

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

8 MAY 27 4 50

SENATE
S. B. 2333

RECEIVED BY: 

Introduced by Senators Villar and Pimentel, Jr.

EXPLANATORY NOTE

After almost 5 years since the passage in 13 February 2003 of RA 9189, or the Overseas Absentee Voting Act of 2003, and after its implementation in the two elections of 2004 and 2007, the need for amendments to the law is clear.

When it was passed, it was a landmark piece of legislation that implemented, albeit belatedly, the constitutional provision in Section 2, Article V, that "Congress shall provide... a system for absentee voting by qualified Filipinos abroad." It was rightfully welcomed by the millions of Filipinos residing and working abroad who campaigned hard for the passage of the law, after having waited for 16 years. They could finally vote in national elections, and thereby directly participate in the selection of our national leaders, just like other Filipino citizens residing in the country.

There was much enthusiasm among our brothers and sisters abroad in the first implementation of the law in the 2004 elections, and many of them actively participated in the conduct and administration of the registration, voting and counting processes abroad. This enthusiasm was reflected in a 65% turnout of voters, or 233,092, from the more than 365,000 who registered. While the turnout was high, however, the number of registrants was lower than expected. This was already an indication of some problems, not only in implementation but also in the law itself.

In sharp contrast to the 2004 voter turnout, that of 2007 was a dismal 16.21%, or a mere 81,732 voters. Registration was higher at 503,896, and this was ascribable to the 60% departing overseas Filipino workers who registered at the Ninoy Aquino International Airport or at the Philippine Overseas Employment Administration. One of the reasons given for the low voter turnout in post-election assessments made by the Commission on Elections, the Department of Foreign Affairs, and civil society organizations and advocates of electoral reforms was that it was a mid-term election and there was less interest among our overseas voters to vote because the 2007 elections was not a presidential one. This may be so, but the statistics and the assessments also highlight the need for remedial amendatory legislation, especially in the areas of disqualifications of voters, registration, and voting. Problems of implementation could be addressed administratively by the Comelec and the DFA.

It is in this context, that this bill is put forward so that by the next national electoral exercise, more Filipinos abroad can exercise their universal right of suffrage.

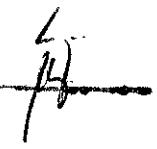

AQUILINO Q. PIMENTEL, JR.


MANNY VILLAR

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Introduced by SENATORS VILLAR AND PIMENTEL, JR.

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

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

SECTION 1. Section 3 of Republic Act No. 9189, otherwise known as "The Overseas Absentee Voting Act of 2003" is hereby amended to read as follows:

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

- a) "OVERSEAS Absentee Voting" refers to the process by which qualified citizens of the Philippines abroad exercise their right to vote;
- b) "Commission" refers to the Commission on Elections;
- c) "Certified List of Overseas Absentee Voters" refers to the list of registered overseas absentee voters whose applications to vote in absentia have been approved by the Commission, said list to be prepared by the Committee on Absentee Voting of the Commission, on a country-by-country **AND POST BY POST** basis. The list shall be approved by the Commission in an *en banc* resolution;
- d) "Day of Election" refers to the actual date of elections in the Philippines
- e) "National Registry of Absentee Voters" refers to the consolidated list prepared, approved and maintained by the Commission, of overseas absentee voters whose applications for registration as absentee voters, including those [registered voters who have applied to be certified as absentee voters, including those] registered voters **UNDER REPUBLIC ACT 8189**, who have applied to be certified as absentee voters, have been approved by the **RESIDENT** Election Registration Board. **IT SHALL INDICATE THE POST WHERE THE OVERSEAS ABSENTEE VOTER IS REGISTERED;**
- f) "Overseas Absentee Voter" refers to a citizen of the Philippines who is qualified to register and vote under this Act, not otherwise disqualified by law, who is abroad on the day of elections;
- G) "**COMMITTEE ON OVERSEAS ABSENTEE VOTING (COAV)**" REFERS TO THE COMMITTEE OF THE COMMISSION TASKED TO OVERSEE AND SUPERVISE THE EFFECTIVE IMPLEMENTATION OF THE OVERSEAS ABSENTEE VOTING LAW;
- H) "**DFA OVERSEAS ABSENTEE VOTING SECRETARIAT (DFA-OAVS)**" REFERS TO THE SECRETARIAT BASED AT THE DEPARTMENT OF FOREIGN AFFAIRS (DFA) HOME OFFICE TASKED TO DIRECT,

COORDINATE AND OVERSEE THE DEPARTMENT'S PARTICIPATION IN THE IMPLEMENTATION OF THE OVERSEAS ABSENTEE VOTING LAW (OAVL);

