



HOUSE OF REPRESENTATIVES

H. B. No. 3201

INTRODUCED BY REPRESENTATIVES Bello, Bichara, Climaco, Rodriguez (R), Lagman,
Gatchalian, Gonzales (N), Bag-ao and Batocabe

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

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

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

4 **“Sec. 3. Definition of Terms.** - For purposes of this Act:

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

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

1 **C. “COMMITTEE ON OVERSEAS ABSENTEE VOTING**
2 **(COAV)” REFERS TO THE COMMITTEE OF THE**
3 **COMMISSION TASKED TO OVERSEE AND SUPERVISE**
4 **THE EFFECTIVE IMPLEMENTATION OF THE OVERSEAS**
5 **ABSENTEE VOTING LAW;**

6 *d . “Day of Election”* refers to the actual date of elections in
7 the Philippines;

8 **E. “DFA OVERSEAS ABSENTEE VOTING SECRETARIAT**
9 **(DFA-OAVS)” REFERS TO THE SECRETARIAT BASED**
10 **AT THE DEPARTMENT OF FOREIGN AFFAIRS (DFA)**
11 **HOME OFFICE TASKED TO DIRECT, COORDINATE**
12 **AND OVERSEE THE DEPARTMENT’S**
13 **PARTICIPATION IN THE IMPLEMENTATION OF THE**
14 **OVERSEAS ABSENTEE VOTING LAW (OAVL);**

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

24 **G. “MOBILE REGISTRATION” REFERS TO THE**
25 **CONDUCT OF REGISTRATION OF OVERSEAS**
26 **ABSENTEE VOTERS AT VARIOUS LOCATIONS**

1 OUTSIDE THE POSTS, OTHER THAN AT FIELD
2 REGISTRATIONS, UNDERTAKEN AS PART OF THE
3 POSTS' MOBILE CONSULAR AND OUTREACH
4 ACTIVITIES TO FILIPINOS WITHIN THEIR
5 JURISDICTIONS;

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

19 ***[e]. “National Registry of Absentee Voters”*** refers to the
20 consolidated list prepared, approved and maintained by
21 the Commission, of overseas absentee voters whose
22 applications for registration as absentee voters,
23 including those registered voters **UNDER REPUBLIC**
24 **ACT NO. 9189** who have applied to be certified as
25 absentee voters, have been approved by the **RESIDENT**
26 Election Registration Board, **INDICATING THE POST**

1 **WHERE THE OVERSEAS ABSENTEE VOTER IS**
2 **REGISTERED;**

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

7 **[a] K. “OVERSEAS** Absentee Voting” refers to the process
8 by which qualified citizens of the Philippines abroad
9 exercise their right to vote;

10 **L. “POSTS” REFERS TO THE PHILIPPINE**
11 **EMBASSIES, CONSULATES, FOREIGN SERVICE**
12 **ESTABLISHMENTS AND OTHER PHILIPPINE**
13 **GOVERNMENT AGENCIES MAINTAINING OFFICES**
14 **ABROAD AND HAVING JURISDICTION OVER THE**
15 **PLACES WHERE THE OVERSEAS ABSENTEE VOTERS**
16 **RESIDE;**

17 **M. “RESIDENT ELECTION REGISTRATION BOARD**
18 **(RERB)” REFERS TO THE IN-HOUSE ELECTION**
19 **REGISTRATION BOARD OF THE COAV COMPOSED OF**
20 **THREE (3) RANKING OFFICIALS FROM THE**
21 **COMMISSION, WITH A REPRESENTATIVE EACH**
22 **FROM THE DEPARTMENT OF FOREIGN AFFAIRS**
23 **(DFA) AND THE DEPARTMENT OF LABOR AND**
24 **EMPLOYMENT (DOLE), THE MAIN FUNCTIONS OF**
25 **WHICH ARE TO PROCESS, APPROVE OR**
26 **DISAPPROVE ALL APPLICATIONS FOR**

1 **REGISTRATION AND/OR CERTIFICATION AS**
2 **OVERSEAS ABSENTEE VOTERS, INCLUDING**
3 **DEACTIVATION, REACTIVATION AND CANCELLATION**
4 **OF REGISTRATION RECORDS;**

5 **N. “SEAFARERS” REFER TO SHIP OFFICERS AND**
6 **RATINGS MANNING SHIPS, INCLUDING OFFSHORE**
7 **WORKERS, SERVICE PROVIDERS AND FISHERMEN,**
8 **AS DEFINED IN THE REVISED RULES ON THE**
9 **ISSUANCE OF ‘SEAFARER’S IDENTIFICATION AND**
10 **RECORD BOOK’ OF THE MARITIME INDUSTRY**
11 **AUTHORITY;**

12 **O. “SPECIAL BALLOT RECEPTION AND CUSTODY**
13 **GROUP (SBRCG)” REFERS TO THE GROUP**
14 **CONSTITUTED BY THE COMMISSION TO RECEIVE**
15 **AND TAKE CUSTODY OF ALL ACCOUNTABLE AND**
16 **OTHER ELECTION FORMS, SUPPLIES AND**
17 **PARAPHERNALIA FROM THE COAV FOR**
18 **TRANSMITTAL TO THE ‘SPECIAL BOARDS OF**
19 **ELECTION INSPECTORS’ AND ‘SPECIAL BOARDS OF**
20 **CANVASSERS’;**

21 **P. “SPECIAL BOARD OF CANVASSERS (SBOC)” REFERS**
22 **TO THE BODY DEPUTIZED BY THE COMMISSION TO**
23 **CANVASS THE OVERSEAS ABSENTEE VOTING**
24 **ELECTION RETURNS SUBMITTED TO IT BY THE**
25 **SPECIAL BOARD OF ELECTION INSPECTORS;**

1 Q. ***“SPECIAL BOARD OF ELECTION INSPECTORS (SBEI)”***
2 REFERS TO THE BODY DEPUTIZED BY THE
3 COMMISSION TO CONDUCT THE VOTING AND
4 COUNTING OF VOTES;

5 R. ***“SYSTEM OF CONTINUING REGISTRATION”*** REFERS
6 TO THE ACT OF ACCOMPLISHING AND FILING OF A
7 SWORN APPLICATION FOR REGISTRATION AND/OR
8 CERTIFICATION BY A QUALIFIED OVERSEAS
9 ABSENTEE VOTER BEFORE THE PERSONNEL
10 DEPUTIZED BY THE COMMISSION WITHIN ONE (1)
11 YEAR BEFORE THE START OF THE VOTING PERIOD
12 AND OF INCLUDING THE SAME IN THE NROAV UPON
13 APPROVAL BY THE RERB;

14 S. ***“VOTING PERIOD”*** REFERS TO A CONTINUOUS
15 THIRTY (30)-DAY PERIOD, THE LAST DAY OF WHICH
16 IS THE DAY OF ELECTION, INCLUSIVE OF
17 ESTABLISHED HOLIDAYS IN THE PHILIPPINES AND
18 OF SUCH OTHER HOLIDAYS IN THE HOST
19 COUNTRIES.

