS, THE SBEIs** [The Special Boards of Election Inspectors] to be constituted  
13 Therein shall be composed of a Chairman and two (2) members, one (1) of whom  
14 shall be designated as poll clerk. The ambassador, [or] consul-general, **HEAD OF**  
15 **POST**, or any career public officer posted abroad designated by the Commission,  
16 as the case may be, shall act as the chairman; in the absence of other government  
17 officers, the two (2) other members shall be citizens of the Philippines who are  
18 qualified to vote under this Act and deputized by the Commission not later than  
19 sixty (60) days before the day of elections. All resolutions of the [Special Boards of  
20 Election Inspectors] **SBEIs** on issues brought before it during the conduct of its  
21 proceedings shall be valid only when they carry the approval of the chairman.



1 Immediately upon the completion of the counting, the [Special Boards of Election  
2 Inspectors] **SBEIs** shall transmit via facsimile and/or electronic mail the results to  
3 the Commission in Manila and the accredited major political parties.

4 [18.3.] **22.3. IN POSTS WHERE VOTING BY MAIL IS ADOPTED, [O]only**  
5 ballots cast on, or received by the embassies, consulates and other foreign service  
6 establishments before the close of voting on the day of elections shall be included  
7 in the counting of votes. Those received afterwards shall not be counted.

8 [18.4.] **22.4.** A Special Board of Canvassers (**SBOC**) composed of **THE**  
9 **HIGHEST RANKING OFFICER FROM THE POST** [a lawyer preferably of the  
10 Commission] as chairman, a senior career officer from any of the government  
11 agencies maintaining a post abroad and, in the absence of another government  
12 officer, a citizen of the Philippines qualified to vote under this Act deputized by the  
13 Commission, as vice-chairman and member-secretary, respectively, shall be  
14 constituted to canvass the election returns submitted to it by the [Special Boards of  
15 Election Inspectors] **SBEIs**. Immediately upon the completion of the canvass, the  
16 chairman of the [Special Board of Canvassers] **SBOC** shall transmit via facsimile,  
17 electronic mail, or any other means of transmission equally safe and reliable the  
18 Certificates of Canvass and the Statements of Votes to the Commission, and shall  
19 cause to preserve the same immediately after the conclusion of the canvass, and  
20 make it available upon the instructions of the Commission. The [Special Board of  
21 Canvassers] **SBOC** shall also furnish the accredited major political parties and  
22 accredited citizens' arms with copies thereof via facsimile, electronic mail and any  
23 other means of transmission equally safe, secure and reliable.

1           The Certificates of Canvass and the accompanying Statements of Votes as  
2 transmitted via facsimile, electronic mail and any other means of transmission  
3 equally safe, secure and reliable shall be the primary basis for the national  
4 canvass.

5           [18.5] **22.5.** The canvass of votes shall not cause the delay of the  
6 proclamation of a winning candidate if the outcome of the election will not be  
7 affected by the results thereof. Notwithstanding the foregoing, the Commission is  
8 empowered to order the proclamation of winning candidates despite the fact that  
9 *the scheduled election has not taken place in a particular country or countries, if the*  
10 *holding of elections therein has been rendered impossible by events, factors and*  
11 *circumstances peculiar to such country or countries, and which events, factors and*  
12 *circumstances are beyond the control or influence of the Commission.*

13           [18.6.] **22.6.** In the preparation of the final tally of votes on the results of the  
14 national elections, the Commission shall ensure that the votes canvassed by each  
15 and every country shall be reflected as a separate item from the tally of national  
16 votes. For purposes of this Act, the returns of every election for president and vice-  
17 president prepared by the special board of canvassers shall be deemed a  
18 *certificate of canvass of a city or a province.*

19           [18.7.] **22.7.** Where feasible, the counting and canvassing of votes shall be  
20 automated. Towards this end, the Commission is hereby authorized to borrow, rent,  
21 lease or acquire automated [voting] **COUNTING** machines for purposes of  
22 canvassing and counting of votes pursuant to the provisions of this Act, and in

1 accordance with the Implementing Rules and Regulations promulgated by the  
2 Commission”

3 **Sec. 22.** Sec. 19 of the same Act is hereby renumbered as Section 23 and amended to  
4 read as follows:

5 “SEC.[19]23. Authority of the Commission to Promulgate Rules - The Commission  
6 shall issue the necessary rules and regulations to effectively implement the  
7 provisions of this Act within sixty (60) days from the effectivity of this Act. [The  
8 Implementing Rules and Regulations shall be submitted to the Joint Congressional  
9 Oversight Committee created by virtue of this Act for prior approval.]