- I) "FIELD REGISTRATION" REFERS TO THE CONDUCT OF REGISTRATION AT PRE-DETERMINED LOCATION, OUTSIDE THE POSTS FOR A LIMITED PERIOD UPON FAVORABLE RECOMMENDATION OF THE DFA-OAVS AND APPROVAL OF THE COAV BASED ON THE GUIDELINES PRESCRIBED BY THE COMMISSION;
- J) "MOBILE REGISTRATION" REFERS TO THE CONDUCT OF REGISTRATION AT VARIOUS LOCATIONS OUTSIDE THE POSTS AND WHICH SHALL BE UNDERTAKEN AS PART OF THE POSTS' MOBILE CONSULAR AND OUTREACH ACTIVITIES TO FILIPINOS WITHIN THEIR JURISDICTION;
- K) "MUNICIPAL/CITY/DISTRICT REGISTRY OF OVERSEAS ABSENTEE VOTERS (ROAV)" REFERS TO THE CONSOLIDATED LIST PREPARED, APPROVED AND MAINTAINED BY THE COMMISSION, FOR EVERY MUNICIPAL/CITY/DISTRICT, OF OVERSEAS ABSENTEE VOTERS WHOSE APPLICATIONS FOR REGISTRATION AS SUCH, INCLUDING THOSE REGISTERED VOTERS UNDER REPUBLIC ACT NO. 8189, WHO APPLIED FOR CERTIFICATION AS OVERSEAS ABSENTEE VOTERS, HAVE BEEN APPROVED BY THE ELECTION REGISTRATION BOARD;
- L) "POSTS" SHALL REFER TO THE PHILIPPINE EMBASSIES, CONSULATES, FOREIGN SERVICE ESTABLISHMENTS AND OTHER PHILIPPINE GOVERNMENT AGENCIES MAINTAINING OFFICES ABROAD HAVING JURISDICTION OVER THE PLACES WHERE THE OVERSEAS ABSENTEE VOTERS TEMPORARILY RESIDE;
- M) "RESIDENT ELECTION REGISTRATION BOARD (RERB)" SHALL REFER TO THE IN-HOUSE ELECTION REGISTRATION BOARD OF THE COAV COMPOSED OF THREE (3) RANKING OFFICIALS OF THE COMMISSION, THE MAIN FUNCTIONS OF WHICH ARE TO PROCESS, APPROVE, OR DISAPPROVE THE APPLICATION FOR REGISTRATION OR CERTIFICATION AS OVERSEAS ABSENTEE VOTER;
- N) "VOTING PERIOD" REFERS TO A MAXIMUM OF THIRTY (30) DAYS OF VOTING INCLUDING THE DAY OF ELECTIONS, ESTABLISHED HOLIDAYS IN THE PHILIPPINES AND SUCH OTHER HOLIDAYS IN THE HOST COUNTRIES."
- O) 'SPECIAL BALLOT RECEPTION AND CUSTODY GROUP (SBRCG)' REFERS TO THE GROUP DEPUTIZED BY THE COMELEC TO RECEIVE AND TAKE CUSTODY OF ALL ACCOUNTABLE AND NON-ACCOUNTABLE ELECTION FORMS, SUPPLIES AND PARAPHERNALIA SENT BY THE 'COMMITTEE ON OVERSEAS ABSENTEE VOTING' FOR ISSUANCE TO THE 'SPECIAL BOARDS OF ELECTION INSPECTORS AND SPECIAL BOARDS OF CANVASSERS.'
- P) "SPECIAL BOARD OF CANVASSERS (SBOC)' REFERS TO THE BODY DEPUTIZED BY THE COMELEC TO CANVASS THE 'OVERSEAS ABSENTEE VOTING ELECTION RETURNS' SUBMITTED TO IT BY THE 'SPECIAL BOARD OF ELECTION INSPECTORS.'

- Q) 'SPECIAL BOARD OF ELECTION INSPECTORS (SBEI)' REFERS TO THE BODY DEPUTIZED BY THE COMELEC TO CONDUCT THE VOTING AND COUNTING OF VOTES.
- R) "SEAFARERS" REFER TO SHIP OFFICERS AND RATINGS MANNING SHIPS, INCLUDING OFFSHORE WORKERS, SERVICE PROVIDERS AND FISHERMEN, AS DEFINED IN THE 'REVISED RULES ON THE ISSUANCE OF SEAFARER'S IDENTIFICATION AND RECORD BOOK' OF THE MARITIME INDUSTRY AUTHORITY.