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

21 ***“Sec. 4. Coverage.*** - All citizens of the Philippines
22 abroad, who are not otherwise disqualified by law, at least
23 eighteen **(18)** years of age on the day of elections, may vote
24 for **P[p]**resident, **V[v]**ice-P[p]resident, senators and party-list
25 representatives, **AS WELL AS IN ALL NATIONAL**
26 **REFERENDA AND PLEBISCITES.”**

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

2 **“Sec. 5. Disqualifications.** - The following shall be
3 disqualified from voting under this Act:

4 “a) Those who have lost their Filipino citizenship in
5 accordance with Philippine laws;

6 “b) Those who have expressly renounced their Philippine
7 citizenship and who have pledged allegiance to a foreign
8 country, **EXCEPT THOSE WHO HAVE REACQUIRED**
9 **OR RETAINED THEIR PHILIPPINE CITIZENSHIP**
10 **UNDER REPUBLIC ACT NO. 9225, OTHERWISE**
11 **KNOWN AS THE “CITIZENSHIP RETENTION AND**
12 **REACQUISITION ACT OF 2003”;**

13 “c) Those who have committed and are convicted in a final
14 judgment by a **PHILIPPINE** court or tribunal of an
15 offense punishable by imprisonment of not less than one
16 (1) year, [including those who have committed and
17 been found guilty of Disloyalty as defined under Article
18 137 of the Revised Penal Code] such disability not
19 having been removed by plenary pardon or amnesty:
20 *Provided, however,* That any person disqualified to vote
21 under this subsection shall automatically acquire the
22 right to vote upon **THE** expiration of five (5) years after
23 service of sentence, **AND;** [Provided, further, That the
24 Commission may take cognizance of final judgments
25 issued by foreign courts or tribunals only on the basis of
26 reciprocity and subject to the formalities and processes

1 prescribed by the *Rules of Court* on execution of
2 judgments;]

3 [“d) An immigrant or a permanent resident who is
4 recognized as such in the host country, unless he/she
5 executes, upon registration, an affidavit prepared for
6 the purpose by the Commission declaring that he/she
7 shall resume actual physical permanent residence in the
8 Philippines not later than three (3) years from approval
9 of his/her registration under this Act. Such affidavit shall
10 also state that he/she has not applied for citizenship in
11 another country. Failure to return shall be the cause for
12 the removal of the name of the immigrant or permanent
13 resident from the National Registry of Absentee Voters
14 and his/her permanent disqualification to vote in
15 *absentia*].-

16 [e] D. “Any citizen of the Philippines abroad previously
17 declared insane or incompetent by competent authority
18 in the Philippines or abroad, as verified by the Philippine
19 embassies, consulates or foreign service establishments
20 concerned, unless such competent authority
21 subsequently certifies that such person is no longer
22 insane or incompetent.”

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

25 **“Sec. 6. Personal Overseas Absentee Registration**
26 **AND/OR CERTIFICATION. – Registration AND/OR**

1 **CERTIFICATION** as an overseas absentee voter shall be done
2 in person **AT ANY POST ABROAD OR AT DESIGNATED**
3 **REGISTRATION CENTERS OUTSIDE THE POST OR IN THE**
4 **PHILIPPINES APPROVED BY THE COMMISSION.**

5 “[Qualified citizens of the Philippines abroad who failed
6 to register under Republic Act No. 8189, otherwise known as
7 the "The Voters Registration Act of 1996", may personally
8 apply for registration with the Election Registration Board of
9 the city or municipality where they were domiciled
10 immediately prior to their departure from the Philippines, or
11 with the representative of the Commission at the Philippine
12 embassies, consulates and other foreign service
13 establishments that have jurisdiction over the locality where
14 they temporarily reside. Subject to the specific guidelines
15 herein provided, the Commission is hereby authorized to
16 prescribe additional procedures for overseas absentee
17 registration pursuant to the provisions of Republic Act No.
18 8189, whenever applicable, taking into strict consideration the
19 time zones and the various periods and processes herein
20 provided for the proper implementation of this Act. The
21 embassies, consulates and other foreign service
22 establishments shall transmit within (5) days from receipt the
23 accomplished registration forms to the Commission, after
24 which the Commission shall coordinate with the Election
25 Officer of the city or municipality of the applicant's stated
26 residence for verification, hearing and annotation in the

1 permanent list of voters.

2 “[All applications for the May, 2004 elections shall be
3 filed with the Commission not later than two hundred eighty
4 (280) calendar days before the day of elections. For
5 succeeding elections, the Commission shall provide for the
6 period within which applications to register must be filed.
7 In the case of seafarers, the Commission shall provide a
8 special mechanism for the time and manner of personal
9 registration taking into consideration the nature of their work.

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

20 “[6.2. If no verified objection to the application is filed,
21 the Election Officer shall immediately forward the application
22 to the Election Registration Board, which shall decide on the
23 application within one (1) week from the date of hearing
24 without waiting for the quarterly meeting of the Board. The
25 applicant shall be notified of the approval or disapproval of
26 his/her application by registered mail.

1 **“[6.3.** In the event that an objection to the application
2 is filed prior to or on the date of hearing, the Election Officer
3 shall notify the applicant of said objection by registered mail,
4 enclosing therein copies of affidavits or documents submitted
5 in support of the objection filed with the said Election Officer,
6 if any. The applicant shall have the right to file his counter-
7 affidavit by registered mail, clearly stating therein facts and
8 defenses sworn before any officer in the host country
9 authorized to administer oaths.

10 **“[6.4.** The application shall be approved or disapproved
11 based on the merits of the objection, counter-affidavit and
12 documents submitted by the party objecting and those of the
13 applicant.

14 **“[6.5** A Certificate of Registration as an overseas
15 absentee voter shall be issued by the Commission to all
16 applicants whose applications have been approved, including
17 those certified as registered voters. The Commission shall
18 include the approved applications in the National Registry of
19 Absentee Voters.

20 **“[6.6.** If the application has been approved, any
21 interested party may file a petition for exclusion not later than
22 two hundred ten (210) days before the day of elections with
23 the proper municipal or metropolitan trial court. The petition
24 shall be decided within fifteen (15) days after its filing on the
25 basis of the documents submitted in connection therewith.
26 Should the court fail to render a decision within the prescribed

1 period, the ruling of the Election Registration Board shall be
2 considered affirmed.

3 **“[6.7.** If the application has been disapproved, the
4 applicant or his authorized representative shall, within a
5 period of five (5) days from receipt of the notice of
6 disapproval, have the right to file a petition for inclusion with
7 the proper municipal or metropolitan trial court. The petition
8 shall be decided within five (5) days after its filing on the basis
9 of documents submitted in connection therewith.

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

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

20 **“ALL APPLICANTS SHALL SUBMIT THEMSELVES**
21 **FOR LIVE CAPTURE OF THEIR BIOMETRICS.**

22 **“REMOTE REGISTRATION THROUGH THE**
23 **INTERNET MAY ALSO BE ALLOWED BASED ON THE**
24 **GUIDELINES AND PROCEDURES DETERMINED BY THE**
25 **COMMISSION, PROVIDED THAT THE APPROPRIATE**

1 **TECHNOLOGY WILL ENSURE ADEQUATE SECURITY AND**
2 **VOTER AUTHENTICITY.”**

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

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

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

17 **“7.1. THE RERB SHALL PROCESS, APPROVE OR**
18 **DISAPPROVE ALL APPLICATIONS FOR REGISTRATION**
19 **AND/OR CERTIFICATION AS OVERSEAS ABSENTEE**
20 **VOTERS, INCLUDING DEACTIVATION, REACTIVATION**
21 **AND CANCELLATION OF REGISTRATION RECORDS.**

22 **“7.2 THE RERB SHALL HAVE THE SOLE POWER**
23 **AND AUTHORITY TO APPROVE OR DISAPPROVE THE**
24 **APPLICATION FOR REGISTRATION AND/OR**
25 **CERTIFICATION.”**

26 **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 AND/OR CERTIFICATION FROM THE POSTS AND FROM THE DULY DESIGNATED REGISTRATION CENTERS IN THE PHILIPPINES, THE RERB SHALL SCHEDULE THE HEARING OF THE APPLICATIONS FOR REGISTRATION AND/OR CERTIFICATION.

