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Introduced by Senator Aquilino "Koko" Martin L. Pimentel III

EXPLANATORY NOTE

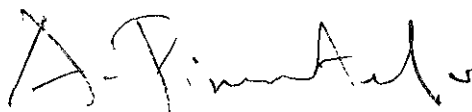
Executive Order No. 157 (E.O. 157) was the first piece of legislation that provided for a system of local absentee voting. In Section 7 thereof, for the purpose of the 1987 Congressional Election, absentee voting was only applied to the elections for Senator.

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

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

Therefore, as a remedial measure to provide a legal basis to include the elections for Party-List Representatives in the system of local absentee voting, this bill seeks to amend Section 12 of R.A. 7166 by including therein Party-List Representatives as one of the positions to be voted for under the local absentee voting.

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



AQUILINO "KOKO" MARTIN L. PIMENTEL III

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

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**AN ACT
AMENDING SECTION 12 OF REPUBLIC ACT NO. 7166
BY INCLUDING PARTY-LIST REPRESENTATIVE IN THE LIST OF PUBLIC
OFFICERS TO BE ELECTED UNDER THE LOCAL ABSENTEE VOTING**

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

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

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

13 **SEC. 2. Separability Clause.** - Should any provision of this Act be declared
14 invalid or unconstitutional, such declaration shall not affect the validity of the
15 remaining provisions of this Act.
16

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

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

Approved,