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

"SEC. 4. *Coverage.* – All citizens of the Philippines abroad, who are not otherwise disqualified by law, at least eighteen (18) years of age on the day of elections, may vote for president, vice-president, senators and party-list representatives **AS WELL AS IN ALL NATIONAL REFERENDA AND PLEBISCITES.**"

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

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

- a) "Those who have lost their Filipino citizenship in accordance with Philippine laws;
- b) "Those who have expressly renounced their Philippine citizenship and who have pledged allegiance to a foreign country;
- c) "Those who have committed and are convicted in a final judgment by a court or tribunal of an offense punishable by imprisonment of not less than one (1) year, including those who have committed and been found guilty of Disloyalty as defined under Article 137 of the Revised Penal Code, such disability not having been removed by plenary pardon or amnesty: Provided, however, That any person disqualified to vote under this subsection shall automatically acquire the right to vote upon expiration of five (5) years after service of sentence; Provided, further, That the Commission may take cognizance of final judgments issued by foreign courts or tribunals only on the basis of reciprocity and subject to the formalities and processes prescribed by the Rules of court on execution of judgments;
- [d) "Any immigrant or a permanent resident who is recognized as such in the host country, unless he/she executes, upon registration, an affidavit prepared for the purpose by the Commission declaring that he/she shall resume actual physical residence in the Philippines not later than three (3) years from approval of his/her registration under this Act. Such affidavit shall also state that he/she has not applied for citizenship in another country. Failure to return shall be cause for the removal of the name of the immigrant or permanent resident from the National Registry of Absentee Voters and his/her permanent disqualification to vote in absentia.]
- [e] D) "Any citizen of the Philippines abroad previously declared insane or incompetent by competent authority in the Philippines or abroad, as verified by the Philippine embassies, consulates or Foreign Service establishments concerned, unless such competent authority subsequently certifies that such person is no longer insane or incompetent."

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

“SEC. 6. *Personal Overseas Absentee Registration AND CERTIFICATION.* – Registration AND CERTIFICATION as an overseas absentee voter shall be done in person AT ANY POST ABROAD OR AT DESIGNATED REGISTRATION CENTERS IN THE PHILIPPINES APPROVED BY THE COMMISSION.

“FIELD AND MOBILE REGISTRATION CENTERS SHALL BE SET UP BY THE POSTS CONCERNED TO ENSURE ACCESSIBILITY BY THE OVERSEAS ABSENTEE VOTERS. PRE-DEPARTURE REGISTRATION SHALL LIKEWISE BE CONDUCTED IN ACCREDITED GOVERNMENT AGENCIES OR FACILITIES TO BE DETERMINED BY THE COMMISSION.

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

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

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

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

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

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

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

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

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

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

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

SEC. 5. A new Section 7 is hereby inserted to read as follows:

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

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

SEC. 6. A new Section 8 is hereby inserted to read as follows:

"SEC. 8. DUTIES AND FUNCTIONS OF THE RERB. –

"8.1. UPON RECEIPT OF THE APPLICATIONS FOR REGISTRATION OR CERTIFICATION FROM THE POSTS AND FROM THE DULY DESIGNATED REGISTRATION CENTERS IN THE PHILIPPINES, THE RERB OF THE COMMISSION SHALL SCHEDULE THE HEARING OF THE APPLICATIONS FOR REGISTRATION.

"IT SHALL BE THE DUTY OF THE RERB TO NOTIFY ALL POLITICAL PARTIES AND OTHER PARTIES CONCERNED OF THE PENDING APPLICATIONS FOR REGISTRATION OR CERTIFICATION THROUGH A WEEKLY UPDATED PUBLICATION IN THE WEBSITES OF THE COMMISSION AND THE DFA-OAVS AND TO POST THE NAMES OF THE APPLICANTS IN CONSPICUOUS PLACES NEAR THE PLACE WHERE THE RERB WILL HOLD ITS HEARING.

"8.2. THE RERB SHALL HAVE THE SOLE POWER AND AUTHORITY TO APPROVE OR DISAPPROVE THE APPLICATION FOR REGISTRATION OR CERTIFICATION. ANY PARTY MAY FILE AN OBJECTION TO THE APPLICATION WITHIN SEVEN (7) DAYS AFTER THE PUBLICATION OR POSTING OF THE NAMES OF THE APPLICANTS. IN CASE OF DISAPPROVAL OF THE APPLICATION FOR REGISTRATION OR CERTIFICATION, THE RERB SHALL NOTIFY THE APPLICANT OR HER/HIS AUTHORIZED REPRESENTATIVE IN THE PHILIPPINES ACCORDINGLY, WITHIN FIVE (5) DAYS FROM THE DATE OF DISAPPROVAL, STATING THE REASONS THEREFOR.