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

"8.2. 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 AND/OR CERTIFICATION, THE RERB SHALL NOTIFY THE APPLICANT, OR HER/HIS AUTHORIZED REPRESENTATIVE IN THE PHILIPPINES, WITHIN FIVE (5) DAYS FROM THE

1 DATE OF DISAPPROVAL, STATING THE REASONS
2 THEREFOR.

3 “8.3. THE RERB SHALL INCLUDE THE NAMES OF
4 THE APPLICANTS WITH APPROVED APPLICATIONS IN
5 THE NATIONAL REGISTRY OF OVERSEAS ABSENTEE
6 VOTERS (NROAV) AND IN THE CERTIFIED LIST OF
7 OVERSEAS ABSENTEE VOTERS (CLOAV) IN THE POSTS
8 WHERE THEY INTEND TO VOTE, SUBJECT TO THE
9 APPROVAL OF THE COMMISSION EN BANC. THE NAMES
10 OF APPLICANTS WITH APPROVED APPLICATIONS SHALL
11 BE PUBLISHED IN THE WEBSITES OF THE COMMISSION,
12 THE DFA, THE DOLE AND THE ACCREDITED FILIPINO
13 CIVIL SOCIETY ORGANIZATIONS.

14 “8.4. APPROVAL OF THE RERB ON APPLICATIONS
15 FOR REGISTRATION OR CERTIFICATION SHALL BE
16 IMMEDIATELY EXECUTORY, UNLESS REVERSED OR SET
17 ASIDE BY FINAL AND EXECUTORY JUDGMENT BY A
18 COURT OF COMPETENT JURISDICTION.

19 “8.5. THE RERB SHALL PERFORM SUCH OTHER
20 DUTIES AS MAY BE CONSISTENT WITH ITS FUNCTIONS,
21 AS PROVIDED IN THIS ACT.”

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

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

24 **“9.1. PETITION FOR EXCLUSION. - IF THE**
25 **APPLICATION HAS BEEN APPROVED, ANY INTERESTED**
26 **PARTY MAY FILE A PETITION FOR EXCLUSION NOT**

1 LATER THAN ONE HUNDRED EIGHTY (180) DAYS
2 BEFORE THE DAY OF ELECTIONS WITH THE PROPER
3 MUNICIPAL / METROPOLITAN TRIAL COURT, EITHER
4 WHERE THE RERB SITS, OR WHERE THE OVERSEAS
5 ABSENTEE VOTER RESIDES, AT THE OPTION OF THE
6 PETITIONER.

7 "THE PETITION SHALL BE DECIDED ON THE BASIS
8 OF THE DOCUMENTS SUBMITTED WITHIN FIFTEEN (15)
9 DAYS FROM ITS FILING, BUT NOT LATER THAN ONE
10 HUNDRED TWENTY (120) DAYS BEFORE THE START OF
11 THE VOTING PERIOD. SHOULD THE COURT FAIL TO
12 RENDER A DECISION WITHIN THE PRESCRIBED PERIOD,
13 THE RULING OF THE RERB SHALL BE CONSIDERED
14 AFFIRMED."

15 "9.2. *PETITION FOR INCLUSION.* - IF THE
16 APPLICATION HAS BEEN DISAPPROVED, THE APPLICANT
17 OR HER/HIS AUTHORIZED REPRESENTATIVE SHALL
18 HAVE THE RIGHT TO FILE A MOTION FOR
19 RECONSIDERATION BEFORE THE RERB WITHIN A
20 PERIOD OF FIVE (5) DAYS FROM RECEIPT OF THE
21 NOTICE OF DISAPPROVAL. THE MOTION SHALL BE
22 DECIDED WITHIN FIVE (5) DAYS AFTER ITS FILING ON
23 THE BASIS OF DOCUMENTS SUBMITTED. THE
24 RESOLUTION OF THE RERB SHALL BE IMMEDIATELY
25 EXECUTORY, UNLESS REVERSED OR SET ASIDE BY THE
26 COURT.

1 “WITHIN TEN (10) DAYS FROM RECEIPT OF NOTICE
2 DENYING THE MOTION FOR RECONSIDERATION, THE
3 APPLICANT MAY FILE A PETITION FOR INCLUSION WITH
4 THE PROPER MUNICIPAL / METROPOLITAN TRIAL
5 COURT, EITHER WHERE THE RERB SITS, OR WHERE THE
6 OVERSEAS ABSENTEE VOTER RESIDES, AT THE OPTION
7 OF THE PETITIONER.

8 “THE PETITION SHALL BE DECIDED ON THE BASIS
9 OF THE DOCUMENTS SUBMITTED WITHIN FIFTEEN (15)
10 DAYS FROM FILING, BUT NOT LATER THAN ONE
11 HUNDRED TWENTY (120) DAYS BEFORE THE START OF
12 THE VOTING PERIOD. SHOULD THE COURT FAIL TO
13 RENDER A DECISION WITHIN THE PRESCRIBED PERIOD,
14 THE RERB RULING SHALL BE CONSIDERED AFFIRMED.

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

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

24 “**SEC.10. TRANSFER OF REGISTRATION RECORD. -**
25 **IN THE EVENT OF CHANGE OF VOTING VENUE, AN**
26 **OVERSEAS ABSENTEE VOTER MUST FILE AN**

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

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

23 ***"SEC. [7]11. - System of Continuing Registration. -***

24 The Commission shall ensure that the benefits of the system
25 of continuing registration are extended to qualified overseas
26 absentee voters. **REGISTRATION SHALL BE CONDUCTED**

1 **AT LEAST ONE (1) YEAR BEFORE THE START OF THE**
2 **VOTING PERIOD.** Towards this end, the Commission **IS**
3 **[shall] AUTHORIZED TO UTILIZE AND** optimize the use of
4 existing facilities, personnel and mechanisms of the various
5 government agencies for purposes of data gathering **AND**
6 **[data]** validation, information dissemination and facilitation of
7 the registration process.

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

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

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

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

9 ***“Sec. [8] 12. Requirements for Registration. -***

10 Every Filipino registrant shall be required to furnish the
11 following documents:

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

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

22 **[**“i. Last known residence of the applicant in the
23 Philippines before leaving for abroad;

24 **[**“ii. Address of applicant abroad, or forwarding address
25 in the case of seafarers;

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

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

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

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

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

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

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

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

1 and who have been issued certifications as overseas
2 absentee voters. The entries in the National Registry of
3 Overseas Absentee Voters and the annotations as overseas
4 absentee voters in the Certified Voters' List shall be
5 permanent, and cannot be cancelled or amended except in
6 any of the following cases:

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

12 “**[9.2.** When an overseas absentee voter's name was
13 ordered removed by the Commission from the Registry of
14 Overseas Absentee Voters for his/her failure to exercise
15 his/her right to vote under this Act for two (2) consecutive
16 national elections.]

17 **“LIKEWISE, THE COMMISSION SHALL MAINTAIN**
18 **A REGISTRY OF OVERSEAS ABSENTEE VOTERS (ROAV)**
19 **PER MUNICIPALITY, CITY OR DISTRICT CONTAINING THE**
20 **NAMES OF REGISTERED OVERSEAS ABSENTEE VOTERS**
21 **DOMICILED THEREIN. TOWARDS THIS END, THE COAV**
22 **SHALL PROVIDE EACH AND EVERY MUNICIPALITY, CITY**
23 **OR DISTRICT WITH A ROAV FOR THEIR REFERENCE.”**

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

25 **“SEC.14. DEACTIVATION OF REGISTRATION. - “THE**
26 **RERB SHALL DEACTIVATE AND REMOVE THE**

REGISTRATION RECORDS OF THE FOLLOWING PERSONS FROM THE CORRESPONDING BOOK OF VOTERS AND PLACE THE SAME, PROPERLY MARKED AND DATED, IN THE INACTIVE FILE AFTER ENTERING THE CAUSE(S) OF DEACTIVATION. THE FACT OF DEACTIVATION SHALL BE ANNOTATED IN THE NROAV AND THE CORRESPONDING ROAV:

“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 THE 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 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;**

1 **“C). ANY PERSON WHO DID NOT VOTE IN TWO (2)**
2 **CONSECUTIVE NATIONAL ELECTIONS AS SHOWN BY**
3 **THEIR VOTING RECORDS, AND;**

4 **“D). ANY PERSON WHOSE REGISTRATION HAS**
5 **BEEN ORDERED EXCLUDED BY THE COURTS.”**

6 **Sec. 13.** Section 10 of the same Act is hereby renumbered as
7Section 15.