10 **SUBJECT TO THE SPECIFIC GUIDELINES HEREIN PROVIDED, THE**  
11 **COMMISSION IS HEREBY AUTHORIZED TO PRESCRIBE INNOVATIVE AND**  
12 **ADDITIONAL PROCEDURES FOR OVERSEAS ABSENTEE REGISTRATION**  
13 **AND ADOPT SUCH OTHER ADVANCED TECHNOLOGICAL SYSTEMS ASIDE**  
14 **FROM THE SYSTEM BEING USED BY THE COMMISSION IN THE LOCAL**  
15 **REGISTRATION, TAKING INTO STRICT CONSIDERATION THE TIME ZONES**  
16 **OF THE COUNTRIES AND THE VARIOUS PERIODS AND PROCESSES**  
17 **HEREIN PROVIDED FOR THE PROPER IMPLEMENTATION OF THIS ACT AND**  
18 **THE OTHER PECULIARITIES ATTENDANT TO THE IMPLEMENTATION OF**  
19 **THE OVERSEAS ABSENTEE VOTING.**

20 [In the formulation of the rules and regulations, the Commission shall coordinate  
21 with the Department of Foreign Affairs, Department of Labor and Employment,  
22 Philippine Overseas Employment Administration, Overseas Workers Welfare  
23 Administration, and the Commission on Filipinos Overseas. Non-government

1 organizations and accredited Filipino organizations or associations abroad shall be  
2 consulted.]”

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

5 “SEC. [20] **24.** - Information Campaign - The Commission, in coordination with  
6 agencies concerned, shall undertake an information campaign to educate the  
7 public on the manner of absentee voting for qualified overseas absentee voters. It  
8 may require the support and assistance of the Department of Foreign Affairs,  
9 through the **POSTS** [embassies, consulates and other Foreign Service  
10 establishments], Department of Labor and Employment, Department of  
11 Transportation and Communications, Philippine Postal Corporation, Philippine  
12 Overseas Employment Administration, Overseas Workers' Welfare Administration  
13 and the Commission on Filipinos Overseas. The Commission may deputize Filipino  
14 organizations/associations overseas for the same purpose: Provided, That any  
15 such **DEPUTIZED** organization/association shall be prohibited from participating in  
16 the elections by campaigning for or fielding candidates; Provided further, that if any  
17 such deputized organization/association is discovered to have a member who is not  
18 a qualified overseas absentee voter as herein defined, such deputized  
19 organization/association shall be banned from participating in any manner, and at  
20 any stage, in the Philippine political process abroad.

21 **IN ADDITION, THE COMMISSION SHALL HAVE THE AUTHORITY TO**  
22 **ENTER INTO CONTRACTS WITH ENTITIES, PUBLIC OR PRIVATE, TO**  
23 **ENSURE EFFECTIVE INFORMATION DISSEMINATION.**

1           Such information campaign shall educate the Filipino public, within and outside  
2 the Philippines, on the **PHILIPPINE ELECTORAL SYSTEM, THEIR** rights **AS** [of]  
3 overseas absentee voters, absentee voting processes, and other related concerns.  
4 Information materials shall be developed by the Commission for distribution,  
5 through the said government agencies and private organizations. No government  
6 agency or accredited private organizations shall prepare, print, distribute or post in  
7 websites any information material without the prior approval of the Commission.