"8.3. THE RERB SHALL INCLUDE THE NAMES OF THE APPLICANTS WITH APPROVED APPLICATIONS IN THE NATIONAL REGISTRY OF ABSENTEE VOTERS AND IN THE CERTIFIED LIST OF OVERSEAS ABSENTEE VOTERS (CLOAV) IN THE POSTS WHERE SHE/HE INTENDS TO VOTE IN THE NEXT NATIONAL ELECTION SUBJECT TO THE APPROVAL OF THE COMMISSION EN BANC.

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

"8.5. IF THE APPLICATION HAS BEEN APPROVED, ANY INTERESTED PARTY MAY FILE A PETITION FOR EXCLUSION NOT LATER THAN ONE HUNDRED EIGHTY (180) DAYS BEFORE THE DAY OF ELECTIONS WITH THE PROPER MUNICIPAL OR METROPOLITAN TRIAL COURT. THE PETITION SHALL BE DECIDED WITHIN FIFTEEN (15) DAYS AFTER ITS FILING ON THE BASIS OF THE DOCUMENTS SUBMITTED IN CONNECTION THEREWITH. SHOULD THE COURT FAIL TO RENDER A DECISION WITHIN THE PRESCRIBED PERIOD, THE RULING OF THE RERB SHALL BE CONSIDERED AFFIRMED.

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

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

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

“APPLICANTS WHOSE APPLICATIONS FOR REGISTRATION AND CERTIFICATION AS OVERSEAS ABSENTEE VOTERS HAVE BEEN APPROVED MUST NOTIFY THE COAV, THROUGH ITS CHAIRMAN, IN THE EVENT OF CHANGE OF VOTING VENUE, AT LEAST ONE HUNDRED EIGHTY (180) DAYS PRIOR TO THE NEXT NATIONAL ELECTIONS; PROVIDED, THAT THOSE WHO WOULD EVENTUALLY VOTE IN THE PHILIPPINES SHOULD REGISTER IN THE MUNICIPALITY WHERE THEY INTEND TO VOTE AND WITHIN THE TIME FRAME PROVIDED FOR LOCAL REGISTRATION: PROVIDED FURTHER, THAT THE APPLICANT SHALL NOTIFY THE COAV, THROUGH ITS CHAIRMAN, OF HIS TRANSFER IN THE PHILIPPINES AT LEAST ONE HUNDRED EIGHTY (180) DAYS PRIOR TO THE NEXT NATIONAL ELECTIONS FOR PURPOSES OF CANCELLING HIS NAME IN THE CLOAV AND REMOVAL OF HIS OVERSEAS ABSENTEE VOTER’S REGISTRATION RECORDS FROM THE BOOK OF VOTERS.

“THE COMMISSION SHALL EXERT ALL EFFORTS TO ISSUE OVERSEAS ABSENTEE VOTER IDENTIFICATION CARDS TO THOSE WHOSE APPLICATIONS TO VOTE HAVE BEEN APPROVED.”

SEC. 7. Section 7 of the same Act is hereby renumbered as Section 9 and is amended to read as follows.

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

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

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

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

- a. “A valid Philippine passport. In the absence of a valid passport, a certification of the Department of Foreign Affairs that it has reviewed the appropriate documents submitted by the applicant and found them sufficient to warrant the issuance of a passport, or that the applicant is a holder of a valid passport but is unable to produce the same for a valid reason;
- b. “Accomplished registration form prescribed by the Commission [containing the following mandatory information:
 - i. Last known residence of the applicant in the Philippines before leaving for abroad;
 - ii. Address of applicant abroad, or forwarding address in the case of seafarers;

- iii. Where voting by mail is allowed, the applicant's mailing address outside the Philippines where the ballot for absentee voters will be sent, in proper cases; and
- iv. Name and address of applicant's authorized representative in the Philippines for purposes of Section 6.7 and Section 12 hereof.]

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

C. "IN THE CASE OF APPLICANTS WHO WILL AVAIL OF THE CITIZENSHIP RETENTION AND REACQUISITION ACT (R.A. NO. 9225), THEY ARE REQUIRED TO PRESENT THE ORIGINAL OR CERTIFIED TRUE COPY OF THE ORDER OF APPROVAL APPROVING HIS APPLICATION TO RETAIN OR REACQUIRE HIS FILIPINO CITIZENSHIP ISSUED BY THE POST OR HIS/HER IDENTIFICATION CERTIFICATE ISSUED BY THE BUREAU OF IMMIGRATION.