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

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

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

24 **“[11.2.** Every application to vote in *absentia* may be
25 done personally at, or by mail to, the embassy, consulate or
26 foreign service establishment, which has jurisdiction over the

1 country where he/she has indicated his/her address for
2 purposes of the elections.

3 **“[11.3.** Consular and diplomatic services rendered in
4 connection with the overseas absentee voting processes shall
5 be made available at no cost to the overseas absentee voter.

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

18 **“[The Commission shall issue an overseas absentee**
19 **voter identification card to those whose applications to vote**
20 **have been approved.]”**

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

23 **“SEC. 16. REACTIVATION OF REGISTRATION. -**
24 **ANY OVERSEAS ABSENTEE VOTER WHOSE**
25 **REGISTRATION HAS BEEN DEACTIVATED PURSUANT TO**
26 **THE PRECEDING SECTION MAY FILE WITH THE COAV AT**

1 ANY TIME, BUT NOT LATER THAN ONE HUNDRED
2 TWENTY (120) DAYS BEFORE THE NEXT NATIONAL
3 ELECTIONS, A SWORN APPLICATION FOR REACTIVATION
4 OF HER/HIS REGISTRATION IN THE FORM OF AN
5 AFFIDAVIT STATING THAT THE GROUNDS FOR THE
6 DEACTIVATION NO LONGER EXIST.

7 "THE COAV SHALL SUBMIT SAID APPLICATION TO
8 THE RERB FOR APPROPRIATE ACTION."

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

11 ***"SEC.17. CANCELLATION OF REGISTRATION. - THE***
12 **RERB SHALL CANCEL THE REGISTRATION RECORDS OF**
13 **THOSE WHO HAVE DIED, AS CERTIFIED BY EITHER THE**
14 **POSTS OR BY THE LOCAL CIVIL REGISTRAR, AND THOSE**
15 **WHO HAVE BEEN PROVEN TO HAVE LOST THEIR**
16 **FILIPINO CITIZENSHIP."**

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

19 ***"SEC. 18. VOTERS EXCLUDED FROM THE NROAV***
20 ***THROUGH INADVERTENCE. - ANY REGISTERED***
21 **OVERSEAS ABSENTEE VOTER WHOSE NAME HAS BEEN**
22 **INADVERTENTLY OMITTED FROM THE NROAV MAY,**
23 **PERSONALLY OR THROUGH HIS AUTHORIZED**
24 **REPRESENTATIVE, FILE WITH THE COAV OR WITH THE**
25 **POST HAVING JURISDICTION OVER HER/HIS RESIDENCE,**
26 **AN APPLICATION UNDER OATH FOR REINSTATEMENT**

1 **NOT LATER THAN ONE HUNDRED TWENTY (120) DAYS**
2 **BEFORE THE START OF THE VOTING PERIOD.**

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

5 ***“SEC. 19. APPLICATION FOR CORRECTION OF***
6 ***ENTRIES AND CHANGE OF NAME. - ANY REGISTERED***
7 ***ABSENTEE VOTER MAY FILE WITH THE COAV, OR WITH***
8 ***THE POST HAVING JURISDICTION OVER HER/HIS***
9 ***RESIDENCE, NOT LATER THAN ONE HUNDRED TWENTY***
10 ***(120) DAYS BEFORE THE START OF THE VOTING***
11 ***PERIOD, AN APPLICATION UNDER OATH FOR THE***
12 ***CORRECTION OF MISSPELLED NAME OR OTHER***
13 ***ENTRIES; CHANGE OF NAME BY REASON OF MARRIAGE,***
14 ***DEATH OF HUSBAND, OR BY VIRTUE OF A COURT***
15 ***ORDER; AND/OR CHANGE OR CORRECTION OF ANY***
16 ***ENTRY IN THE NROAV, CLOAV AND THE VOTER’S IDS.”***

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

19 ***“Sec.[13] 20 . Preparation and Posting of Certified***
20 ***List of Overseas Absentee Voters.*** - The Commission shall
21 prepare the **CLOAV** [Certified List of Overseas] within one
22 hundred twenty (120) days before every **NATIONAL** election,
23 and furnish within the same period **ELECTRONIC AND HARD**
24 copies thereof to the appropriate **POSTS** [embassies,
25 consulates and other foreign service establishments], which

1 shall post the same in their bulletin boards **AND/OR**
2 **WEBSITES** within ten (10) days from receipt thereof.

3 “Subject to reasonable regulation and the payment of
4 fees in such amounts as may be fixed by the Commission, the
5 candidates, political parties, accredited citizens’ arms **AND** all
6 other interested persons [and all embassies, consulates and
7 other foreign service establishments] shall be furnished copies
8 thereof; **PROVIDED, THAT NGO AND OTHER CIVIL**
9 **SOCIETY ORGANIZATIONS ACCREDITED BY AND**
10 **WORKING WITH THE COMMISSION AS PARTNERS ON**
11 **OVERSEAS VOTERS’ EDUCATION AND PARTICIPATION**
12 **SHALL BE EXEMPT FROM THE PAYMENT OF FEES.”**

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

15 ***“Sec. [14] 21. Printing and Transmittal of Ballots,***
16 ***Voting Instructions, Election Forms and Paraphernalia.***

17 -

18 **“[14.1] 21.1.** The Commission shall cause the printing
19 of ballots for overseas absentee voters, [voting instructions,]
20 and **ALL OTHER ACCOUNTABLE** election forms in such
21 number as may be necessary, but in no case shall [it] **THEY**
22 exceed the total number of approved applications. Security
23 markings shall be used in the printing of ballots for overseas
24 absentee voters.

25 **“[14.2]21.2.** The Commission shall present to the
26 authorized representatives of the Department of Foreign

1 Affairs and OF the accredited major political parties the ballots
2 for overseas absentee voters, voting instructions, election
3 forms and other election paraphernalia for scrutiny and
4 inspection prior to their transmittal to the **POSTS** [embassies,
5 consulates and other foreign service establishments
6 concerned].

7 “[~~14.3~~]**21.3.** The Commission shall **TRANSMIT, AS**
8 **FAR AS PRACTICABLE BUT** not later than **FORTY** [seventy]-
9 five [75] (**45**) days **BEFORE** the day of elections, [transmit]
10 by special pouch to the **POSTS** [embassies, consulates and
11 other foreign service establishments,] the exact number of
12 ballots for overseas absentee voters corresponding to the
13 number of approved applications, along with such [materials
14 and election paraphernalia] **ACCOUNTABLE FORMS**
15 necessary to ensure the integrity of the election.”

16 “[~~14.4~~]**21.4.** The authorized representatives of
17 accredited major political parties shall have the right to be
18 present in all phases of printing, transmittal and casting of
19 **MAILED** ballots abroad. [Unclaimed ballots properly marked
20 as such, shall be cancelled and shipped to the Commission by
21 the least costly-method.]”