8           **THE COMMISSION IS AUTHORIZED TO APPROPRIATE NOT**  
9 **EXCEEDING TEN PER CENT (10%) OF THE OVERSEAS ABSENTEE VOTING**  
10 **BUDGET TO DEFRAY THE EXPENSES THAT WILL BE INCURRED TO**  
11 **EFFECTIVELY CARRY OUT THE OVERSEAS ABSENTEE VOTERS**  
12 **INFORMATION AND EDUCATION CAMPAIGN.**

13           **TRAINING OF THE MEMBERS OF FOREIGN SERVICE CORPS ON**  
14 **OVERSEAS ABSENTEE VOTING PROCESSES, RULES AND PROCEDURES**  
15 **SHALL FORM PART AND PARCEL OF THEIR BRIEFING AND ORIENTATION**  
16 **PRIOR TO THEIR POSTING ABROAD TO BE UNDERTAKEN BY THE**  
17 **COMMISSION, IN COORDINATION WITH THE DFA-OAVS. THE COAV,**  
18 **THROUGH ITS CHAIRMAN, MAY ALSO AUTHORIZE THE CONDUCT OF**  
19 **TRAININGS OF THE MEMBERS OF THE DEPUTIZED BODIES CONCERNING**  
20 **THE PROCESSES, RULES AND PROCEDURES ON REGISTRATION AND**  
21 **ELECTION BOTH HERE AND ABROAD AT LEAST ONE HUNDRED TWENTY**  
22 **(120) DAYS BEFORE EACH SCHEDULED REGISTRATION OR NATIONAL**  
23 **ELECTION.”**

1 **Sec. 24.** Section 21 of the same Act is hereby renumbered as Section 25.

2 **Sec. 25.** Section 22 of the same Act is hereby renumbered as Section 26 and amended to  
3 read as follows:

4 " SEC. [20] **26** - Assistance from Government Agencies - All government  
5 officers, particularly from the Department of Foreign Affairs, Department of Labor  
6 and Employment, Department of Transportation and Communications, Philippine  
7 Postal Corporation, Philippine Overseas Employment Administration, Overseas  
8 Workers' Welfare Administration, Commission on Filipinos Overseas and other  
9 government offices concerned with the welfare of the Filipinos overseas shall, to  
10 the extent compatible with their primary responsibilities, assist the Commission in  
11 carrying out the provisions of this Act. All such agencies or officers thereof shall  
12 take reasonable measures to expedite all election activities, which the Commission  
13 shall require of them. When necessary, the Commission may send supervisory  
14 teams headed by career officers to assist the **POSTS** [embassies, consulates and  
15 other Foreign Service establishments concerned].

16 **LIKewise, CONSULAR AND DIPLOMATIC SERVICES RENDERED IN**  
17 **CONNECTION WITH THE OVERSEAS ABSENTEE VOTING PROCESSES**  
18 **SHALL BE MADE AVAILABLE AT NO COST TO THE OVERSEAS ABSENTEE**  
19 **VOTER."**

20 **Sec. 26.** Sections 23 and 24 of the same Act are hereby renumbered as Section 27 and  
21 28 respectively.

1     **Sec. 27.** Section 25 of the same Act is hereby renumbered as Section 29 and amended  
2     to read as follows:

3             “SEC [25]29. Joint Congressional Oversight Committee - A Joint Congressional  
4     Oversight Committee is hereby created, composed of the Chairman of the Senate  
5     Committee on Constitutional Amendments, Revision of Codes and Laws, and  
6     seven (7) other Senators designated by the Senate President, and the Chairman of  
7     the House Committee on Suffrage and Electoral Reforms and seven (7) other  
8     Members of the House of Representatives designated by the Speaker of the House  
9     of Representatives: Provided, That, of the seven (7) members to be designated by  
10    each House of Congress, four (4) should come from the majority and the remaining  
11    three (3) from the minority.

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

16    **Sec. 28.** Sections 26, 27, 28, 29, 30, 31 and 32 of the same Act are hereby renumbered  
17    as Sections 30, 31, 32, 33, 34, 35 and 36 respectively.

18    **Sec. 29.** Separability Clause. - If any part or provision of this Act shall be declared  
19    unconstitutional or invalid, other provisions hereof which are not affected thereby shall  
20    continue to be in full force and effect.

21    **Sec. 30.** Repealing Clause - All laws, presidential decrees, executive orders, rules and  
22    regulations, other issuances, and parts thereof, which are inconsistent with the  
23    provisions of this Act, are hereby repealed or modified accordingly.

- 1    **Sec. 31.** Effectivity - This Act shall take effect fifteen (15) days following its publication in
- 2    *three newspapers of general circulation.*
- 3    Approved,