

## **HOUSE OF REPRESENTATIVES**

**H. B. No. 3201**

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

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**“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**

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

H. **"MUNICIPAL/CITY/DISTRICT REGISTRY OF OVERSEAS ABSENTEE VOTERS (ROAV)" REFERS TO THE CONSOLIDATED LIST PREPARED, APPROVED AND MAINTAINED BY THE COMMISSION FOR EVERY MUNICIPALITY/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 AND/OR RESIDENT ELECTION REGISTRATION BOARD:**

**[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 **UNDER REPUBLIC ACT NO. 9189** who have applied to be certified as absentee voters, have been approved by the **RESIDENT** 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

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

["d) An 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 permanent 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 the 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."

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

## ***“Sec. 6. Personal Overseas Absentee Registration***

**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

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

1                   ***"SEC. 8. DUTIES AND FUNCTIONS OF THE RERB. -***

2                   ***"8.1. UPON RECEIPT OF THE APPLICATIONS FOR***  
3                   ***REGISTRATION AND/OR CERTIFICATION FROM THE***  
4                   ***POSTS AND FROM THE DULY DESIGNATED***  
5                   ***REGISTRATION CENTERS IN THE PHILIPPINES, THE RERB***  
6                   ***SHALL SCHEDULE THE HEARING OF THE APPLICATIONS***  
7                   ***FOR REGISTRATION AND/OR CERTIFICATION.***

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

18                   ***"8.2. ANY PARTY MAY FILE AN OBJECTION TO***  
19                   ***THE APPLICATION WITHIN SEVEN (7) DAYS AFTER THE***  
20                   ***PUBLICATION OR POSTING OF THE NAMES OF THE***  
21                   ***APPLICANTS. IN CASE OF DISAPPROVAL OF THE***  
22                   ***APPLICATION FOR REGISTRATION AND/OR***  
23                   ***CERTIFICATION, THE RERB SHALL NOTIFY THE***  
24                   ***APPLICANT, OR HER/HIS AUTHORIZED REPRESENTATIVE***  
25                   ***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.

**“ALL EMPLOYMENT CONTRACTS PROCESSED AND APPROVED BY THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION SHALL CONTAIN THE RIGHT OF THE MIGRANT WORKERS TO EXERCISE THEIR CONSTITUTIONAL RIGHT OF SUFFRAGE WITHIN THE 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:

## ***“Sec. [8] 12. 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 **HAS** 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, **AND;** [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:

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

of overseas absentee registrants shall also be included in  
the 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 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**

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

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

20                   **"B). ANY PERSON DECLARED BY COMPETENT**  
21                   **AUTHORITY TO BE INSANE OR INCOMPETENT, UNLESS**  
22                   **SUCH DISQUALIFICATION HAS BEEN SUBSEQUENTLY**  
23                   **REMOVED BY A DECLARATION OF A PROPER AUTHORITY**  
24                   **THAT SUCH PERSON IS NO LONGER INSANE OR**  
25                   **INCOMPETENT;**

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

**"D). ANY PERSON WHOSE REGISTRATION HAS  
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**

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

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.***

***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.]”

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

***"SEC. 16. REACTIVATION OF REGISTRATION. -***

**ANY OVERSEAS ABSENTEE VOTER WHOSE  
REGISTRATION HAS BEEN DEACTIVATED PURSUANT TO  
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.] **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**

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

4                   **“[16.4] 24.4.** All accomplished ballots received shall be  
5                   placed **IN** sealed containers and kept in a secure place  
6                   designated by the Commission.

7                   **“[16.5] 24.5.** The **SBRCG** [embassies, consulates and  
8                   other foreign service establishments concerned] shall keep a  
9                   complete record of the ballots for overseas absentee voters,  
10                   specifically indicating the number of ballots they actually  
11                   received [ , and in cases where voting by mail is allowed under  
12                   Section 17 hereof, the names and addresses of the voters to  
13                   whom these ballots were sent, including proof of receipt  
14                   thereof]. In addition, the **SBRCG** [embassies, consulates and  
15                   other foreign service establishments] shall submit a formal  
16                   report to the Commission and **TO** the Joint Congressional  
17                   Oversight Committee created under this Act within thirty (30)  
18                   days from the day of elections. Such report shall contain data  
19                   on the number of ballots cast and received by the offices, the  
20                   number of invalid and unclaimed ballots and other pertinent  
21                   data.

22                   **“24.6 BEFORE THE START OF THE COUNTING, ALL**  
23                   **UNUSED BALLOTS SHALL BE ACCOUNTED FOR AND**  
24                   **DISPOSED OF APPROPRIATELY BY THE CONCERNED**  
25                   **POSTS, WITH THE CORRESPONDING FORMAL REPORT**  
26                   **OF SUCH FACTS TRANSMITTED TO THE COMMISSION.**

1                   **“[16.6.]** The overseas absentee voter shall be instructed  
2                   that his/her ballot shall not be counted if it is not inside the  
3                   special envelope furnished him/her when it is cast.

4                   **“[16.7.]** Ballots not claimed by the overseas absentee  
5                   voters at the embassies, consulates and other foreign service  
6                   establishments, in case of personal voting, and ballots  
7                   returned to the embassies, consulates and other foreign  
8                   service establishments concerned, in the case of voting by  
9                   mail, shall be cancelled and shipped to the Commission by the  
10                  least costly method within six (6) months from the day of  
11                  elections.]