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

24 “**Sec. [15] 22. Regulation on Campaigning Abroad.**
25 - **PERSONAL CAMPAIGNING, [T]**the use of campaign
26 materials, as well as the limits on campaign spending shall be

1 governed by the laws and regulations applicable in the
2 Philippines **AND TO THE EXTENT ALLOWED BY THE LAWS**
3 **OF HOST COUNTRIES; PROVIDED, THAT, ALL FORMS OF**
4 **CAMPAIGNING ABROAD WITHIN THE 30-DAY OVERSEAS**
5 **ABSENTEE VOTING PERIOD SHALL BE PROHIBITED.”**

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

8 **“SEC. 23. VOTING. - VOTING MAY BE DONE EITHER**
9 **PERSONALLY, BY MAIL, OR BY ANY OTHER MEANS AS**
10 **MAY BE ALLOWED UNDER OTHER EXISTING LAWS. FOR**
11 **THIS PURPOSE, THE COMMISSION SHALL ISSUE THE**
12 **NECESSARY GUIDELINES ON THE MANNER AND**
13 **PROCEDURES OF VOTING.-**

14 **“THE COAV, IN CONSULTATION WITH DFA-OAVS,**
15 **SHALL DETERMINE THE COUNTRIES WHERE VOTING**
16 **SHALL BE DONE BY ANY SPECIFIC MODE, TAKING INTO**
17 **CONSIDERATION THE MINIMUM CRITERIA ENUMERATED**
18 **UNDER THIS ACT WHICH SHALL INCLUDE THE NUMBER**
19 **OF REGISTERED VOTERS, ACCESSIBILITY OF THE POSTS,**
20 **EFFICIENCY OF THE HOST COUNTRY’S APPLIED SYSTEM**
21 **AND SUCH OTHER CIRCUMSTANCES THAT MAY AFFECT**
22 **THE CONDUCT OF VOTING.**

1 **“THE COMMISSION SHALL ANNOUNCE THE**
2 **SPECIFIC MODE OF VOTING PER COUNTRY/POST AT**
3 **LEAST ONE-HUNDRED TWENTY (120) DAYS BEFORE THE**
4 **START OF THE VOTING PERIOD.**

5 **“THE COMMISSION SHALL ISSUE AN OVERSEAS**
6 **ABSENTEE VOTER IDENTIFICATION CARD TO THOSE**
7 **WHOSE APPLICATIONS TO VOTE HAVE BEEN**
8 **APPROVED.”**

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

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

13 **“[16.1] 24.1** Upon receipt [by the designated officer of
14 the embassy, consulate and other foreign service
15 establishments] of the ballots **FOR OVERSEAS ABSENTEE**
16 **VOTERS AND OTHER ACCOUNTABLE FORMS, VOTING**
17 **MACHINES AND OTHER HARDWARE AND SOFTWARE** for
18 overseas absentee voters [,voting instructions, election forms
19 and other paraphernalia] **THE SBRCG** [he/she] shall make
20 them available on the premises to the qualified overseas
21 absentee voters in their respective jurisdictions [during the
22 thirty (30) days before the day of elections when overseas
23 absentee voters may cast their vote. Immediately upon
24 receiving it, the overseas absentee voter must fill-out his/her
25 ballot personally, in secret, without leaving the premises of
26 the embassies, consulates, and other Foreign Service

1 establishments concerned. **1 DURING THE THIRTY-DAY (30)**
2 **VOTING PERIOD.**

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

14 **“THE COMMISSION SHALL, LIKEWISE, CONSTITUTE**
15 **AS MANY SPECIAL BOARDS OF ELECTION INSPECTORS**
16 **(SBEIs) AS MAY BE NECESSARY TO CONDUCT AND**
17 **SUPERVISE THE VOTING AND COUNTING OF VOTES.**

18 **“EACH SBEI SHALL BE COMPOSED OF A**
19 **CHAIRMAN, DESIGNATED AS SUCH BY THE COMMISSION**
20 **FROM AMONG CAREER PUBLIC OFFICERS POSTED**
21 **ABROAD, AND TWO (2) GOVERNMENT OFFICERS AS**
22 **MEMBERS, ONE OF WHOM SHALL BE DESIGNATED AS**
23 **POLL CLERK. IN THE ABSENCE OF SUCH OTHER**
24 **GOVERNMENT OFFICERS, THE TWO MEMBERS SHALL BE**
25 **FILIPINO CITIZENS QUALIFIED TO REGISTER OR VOTE**
26 **UNDER THIS ACT AND SHALL BE DEPUTIZED BY THE**

1 COMMISSION NOT LATER THAN SIXTY (60) DAYS
2 BEFORE THE START OF THE VOTING PERIOD.

3 "ALL SBEI RESOLUTIONS SHALL BE VALID ONLY
4 WHEN APPROVED BY A MAJORITY OF THE MEMBERS OF
5 THE BOARD."

6 "24.2. VOTING SHALL BE DONE AT THE POSTS, OR
7 WHEREVER FIELD REGISTRATIONS WERE CONDUCTED,
8 OR AT ANY OTHER POLLING PLACE
9 DESIGNATED/ACCREDITED AS SUCH BY THE
10 COMMISSION.

11 "[16.2. The overseas absentee voter shall personally
12 accomplish his/her ballot at the embassy, consulate or other
13 foreign service establishment that has jurisdiction over the
14 country where he/she temporarily resides or at any polling
15 place designated and accredited by the Commission.]

16 "[16.3]. 24.3. The overseas absentee voter shall cast
17 HER/HIS [his/her] ballot, upon presentation of the absentee
18 voter identification card issued by the Commission OR SUCH
19 OTHER DOCUMENTS ACCEPTABLE TO THE SBEI AT THE
20 POST AS SUFFICIENT TO ESTABLISH HER/HIS IDENTITY
21 [within thirty (30) days before the day of elections. In the case
22 of seafarers, they shall cast their ballots anytime within sixty
23 (60) days before the day of elections as prescribed in the
24 Implementing Rules and Guidelines].

25 "IMMEDIATELY UPON RECEIVING HER/HIS
26 BALLOT, THE OVERSEAS ABSENTEE VOTER MUST FILL IT

**OUT PERSONALLY, IN SECRET AND WITHOUT LEAVING
THE PREMISES OF THE POST OR OF ANY OTHER
DESIGNATED/ACCREDITED POLLING PLACE.**

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

“(16.5) 24.5. The **SBRCG** [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 **SBRCG** [embassies, consulates and other foreign service establishments] shall submit a formal report to the Commission and **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.

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

“[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] 24.7. Only ballots cast [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] **AT OR BEFORE THE CLOSE OF VOTING ON THE DAY OF ELECTIONS SHALL BE COUNTED.”**

“[16.9. A Special Ballot Reception and Custody Group composed of three (3) members shall be constituted by the Commission from among the staff of the embassies, consulates

1 and other foreign service establishments–concerned, including
2 their attached agencies, and citizens of the Philippines abroad,
3 who will be deputized to receive ballots and take custody of
4 the same preparatory to their transmittal to the Special Boards
5 of Election Inspectors.]

6 “[16.10] 24.8. During **THE VOTING**, [this phase of
7 the election process] the authorized representatives of the
8 political parties, candidates, and accredited citizens' arms of
9 the Commission shall be notified **THEREOF** in writing [thereof]
10 and shall have the right to witness the proceedings.

11 “[16.11. The Commission shall study the use of
12 electronic mail, Internet, or other secured networks in the
13 casting of votes, and submit a report thereon to the Joint
14 Congressional Oversight Committee.]”

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

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

19 “[17.1. For the May, 2004 elections, the Commission
20 shall authorize voting by mail in not more than three (3)
21 countries, subject to the approval of the Congressional
22 Oversight Committee. Voting by mail may be allowed in
23 countries that satisfy the following conditions:

- 24 a. Where the mailing system is fairly well-developed
25 and secure to prevent the occasion of fraud;

1 b. Where there exists a technically established
2 identification system that would preclude multiple
3 or proxy voting; and,

4 c. Where the system of reception and custody of
5 mailed ballots in the embassies, consulates and
6 other foreign service establishments concerned
7 are adequate and well-secured.

8 “Hereafter, voting by mail in any country shall be
9 allowed only upon review and approval of the Joint
10 Congressional Oversight Committee.”