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

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

"Sec.[9]11. *National Registry of Overseas Absentee Voters.* – The Commission shall maintain a National Registry of Overseas Absentee Voters (NROAV). **ALL [Approved applications of] overseas absentee registrants WHOSE APPLICATIONS HAVE BEEN APPROVED shall also be included in the REGULAR REGISTRY OF OVERSEAS ABSENTEE VOTERS (ROAV) IN THE CITY OR MUNICIPALITY WHERE THE REGISTRANT IS DOMICILED.** [permanent list of voters of the city or municipality where the registrant is domiciled [with the corresponding annotation that such person has been registered or will be voting as an overseas absentee voter. The registry shall also include those registered under Republic Act 8189 and who have been issued certifications as overseas absentee voters. The entries in the National Registry of Overseas Absentee Voters and the annotations as overseas absentee voters in the Certified Voters List shall be permanent, and cannot be cancelled or amended except in any of the following cases:

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

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

"TOWARDS THIS END, THE COMMISSION SHALL PROVIDE EACH AND EVERY MUNICIPALITY OR CITY WITH A REGISTRY OF OVERSEAS ABSENTEE VOTER (ROAV) FOR THEIR REFERENCE.

"THE COMMISSION SHALL DEACTIVATE THE REGISTRATION AND REMOVE THE REGISTRATION RECORDS OF THE FOLLOWING PERSONS FROM THE NROAV AND THE CORRESPONDING ROAV AND PLACE THE

SAME, PROPERLY MARKED AND DATED IN INDELIBLE INK, IN THE INACTIVE FILE AFTER ENTERING THE CAUSE(S) OF DEACTIVATION:

- A. "ANY PERSON WHO HAS BEEN SENTENCED BY FINAL JUDGMENT TO SUFFER IMPRISONMENT FOR NOT LESS THAN ONE (1) YEAR, SUCH DISABILITY NOT HAVING BEEN REMOVED BY PLENARY PARDON OR AMNESTY: PROVIDED, HOWEVER, THAT ANY PERSON DISQUALIFIED TO VOTE UNDER THIS PARAGRAPH SHALL AUTOMATICALLY REACQUIRE THE RIGHT TO VOTE UPON EXPIRATION OF FIVE (5) YEARS AFTER SERVICE OF SENTENCE AS CERTIFIED BY THE CLERKS OF COURTS OF THE MUNICIPAL / MUNICIPAL CIRCUIT / METROPOLITAN / REGIONAL TRIAL COURTS AND THE SANDIGANBAYAN;**
- B. "ANY PERSON WHO HAS BEEN ADJUDGED BY FINAL JUDGMENT BY A COMPETENT COURT OR TRIBUNAL OF HAVING CAUSED/COMMITTED ANY CRIME INVOLVING DISLOYALTY TO THE DULY CONSTITUTED GOVERNMENT SUCH AS REBELLION, SEDITION, VIOLATION OF THE ANTI-SUBVERSION AND FIREARMS LAWS, OR ANY CRIME AGAINST NATIONAL SECURITY, UNLESS RESTORED TO HIS FULL CIVIL AND POLITICAL RIGHTS IN ACCORDANCE WITH LAW; PROVIDED, THAT HE SHALL REGAIN HIS RIGHT TO VOTE AUTOMATICALLY UPON EXPIRATION OF FIVE (5) YEARS AFTER SERVICE OF SENTENCE;**
- C. "ANY PERSON DECLARED BY COMPETENT AUTHORITY TO BE INSANE OR INCOMPETENT UNLESS SUCH DISQUALIFICATION HAS BEEN SUBSEQUENTLY REMOVED BY A DECLARATION OF A PROPER AUTHORITY THAT SUCH PERSON IS NO LONGER INSANE OR INCOMPETENT;**
- D. "ANY PERSON WHO DID NOT VOTE IN THE TWO (2) SUCCESSIVE PRECEDING NATIONAL ELECTIONS AS SHOWN BY THEIR VOTING RECORDS; AND**
- E. "ANY PERSON WHOSE REGISTRATION HAS BEEN ORDERED EXCLUDED BY THE COURT."**

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

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

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

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

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

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

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

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

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

“SEC. 13. REACTIVATION OF REGISTRATION. — ANY OVERSEAS ABSENTEE VOTER WHOSE REGISTRATION HAS BEEN DEACTIVATED PURSUANT TO THE PRECEDING SECTION MAY FILE WITH THE COAV ANY TIME BUT NOT LATER THAN ONE HUNDRED TWENTY (120) DAYS BEFORE THE NEXT NATIONAL ELECTIONS A SWORN APPLICATION FOR REACTIVATION OF HIS REGISTRATION IN THE FORM OF AN AFFIDAVIT STATING THAT THE GROUNDS FOR THE DEACTIVATION NO LONGER EXIST.

“THE COAV SHALL SUBMIT SAID APPLICATION TO THE RERB FOR APPROPRIATE ACTION.”