12                  **“[16.8] 24.7.** Only ballots cast [and mailed ballots  
13                  received by the Philippine embassies, consulates and other  
14                  foreign service establishments concerned in accordance with  
15                  Section 17 hereof before the close of voting on the day of  
16                  elections shall be counted in accordance with Section 18  
17                  hereof. All envelopes containing the ballots received by the  
18                  embassies, consulates and other foreign service  
19                  establishments after the prescribed period shall not be opened,  
20                  and shall be cancelled and shipped to the Commission by the  
21                  least costly method within six (6) months from the day of  
22                  elections] **AT OR BEFORE THE CLOSE OF VOTING ON THE**  
23                  **DAY OF ELECTIONS SHALL BE COUNTED.”**

24                  **“[16.9.]** A Special Ballot Reception and Custody Group  
25                  composed of three (3) members shall be constituted by the  
26                  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;

- 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.<sup>1</sup>

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

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

**"THE COMMISSION SHALL CONSTITUTE SPECIAL BALLOT RECEPTION GROUPS (SBRCGs) FOR EVERY POST FOR WHICH VOTING BY MAIL IS THE DESIGNATED VOTING MODE TO RECEIVE AND TAKE CUSTODY OF ALL 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 that 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.**I"**

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] the**IR** 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 DEFRAY  
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:

1                   **"SEC. 33. ROLE AND ENGAGEMENT OF FILIPINO**  
2                   **CIVIL SOCIETY ORGANIZATIONS. - THE COMMISSION**  
3                   **SHALL ENCOURAGE AND ENGAGE THE PARTICIPATION**  
4                   **OF LOCAL AND OVERSEAS FILIPINO CIVIL SOCIETY**  
5                   **ORGANIZATIONS AS ACCREDITED OR DEPUTIZED**  
6                   **PARTNERS AT ANY STAGE OF THE OVERSEAS**  
7                   **ELECTORAL PROCESS, SUBJECT TO THE GUIDELINES**  
8                   **AND LIMITATIONS ELSEWHERE PROVIDED IN THIS ACT**  
9                   **OR IN OTHER RELEVANT LAWS, AS WELL AS THOSE**  
10                  **THAT THE COMMISSION SHALL PROMULGATE;**  
11                  ***PROVIDED, THAT ANY SUCH ORGANIZATION OR***  
12                  **ASSOCIATION SHALL BE ACCREDITED OR DEPUTIZED ON**  
13                  **THE BASIS OF THEIR PRESENCE, REACH AND**  
14                  **RESOURCES TO EDUCATE THE FILIPINO PUBLIC ON THE**  
15                  **PHILIPPINE ELECTORAL SYSTEM, THEIR RIGHTS AS**  
16                  **OVERSEAS ABSENTEE VOTERS, THE ABSENTEE VOTING**  
17                  **PROCESSES AND OTHER RELATED CONCERNS, AS WELL**  
18                  **AS TO DISSEMINATE INFORMATION DEVELOPED BY THE**  
19                  **COMMISSION EFFECTIVELY AND IN A TIMELY MANNER;**  
20                  ***PROVIDED, FURTHER, THAT NO SUCH ACCREDITED OR***  
21                  **DEPUTIZED ORGANIZATION SHALL PREPARE, PRINT,**  
22                  **DISTRIBUTE OR POST ANY INFORMATION OR MATERIAL**  
23                  **WITHOUT THE PRIOR APPROVAL OF THE COMMISSION;**  
24                  ***PROVIDED, FURTHER, THAT ANY SUCH ACCREDITED OR***  
25                  **DEPUTIZED ORGANIZATION OR ASSOCIATION SHALL BE**  
26                  **PROHIBITED FROM CAMPAIGNING FOR OR FEILDING**

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**

26 **Section 35.**

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

## ***“Sec. [22]36. - 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 COST TO THE OVERSEAS 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  
2 Section 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

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

3 **[“24.4.** For any person to steal, destroy, conceal,  
4 mutilate or alter any record, document or paper as required for  
5 purposes of this Act;]

6 **“[24.5] 38.4.** For any deputized agent to refuse without  
7 justifiable ground, to serve or serving, or to comply with his/her  
8 sworn duties after acceptance of his/her appointment;

9 **“[24.6]” 38.5.** For any public officer or employee **OR**  
10 **ACCREDITED OR DEPUTIZED ORGANIZATION OR**  
11 **ASSOCIATION TO** [who shall] cause the preparation, printing,  
12 distribution **OR POSTING** of information **OR** material[, or post  
13 the same in websites] without the prior approval of the  
14 Commission;

15 **“[24.7] 38.6.** For any public officer or employee to  
16 cause the transfer, promotion, extension, recall of any member  
17 of the Foreign Service corps, including members of the  
18 attached agencies, or otherwise cause the movement of any  
19 such member from his current post or position one (1) year  
20 before and three (3) months after the day of elections, without  
21 securing the prior approval of the Commission;

22 **“[24.8] 38.7.** For any person who, after being  
23 deputized by the Commission to undertake activities in  
24 connection with the implementation of this Act, shall campaign  
25 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  
2 renumbered 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  
11 Act shall be declared unconstitutional or invalid, other provisions hereof  
12 which are not affected thereby shall continue to be in full force and  
13 effect.

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

18        **Sec. 44. Effectivity** - This Act shall take effect fifteen (15) days  
19 after 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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