11 **“25.1. THE COMMISSION SHALL TAKE CUSTODY**
12 **OF ALL OUTGOING BALLOTS PREPARATORY TO THEIR**
13 **MAILING TO THE VOTERS OR TO THE POSTS.**

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

21 **“THE COMMISSION SHALL CONSTITUTE SPECIAL**
22 **BALLOT RECEPTION GROUPS (SBRCGs) FOR EVERY**
23 **POST FOR WHICH VOTING BY MAIL IS THE DESIGNATED**
24 **VOTING MODE TO RECEIVE AND TAKE CUSTODY OF ALL**
25 **ACCOUNTABLE AND OTHER ELECTION FORMS, SUPPLIES**

1 **AND PARAPHERNALIA FROM THE COAV FOR**
2 **TRANSMITTAL TO THE SPECIAL BOARDS OF ELECTION**
3 **INSPECTORS (SBEIS) AND TO THE SPECIAL BOARD OF**
4 **CANVASSERS, AS WELL AS TO RECORD, VERIFY,**
5 **RECEIVE AND TAKE CUSTODY OF ALL MAILED**
6 **ACCOMPLISHED BALLOTS. EACH SBRCG SHALL BE**
7 **COMPOSED OF THREE (3) MEMBERS FROM AMONG THE**
8 **STAFF OF THE POSTS CONCERNED, INCLUDING THEIR**
9 **ATTACHED AGENCIES, AND FILIPINO CITIZENS**
10 **ABROAD.”**

11 **“[17.2] 25.2.** The overseas absentee voter shall send
12 **HER/HIS** [his/her] accomplished ballot **IN THE**
13 **ACCOMPANYING SPECIAL ENVELOPE AT ANY TIME**
14 **AFTER RECEIPT THEREOF AND ENSURE THAT THE SAME**
15 **BALLOT IS RECEIVED AND STAMPMARKED BY THE POST**
16 **ON OR BEFORE THE CLOSE OF VOTING ON THE DAY OF**
17 **ELECTIONS** [to the corresponding embassy, consular or other
18 foreign service establishment that has jurisdiction over the
19 country where he/she temporarily resides. He/she shall be
20 entitled to cast his/her ballot at any time upon his/her receipt
21 thereof, provided that the same is received before the close of
22 voting on the day of elections. The overseas absentee voter
23 shall be instructed tht his/her ballot shall not be counted if not
24 transmitted in the special envelope furnished him/her].

1 “[17.3] 25.3. Only mailed ballots
2 **STAMPMARKED BY THE LOCAL POSTAL SERVICE AS**
3 **HAVING BEEN MAILED BEFORE CLOSE OF VOTING**
4 **AND RECEIVED BY THE SBCRG DURING THE**
5 **COUNTING OF VOTES SHALL BE COUNTED.** [received
6 by the Philippine embassy, consulate and other foreign service
7 establishments before the close of voting on the day of
8 elections shall be counted in accordance with Section 18
9 hereof.] All envelopes containing the **ACCOMPLISHED** ballots
10 received **AFTER THE COUNTING OF VOTES SHALL NOT BE**
11 **OPENED AND SHALL BE FILED AND KEPT** [by the
12 embassies, consulates and other foreign service
13 establishments after the prescribed period shall not be
14 opened, and shall be cancelled and disposed of] appropriately
15 **FOR PURPOSES OF DOCUMENTATION,** with a
16 corresponding **INVENTORY** report thereon [submitted to the
17 Commission not later than thirty (30) days from the day of
18 elections]. **ACCREDITED MAJOR POLITICAL PARTIES**
19 **SHALL BE FURNISHED COPIES OF THE SAID REPORT**
20 **NOT LATER THAN THIRTY (30) DAYS AFTER THE**
21 **DAY OF ELECTIONS.**

22 “25.4. THE COMMISSION SHALL MAINTAIN A
23 **COMPLETE REPORT OF THE NAMES AND ADDRESSES OF**
24 **THE VOTERS TO WHOM THE BALLOTS WERE SENT,**
25 **INCLUDING THE NUMBER OF BALLOTS CAST AND**

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

6 "25.5. ALL MAILED BALLOTS MARKED "RETURN TO
7 SENDER" AND RETURNED TO THE COMMISSION SHALL
8 NOT BE OPENED. THE SAME SHALL BE CANCELLED AND
9 DISPOSED OF APPROPRIATELY, WITH A
10 CORRESPONDING INVENTORY REPORT THEREON DULY
11 FURNISHED THE MAJOR POLITICAL PARTIES NOT LATER
12 THAN THIRTY (30) DAYS AFTER THE DAY OF
13 ELECTIONS."

14 **Sec. 25.** A new Section 26 of the same Act is hereby inserted to
15 read as follows:

16 "SEC. 26. *VOTING BY SEAFARERS. - SEAFARERS*
17 *MAY VOTE IN ACCORDANCE WITH SECTION 21 OF THIS*
18 *ACT. FOR THIS PURPOSE, THE COMMISSION SHALL*
19 *PREPARE A SEPARATE CLOAV FOR SEAFARERS."*

20 **Sec. 26.** A new Section 27 of the same Act is hereby inserted to
21 read as follows:

22 "SEC. 27. *VOTING PRIVILEGE OF MEMBERS OF THE*
23 *SBEI, SBRCG AND SBOC. - GOVERNMENT EMPLOYEES*
24 *POSTED ABROAD WHO WILL PERFORM ELECTION*
25 *DUTIES AS MEMBERS OF THE SBEI, SBRCG AND SBOC*
26 *SHALL BE ALLOWED TO VOTE IN THE POST; PROVIDED,*

1 **THAT, THEY ARE REGISTERED EITHER IN THE**
2 **PHILIPPINES OR AS OVERSEAS ABSENTEE VOTERS.”**

3 **Sec. 28.** Section 18 of the same Act is hereby renumbered as
4 Section 28 and amended to read as follows:

5 **“Sec. [18]28. - On-site Counting and Canvassing -**

6 **“[18.1] 28.1.** The counting and canvassing of votes
7 shall be conducted onsite in the country where the votes were
8 actually cast. The opening of the specially-marked envelopes
9 and containers containing the ballots and the counting and
10 canvassing of votes shall be conducted within the premises of
11 the [embassies, consulates and other Foreign Service
12 establishments, or in such other places as may be designated
13 by the Commission pursuant to the Implementing Rules and
14 Regulations.]—**POSTS or WITHIN ANY OTHER POLLING**
15 **PLACE DESIGNATED/ACCREDITED AS SUCH BY THE**
16 **COMMISSION.** The Commission shall ensure that the start
17 of counting in polling places abroad shall, [be synchronized]
18 **AS FAR AS PRACTICABLE, COINCIDE** with the start of the
19 counting in the Philippines, **TAKING INTO CONSIDERATION**
20 **THE RESPECTIVE TIME ZONES OF THE DIFFERENT**
21 **POSTS.”**

22 **“[18.2]. 28.2. [**For these purposes, the Commission
23 shall constitute as many Special Boards of Election Inspectors
24 **(SBEIs)** as may be necessary to conduct and supervise the
25 counting of votes as provided in Section 18.1 hereof. The
26 Special Boards of Election Inspectors to be constituted therein

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

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

20 【“18.3. Only ballots cast on, or received by the
21 embassies, consulates and other foreign service
22 establishments before the close of voting on the day of
23 elections shall be included in the counting of votes. Those
24 received afterwards shall not be counted.】

25 **“[18.4] 28.3. A Special Board of Canvassers (SBOC)**
26 **composed of THE HIGHEST RANKING OFFICER FROM THE**

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

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

23 "The Certificates of Canvass and the accompanying
24 Statements of Votes as transmitted via facsimile, electronic
25 mail **AND/or** any other **SAFE, SECURE AND RELIABLE**

1 means of transmission [equally safe, secure and reliable] shall
2 be the primary basis for the national canvass.”

3 “[18.5] 28.4. The canvass of **OVERSEAS** votes shall
4 not cause the delay of the proclamation of a winning
5 candidate if the outcome of the election will not be affected by
6 the results thereof. Notwithstanding the foregoing, the
7 Commission, **AS NATIONAL BOARD OF CANVASSERS FOR**
8 **SENATORS AND PARTY-LIST REPRESENTATIVES, OR**
9 **CONGRESS, AS NATIONAL BOARD OF CANVASSERS FOR**
10 **PRESIDENT AND VICE-PRESIDENT, SHALL PROCLAIM**
11 **THE** [is empowered to order the proclamation of] winning
12 candidates despite the fact that the scheduled election has
13 not taken place in a particular country or countries, if the
14 holding of elections therein has been rendered impossible by
15 events, factors and circumstances peculiar to such country or
16 countries, and which events, factors and circumstances are
17 beyond the control or influence of the Commission.”