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

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

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

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

Subject to reasonable regulation and the payment of fees in such amounts as may, be fixed by the Commission, the candidates, political parties, accredited citizens' arms, **AND** all other interested persons [and all embassies, consulates and other foreign service establishments] shall be furnished copies thereof.”

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

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

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

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

“[14.3] **16.3.** The Commission shall, **AS FAR AS PRACTICABLE**, [not later than seventy five (75) days before the day of elections,] transmit by special pouch to the **POSTS** [embassies, consulates and other foreign service establishments], the exact number of ballots for overseas absentee voters corresponding to the number of approved applications, along with such [materials and election paraphernalia] **ACCOUNTABLE FORMS** necessary to ensure the [secrecy and] integrity of the election. **NOT LATER THAN FORTY FIVE (45) DAYS BEFORE THE DAY OF ELECTIONS.**

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

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

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

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

“**SEC. 18. VOTING.** – **VOTING MAY BE DONE EITHER PERSONALLY OR BY MAIL, AT THE OPTION OF THE OVERSEAS ABSENTEE VOTER, OR BY ANY OTHER MEANS AS MAY BE ALLOWED UNDER SECTION 52(I) OF BATAS PAMBANSA BLG. 881 AS AMENDED.**

THE OVERSEAS ABSENTEE VOTER OPTING FOR POSTAL VOTING SHALL FILE HIS REQUEST WITH THE POST THAT HAS JURISDICTION OVER THE COUNTRY WHERE HE/SHE TEMPORARILY RESIDES AT LEAST ONE HUNDRED TWENTY (120) DAYS BEFORE THE DAY OF THE ELECTION. ONLY THOSE WHO APPLIED FOR A POSTAL VOTE SHALL BE GIVEN MAILED BALLOTS. THEY MAY MAIL OR PERSONALLY DELIVER THEIR DULY ACCOMPLISHED BALLOTS TO THE POST CONCERNED ENSURING THAT THE SAME WILL BE RECEIVED BY THE SBRCG CONCERNED ON OR BEFORE THE CLOSE OF VOTING ON THE DAY OF THE ELECTIONS.

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

“**SEC. [16] 19. PERSONAL VOTING.** – Casting and Submission of Ballots.

"[16.1] **19.1.** Upon receipt [by the designated officer of the embassy, consulate and other foreign service establishments] of the ballots for overseas absentee voters [, voting instructions, election forms and other paraphernalia] **AND SUCH OTHER ACCOUNTABLE FORMS, BY THE DESIGNATED OFFICER OF THE POST,** he/she shall make them available on the premises to the qualified overseas absentee voters in their respective jurisdictions during the thirty (30) days before **AND ON** the day of elections when overseas absentee voters may cast their vote. Immediately upon receiving it, the overseas absentee voter must fill-out his/her ballot personally, in secret, without leaving the premises of the **POSTS** [embassies, consulates and other Foreign Service establishments concerned].

"[16.2] **19.2.** The overseas absentee voter shall personally accomplish his/her ballot at the **POSTS** [embassy, consulate or other foreign service establishment] that has jurisdiction over the country where he/she temporarily resides or at any polling place designated and accredited by the Commission.

"[16.3] **19.3. VOTING SHALL BE FOR A MAXIMUM PERIOD OF THIRTY (30) DAYS INCLUDING THE DAY OF ELECTIONS, ESTABLISHED HOLIDAYS IN THE PHILIPPINES AND SUCH OTHER HOLIDAYS IN THE HOST COUNTRIES.**

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

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

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

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

"19.6. BEFORE THE START OF COUNTING, ALL UNUSED BALLOTS SHALL BE APPROPRIATELY DISPOSED OF BY THE CONCERNED POSTS AFTER ACCOUNTING FOR THE SAME WITH THE FORMAL REPORT TRANSMITTED TO THE COMMISSION OF SUCH FACT.

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

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

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

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

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

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

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

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

"[17.1 For the May 2004 elections, the Commission shall authorize voting by mail in not more than three (3) countries, subject to the approval of the Congressional Oversight Committee. Voting by mail may be allowed in countries that satisfy the following conditions:

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

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

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

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

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

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

“[17.2.] 20.3. The overseas absentee voter shall send his/her accomplished ballot AT ANY TIME UPON RECEIPT THEREOF, AND ENSURE THAT THE SAME BALLOT IS RECEIVED BY THE POST ON OR BEFORE THE CLOSE OF VOTING ON THE DAY OF ELECTIONS; PROVIDED, HOWEVER, THAT MAILED BALLOTS THAT BEAR THE STAMP MARK OF THE LOCAL POSTAL SERVICE SHOWING THAT THEY WERE MAILED BEFORE SAID CLOSE OF VOTING, SHALL BE COUNTED. [To the corresponding embassy, consular or foreign service establishment that has jurisdiction over the country where he/she temporarily resides. He/she shall be entitled to cast his/her ballot at any time upon his/her receipt thereof, provided that the same is received before the close of voting on the day of elections.] The overseas absentee voter shall be instructed that his/her ballot shall not be counted if not transmitted in the special envelope furnished him/her.