18 “[18.6] 28.5. In the preparation of the final tally of
19 votes on the results of the national elections, [the
20 Commission, shall ensure that] the votes canvassed by each
21 and every country shall be reflected as a separate item from
22 the tally of national votes. For purposes of this Act, the returns
23 of every election for **P**[p]resident and **V**[v]ice-**P**[p]resident
24 prepared by the Special Board of Canvassers shall be deemed
25 a certificate of canvass of a city or a province.”

1 “~~[18.7]~~28.6. Where feasible, the counting and
2 canvassing of votes shall be automated. Towards this end, the
3 Commission is hereby authorized to borrow, rent, lease or
4 acquire automated [voting] **COUNTING** machines for
5 purposes of canvassing and counting of votes pursuant to the
6 provisions of this Act, and in accordance with the
7 Implementing Rules and Regulations promulgated by the
8 Commission.”

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

10 ***“SEC. 29. AUTHORITY TO ADOPT OTHER MODES***
11 ***OR SYSTEMS USING AUTOMATED ELECTION SYSTEM***
12 ***- NOTWITHSTANDING CURRENT PROCEDURES AND***
13 ***SYSTEMS HEREIN PROVIDED, FOR THE PROPER***
14 ***IMPLEMENTATION OF THIS ACT AND IN VIEW OF THE***
15 ***PECULIARITIES ATTENDANT TO THE OVERSEAS***
16 ***ABSENTEE PROCESS, THE COMMISSION MAY***
17 ***EXPLORE AND ADOPT OTHER MORE EFFICIENT,***
18 ***RELIABLE AND SECURE MODES OR SYSTEMS,***
19 ***WHETHER PAPER-, ELECTRONIC-, TECHNOLOGY- OR***
20 ***INTERNET-BASED, FOR ONSITE AND REMOTE***
21 ***REGISTRATION AND VOTING, COUNTING,***
22 ***CANVASSING AND CONSOLIDATION OF VOTES, AS***
23 ***WELL AS FOR THE TRANSMITTAL OF RESULTS.”***

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

25 ***“SEC. 30. PROCUREMENT OF FACILITIES,***
26 ***EQUIPMENT, MATERIALS, SUPPLIES OR SERVICES. –***

1 TO ACHIEVE THE PURPOSE OF THIS ACT, THE
2 COMMISSION MAY, LIKEWISE, PROCURE FROM LOCAL
3 OR FOREIGN SOURCES, THROUGH PURCHASE, LEASE,
4 RENT OR OTHER FORMS OF ACQUISITION, HARDWARE
5 OR SOFTWARE, FACILITIES, EQUIPMENT, MATERIALS,
6 SUPPLIES OR SERVICES IN ACCORDANCE WITH
7 EXISTING LAWS, FREE FROM IMPORT TAXES AND
8 DUTIES, SUBJECT TO GOVERNMENT PROCUREMENT
9 RULES AND REGULATIONS.”

10 **Sec. 31.** Sec. 19 of the same Act is hereby renumbered as Section
1131 and is amended to read as follows:

12 ***“Sec.[19] 31 [Authority of the Commission to***
13 ***Promulgate] Rules AND REGULATIONS.*** - The
14 Commission shall **PROMULGATE** [issue the necessary] rules
15 and regulations **FOR THE** [to effectively—implement the]
16 **IMPLEMENTATION AND ENFORCEMENT OF THE** provisions
17 of this **ACT** within sixty (60) days from the effectivity
18 **THEREOF** [of this Act]. [The Implementing Rules and
19 Regulations shall be submitted to the Joint Congressional
20 Oversight Committee created by virtue of this Act for prior
21 approval].

22 **“**[In the formulation of the rules and regulations, the
23 Commission shall coordinate with the Department of Foreign
24 Affairs, Department of Labor and Employment, Philippine
25 Overseas and Employment Administration, Overseas Workers'
26 Welfare Administration and the Commission on Filipinos

1 Overseas. Non-government organizations and accredited
2 Filipino organizations or associations abroad shall be
3 consulted.**1”**

4 **Sec. 32.** Section 20 of the same Act is hereby renumbered as
5Section 32 and is amended to read as follows:

1 ***“Sec. [20]32. - Information Campaign*** - The Commission,
2 in coordination with agencies concerned, shall undertake an
3 information campaign to educate the public on the manner of
4 absentee voting for qualified overseas absentee voters. It may
5 require the support and assistance of the Department of
6 Foreign Affairs, through the **POSTS** [through the embassies,
7 consulates and other foreign service establishments],
8 Department of Labor and Employment, Department of
9 Transportation and Communications, Philippine Postal
10 Corporation, Philippine Overseas Employment Administration,
11 Overseas Workers’ Welfare Administration and the
12 Commission on Filipinos Overseas. [The Commission may
13 deputize Filipino organizations/associations overseas for the
14 same purpose: *Provided, that* any such deputized
15 organization/ association shall be prohibited from participating
16 in the elections by campaigning for or fielding candidates;
17 *Provided, further,* That if any such deputized
18 organization/association is discovered to have a member who
19 is not a qualified overseas absentee voter, as herein defined,
20 such deputized organization/association shall be banned from
21 participating in any manner, and at any stage, in the
22 Philippine political process abroad.] “Such information
23 campaign shall educate the Filipino public, within and outside
24 the Philippines, on the **PHILIPPINE ELECTORAL SYSTEM,**
25 [on] their rights **AS** overseas absentee voters, absentee
26 voting processes and other related concerns. Information

1 materials shall be developed by the Commission for
2 distribution, through the said government agencies and
3 private organizations. No government agency [or accredited
4 private organizations] shall prepare, print, distribute or post in
5 [websites] any information material without the prior approval
6 of the Commission.

7 **“THE COMMISSION IS AUTHORIZED TO**
8 **APPROPRIATE NOT LESS THAN TEN PER CENT (10%) OF**
9 **THE OVERSEAS ABSENTEE VOTING BUDGET TO DEFRAID**
10 **THE COSTS OF EFFECTIVELY CARRYING OUT THE**
11 **OVERSEAS ABSENTEE VOTERS INFORMATION AND**
12 **EDUCATION CAMPAIGN.**

13 **“THE COMMISSION MAY ENTER INTO CONTRACTS**
14 **WITH PUBLIC OR PRIVATE ENTITIES TO ENSURE**
15 **EFFECTIVE AND EFFICIENT INFORMATION**
16 **DISSEMINATION.”**

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

"SEC. 33. ROLE AND ENGAGEMENT OF FILIPINO CIVIL SOCIETY ORGANIZATIONS. - THE COMMISSION SHALL ENCOURAGE AND ENGAGE THE PARTICIPATION OF LOCAL AND OVERSEAS FILIPINO CIVIL SOCIETY ORGANIZATIONS AS ACCREDITED OR DEPUTIZED PARTNERS AT ANY STAGE OF THE OVERSEAS ELECTORAL PROCESS, SUBJECT TO THE GUIDELINES AND LIMITATIONS ELSEWHERE PROVIDED IN THIS ACT OR IN OTHER RELEVANT LAWS, AS WELL AS THOSE THAT THE COMMISSION SHALL PROMULGATE; PROVIDED, THAT ANY SUCH ORGANIZATION OR ASSOCIATION SHALL BE ACCREDITED OR DEPUTIZED ON THE BASIS OF THEIR PRESENCE, REACH AND RESOURCES TO EDUCATE THE FILIPINO PUBLIC ON THE PHILIPPINE ELECTORAL SYSTEM, THEIR RIGHTS AS OVERSEAS ABSENTEE VOTERS, THE ABSENTEE VOTING PROCESSES AND OTHER RELATED CONCERNS, AS WELL AS TO DISSEMINATE INFORMATION DEVELOPED BY THE COMMISSION EFFECTIVELY AND IN A TIMELY MANNER; PROVIDED, FURTHER, THAT NO SUCH ACCREDITED OR DEPUTIZED ORGANIZATION SHALL PREPARE, PRINT, DISTRIBUTE OR POST ANY INFORMATION OR MATERIAL WITHOUT THE PRIOR APPROVAL OF THE COMMISSION; PROVIDED, FURTHER, THAT ANY SUCH ACCREDITED OR DEPUTIZED ORGANIZATION OR ASSOCIATION SHALL BE PROHIBITED FROM CAMPAIGNING FOR OR FIELDING

1 CANDIDATES; *PROVIDED, FINALLY*, THAT IF ANY SUCH
2 ORGANIZATION OR ASSOCIATION IS DISCOVERED TO
3 HAVE A MEMBER WHO IS NOT QUALIFIED OVERSEAS
4 ABSENTEE VOTER AS HEREIN DEFINED, SUCH
5 DEPUTIZED ORGANIZATION OR ASSOCIATION SHALL BE
6 BANNED FROM PARTICIPATING IN ANY MANNER AND AT
7 ANY STAGE IN THE PHILIPPINE POLITICAL PROCESS
8 ABROAD.”

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

10 “**SEC. 34. TRAININGS.** - “TRAINING OF THE
11 MEMBERS OF FOREIGN SERVICE CORPS ON OVERSEAS
12 ABSENTEE VOTING PROCESSES, RULES AND
13 PROCEDURES, TO BE UNDERTAKEN BY THE
14 COMMISSION IN COORDINATION WITH THE DFA-OAVS,
15 SHALL FORM AN INTEGRAL PART OF THEIR BRIEFING
16 AND ORIENTATION PRIOR TO THEIR POSTING ABROAD.

17 “THE COAV, THROUGH ITS CHAIRMAN, MAY ALSO
18 AUTHORIZE THE CONDUCT OF TRAININGS OF THE
19 MEMBERS OF THE DEPUTIZED BODIES CONCERNING
20 THE PROCESSES, RULES AND PROCEDURES ON
21 REGISTRATION AND ELECTION BOTH HERE AND
22 ABROAD AT LEAST ONE HUNDRED TWENTY (120) DAYS
23 BEFORE EACH SCHEDULED REGISTRATION OR
24 NATIONAL ELECTION.”

25 **Sec. 35.** Section 21 of the same Act is hereby renumbered as

26Section 35.

1 **Sec. 36.** Section 22 of the same Act is hereby renumbered as
2Section 36 and is amended to read as follows:

3 ***“Sec. [22]36. - Assistance from Government***
4 ***Agencies.*** - All government officers, particularly from the
5 Department of Foreign Affairs, Department of Labor and
6 Employment, Department of Transportation and
7 Communications, Philippine Postal Corporation, Philippine
8 Overseas Employment Administration, Overseas Workers’
9 Welfare Administration, Commission on Filipinos Overseas and
10 other government offices concerned with the welfare of the
11 Filipinos overseas shall, to the extent compatible with their
12 primary responsibilities, assist the Commission in carrying out
13 the provisions of this Act. All such agencies or officers thereof
14 shall take reasonable measures to expedite all election
15 activities, which the Commission shall require of them. When
16 necessary, the Commission may send supervisory teams
17 headed by career officers to assist the **POSTS** [embassies,
18 consulates and other foreign service establishments
19 concerned].

20 **“LIKEWISE, CONSULAR AND DIPLOMATIC**
21 **SERVICES RENDERED IN CONNECTION WITH THE**
22 **OVERSEAS ABSENTEE VOTING PROCESSES SHALL BE**
23 **MADE AVAILABLE AT NO COST TO THE OVERSEAS**
24 **ABSENTEE VOTER.”**

25 **Sec. 37.** Section 23 of the same Act is hereby renumbered as
26Section 37.

1 **Sec. 38.** Section 24 of the same Act is hereby renumbered as
2Section 38 and is amended to read as follows:

3 **“Sec. [24] 38. *Prohibited Acts.*** In addition to the
4 prohibited acts provided by law, it shall be unlawful:

5 **“[24.1]38.1.** For any officer or employee of the
6 Philippine government to influence or attempt to influence any
7 person covered by this Act to vote, or not to vote, for a
8 particular candidate. Nothing in this Act shall be deemed to
9 prohibit free discussion regarding politics or candidates for
10 public office.

11 **“[24.2]38.2.** For any person to deprive **ANOTHER** [any
12 person] of any right secured in this Act, or to give false
13 information as to **HER**/his[/her] name, address, or period of
14 residence for the purposes of establishing **HER**/his[/her]
15 eligibility or ineligibility to register or vote under this Act; or to
16 conspire with another person for the purpose of encouraging
17 the giving of false information in order to establish the
18 eligibility or ineligibility of any individual to register or vote
19 under this Act; or to pay, or offer to pay, or to accept payment
20 either for application **FOR REGISTRATION**, or for voting;

21 **“[24.3] 38.3.** For any person to **STEAL, CONCEAL,**
22 **ALTER, DESTROY, MUTILATE, MANIPULATE, OR IN ANY**
23 **WAY** tamper with [the ballot,] the mail containing the ballots
24 for overseas absentee voters, **THE BALLOT,** the election
25 returns, [including the destruction, mutilation and

manipulation thereof;**]** **OR ANY RECORD, DOCUMENT OR
PAPER AS REQUIRED FOR PURPOSES OF THIS ACT;**

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

“[24.5] 38.4. For any deputized agent to refuse without
justifiable ground, to serve or serving, or to comply with his/her
sworn duties after acceptance of his/her appointment;

“[24.6]” 38.5. For any public officer or employee **OR
ACCREDITED OR DEPUTIZED ORGANIZATION OR
ASSOCIATION TO** [who shall] cause the preparation, printing,
distribution **OR POSTING** of information **OR** material**],** or post
the same in websites**]** without the prior approval of the
Commission;

“[24.7] 38.6. 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] 38.7. 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;

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

“[24.9] 38.9. 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 **ARE** 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 [24.3]**38.3** 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

1 affidavit under Section 5(d) within three (3) years after
2 approval of his/her registration under this Act and yet vote in
3 the next elections contrary to the said section, shall be
4 penalized by imprisonment of not less than one (1) year, and
5 shall be deemed disqualified as provided in Section 5(c) of this
6 Act. His/her passport shall be stamped "not allowed to vote.]"

7 **Sec. 39.** Section 25 of the same Act is hereby renumbered as
8 Section 39 and is amended to read as follows:

9 ***"Sec. [25] 39. Joint Congressional Oversight***

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

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

1 **Sec. 40.** Sections 26, 27, 28 and 29 of the same Act are hereby
2renumbered accordingly.

3 **Sec. 41.** A new Section 44 is hereby inserted to read as follows:

4 **“Sec. 44. TRANSITORY PROVISION - ALL PRIOR**
5 **ACTS, RESOLUTIONS, ISSUANCES OF THE**
6 **COMMISSION UNDER THIS ACT, NOT OTHERWISE**
7 **INCONSISTENT HERewith, INCLUDING THE**
8 **REGISTRATION OF VOTERS AND MODES OF VOTING,**
9 **SHALL REMAIN VALID AND EFFECTIVE.”**

10 **Sec. 42. Separability Clause** - If any part or provision of this
11Act shall be declared unconstitutional or invalid, other provisions hereof
12which are not affected thereby shall continue to be in full force and
13effect.

14 **Sec. 43. Repealing Clause** - All laws, presidential decrees,
15executive orders, rules and regulations, other issuances, and parts
16thereof, which are inconsistent with the provisions of this Act, are
17hereby repealed or modified accordingly.

18 **Sec. 44. Effectivity** - This Act shall take effect fifteen (15) days
19after its complete publication in the Official Gazette or at least in three
20(3) newspapers of general circulation.

21 Approved,

22

23

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25