“[17.3.] 20.4. Only mailed ballots received by the POSTS [Philippine embassy, consulate and other foreign service establishments] ON OR before the close of voting on the day of elections shall be counted, EXCEPT AS PROVIDED IN THE PRECEDING SECTION. [in accordance with Section 18 hereof.] SUBJECT TO SAID EXCEPTION, all envelopes containing the ACCOMPLISHED ballots received [by the embassies, consulates and other Foreign Service establishments] after the prescribed period shall not be opened, and [shall be cancelled and disposed of] SHALL BE FILED AND KEPT appropriately FOR PURPOSES OF DOCUMENTATION, with a corresponding INVENTORY report thereon. ACCREDITED MAJOR POLITICAL PARTIES SHALL BE FURNISHED COPIES OF THE SAID REPORT [submitted to the Commission] not later than thirty (30) days from the day of elections.

“20.5. A COMPLETE REPORT OF THE NAMES AND ADDRESSES OF THE VOTERS TO WHOM THESE BALLOTS WERE SENT SHALL BE MAINTAINED BY THE COMMISSION. IN ADDITION, IT SHALL SUBMIT A FORMAL REPORT TO THE JOINT CONGRESSIONAL OVERSIGHT COMMITTEE CREATED UNDER THIS ACT WITHIN THIRTY (30) DAYS FROM THE DAY OF ELECTIONS. SUCH REPORT SHALL CONTAIN DATA ON THE NUMBER OF BALLOTS CAST AND RECEIVED BY THE OFFICES, THE NUMBER OF INVALID AND UNCLAIMED BALLOTS AND OTHER PERTINENT DATA.

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

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

“SEC. 21. VOTING BY SEAFARERS. – SEAFARERS MAY VOTE IN ACCORDANCE WITH SECTION 18 OF THIS ACT. FOR THIS PURPOSE, THE COMMISSION SHALL PREPARE A SEPARATE CLOAV FOR SEAFARERS.”

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

“SEC. [18] 22. – On-site Counting and Canvassing –

[18.1] 22.1. The counting and canvassing of votes shall be conducted on-site in the country where the votes were actually cast. The opening of the specially-marked envelopes containing the ballots and the counting and canvassing of votes shall be conducted within the premises of the embassies, consulates and other Foreign Service establishments, or in such other places as may be designated by the Commission pursuant to the Implementing Rules and Regulations. The [Commission shall ensure that the] start of counting in [all] polling places abroad shall, **AS FAR AS PRACTICABLE, COINCIDE** [be synchronized] with the start of counting in the Philippines **TAKING INTO CONSIDERATION THE RESPECTIVE TIME ZONES OF THE DIFFERENT POSTS.**

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

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

[18.3.] 22.3. IN POSTS WHERE VOTING BY MAIL IS ADOPTED, [O]nly ballots cast on, or received by the embassies, consulates and other foreign service establishments before the close of voting on the day of elections shall be included in the counting of votes, **EXCEPT AS PROVIDED IN SECTION 20.3.** Those received afterwards shall not be counted.

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

thereof via facsimile, electronic mail and any other means of transmission equally safe, secure and reliable.

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

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

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

[18.7.] 22.7. Where feasible, the counting and canvassing of votes shall be automated. Towards this end, the Commission is hereby authorized to borrow, rent, lease or acquire automated voting machines for purposes of canvassing and counting of votes pursuant to the provisions of this Act, and in accordance with the Implementing Rules and Regulations promulgated by the Commission”

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

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

“SUBJECT TO THE SPECIFIC GUIDELINES HEREIN PROVIDED, THE COMMISSION IS HEREBY AUTHORIZED TO PRESCRIBE INNOVATIVE AND ADDITIONAL PROCEDURES FOR OVERSEAS ABSENTEE REGISTRATION AND ADOPT SUCH OTHER ADVANCED TECHNOLOGICAL SYSTEMS ASIDE FROM THE SYSTEM BEING USED BY THE COMMISSION IN THE LOCAL REGISTRATION, TAKING INTO CONSIDERATION, AS FAR AS PRACTICABLE, THE TIME ZONES OF THE COUNTRIES AND THE VARIOUS PERIODS AND PROCESSES HEREIN PROVIDED FOR THE PROPER IMPLEMENTATION OF THIS ACT AND THE OTHER PECULIARITIES ATTENDANT TO THE IMPLEMENTATION OF THE OVERSEAS ABSENTEE VOTING.

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

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

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

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

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

"THE COMMISSION IS AUTHORIZED TO APPROPRIATE NOT LESS THAN TEN PER CENT (10%) OF THE OVERSEAS ABSENTEE VOTING BUDGET TO DEFRAY THE EXPENSES THAT WILL BE INCURRED TO EFFECTIVELY CARRY OUT THE OVERSEAS ABSENTEE VOTERS INFORMATION AND EDUCATION CAMPAIGN.

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

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

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

"SEC. [20] 26 – Assistance from Government Agencies. - All government officers, particularly from the Department of Foreign Affairs, Department of Labor and Employment, Department of Transportation and Communications, Philippine Postal Corporation, Philippine Overseas Employment Administration, Overseas Workers' Welfare Administration, Commission on Filipinos Overseas and other

government offices concerned with the welfare of the Filipinos overseas shall, to the extent compatible with their primary responsibilities, assist the Commission in carrying out the provisions of this Act. All such agencies or officers thereof shall take reasonable measures to expedite all election activities, which the Commission shall require of them. When necessary, the Commission may send supervisory teams headed by career officers to assist the **POSTS** [embassies, consulates and other Foreign Service establishments concerned].

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

Sec. 26. Section 23 of the same Act is hereby renumbered as Section 27.

Sec. 27. Section 24 of the same Act is hereby renumbered as Section 28 and is amended to read as follows:

“SEC. [24]28. *Prohibited Acts.* In addition to the prohibited acts provided by law, it shall be unlawful:

“[24.1]28.1. For any officer or employee of the Philippine government to influence or attempt to influence any person covered by this Act to vote, or not to vote, for a particular candidate. Nothing in this Act shall be deemed to prohibit free discussion regarding politics or candidates for public office.

“[24.2]28.2. For any person to deprive any person of any right secured in this Act, or to give false information as to his/her name, address, or period of residence for the purposes of establishing his/her eligibility or ineligibility to register or vote under this Act; or to conspire with another person for the purpose of encouraging the giving of false information in order to establish the eligibility or ineligibility of any individual to register or vote under this Act; or to pay, or offer to pay, or to accept payment either for application to vote *in absentia* or for voting;

“[24.3]28.3. For any person to tamper with the ballot, the mail containing the ballots for overseas absentee voters, the election returns, including the destruction, mutilation and manipulation thereof;

[24.4]28.4. For any person to steal, destroy, conceal, mutilate or alter any record, document or paper as required for purposes of this Act;

[24.5]28.5. For any deputized agent to refuse without justifiable ground, to serve or continue serving, or to comply with his/her sworn duties after acceptance of his/her appointment;

[24.6]28.6. For any public officer or employee who shall cause the preparation, printing, distribution of information material, or post the same in websites without the prior approval of the Commission;

[24.7]28.7. For any public officer or employee to cause the transfer, promotion, extension, recall of any member of the foreign service corps, including members of the attached agencies, or otherwise cause the movement of any such member from his current post or position one (1) year before and three (3) months after the day of elections, without securing the prior approval of the Commission;

[24.8]28.8. For any person who, after being deputized by the Commission to undertake activities in connection with the implementation of this Act, shall campaign for or assist, in whatever manner, candidates in the elections;

[24.9]28.9. For any person who is not a citizen of the Philippines to participate, by word or deed, directly or indirectly through qualified organizations/associations, in any manner and at any stage of the Philippine political process abroad, including participation in the campaign and elections.

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

The penalties imposed under Section 264 of the Omnibus Election Code, as amended, shall be imposed on any person found guilty of committing any of the prohibited acts as defined in this section: *Provided, That the penalty of prision mayor in its minimum period shall be imposed upon any person found guilty under Section 28.3 hereof without the benefit of the operation of the Indeterminate Sentence Law. If the offender is a public officer or a candidate, the penalty shall be prision mayor in its maximum period. In addition, the offender shall be sentenced to suffer perpetual disqualification to hold public office and deprivation of the right to vote.*

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

Sec. 28. Section 25 of the same Act is hereby renumbered as Section 29 and is amended to read as follows:

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

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

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

Sec. 30. *Separability Clause* – If any part or provision of this Act shall be declared unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

Sec. 31. *Repealing Clause* – All laws, presidential decrees, executive orders, rules and regulations, other issuances, and parts thereof, which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

Sec. 32. *Effectivity* – This Act shall take effect fifteen (15) days following its publication in three newspapers of general circulation.

Approved,