



HOUSE OF REPRESENTATIVES

H. No. 6542

BY REPRESENTATIVES MACAPAGAL-ARROYO (G.), ESCUDERO, BELLO,
BICHARA, CLIMACO, RODRIGUEZ (R.), LAGMAN, GATCHALIAN,
GONZALES (N.), BAG-AO, BATOCABE, AUMENTADO, GULLAS, TEODORO
AND DEL MAR, PER COMMITTEE REPORT NO. 2386

AN ACT AMENDING REPUBLIC ACT NO. 9189, ENTITLED "AN ACT
PROVIDING FOR A SYSTEM OF OVERSEAS ABSENTEE
VOTING BY QUALIFIED CITIZENS OF THE PHILIPPINES
ABROAD, APPROPRIATING FUNDS THEREFOR AND FOR
OTHER PURPOSES"

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

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

4 "SECTION 1. *Short Title.* – This Act shall be known as
5 'The Overseas [Absentee] Voting Act of [2003] 2012'."

6 SEC. 2. Section 3 of Republic Act No. 9189 is hereby amended to read as
7 follows:

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

9 "[c] A) ["Certified List of Overseas [Absentee] Voters["

10 (CLOV) refers to the list of registered overseas [absentee] voters

1 whose applications to vote [*in absentia*] OVERSEAS have been
2 approved by the Commission, said list to be prepared by the
3 [Committee] OFFICE [on] FOR OVERSEAS [Absentee] Voting of
4 the Commission, on a country-by-country AND POST-BY-POST
5 basis. The list shall be approved by the Commission in an *en banc*
6 resolution;

7 "b) ["*Commission*["] refers to the Commission on
8 Elections;

9 "[d] c) ["*Day of Election*["] refers to the actual date of
10 elections in the Philippines;

11 "d) *DEPARTMENT OF FOREIGN AFFAIRS OVERSEAS*
12 *VOTING SECRETARIAT (DFA-OVS)* REFERS TO THE SECRETARIAT
13 BASED AT THE DEPARTMENT OF FOREIGN AFFAIRS (DFA) HOME
14 OFFICE TASKED TO ASSIST THE OFFICE FOR OVERSEAS VOTING
15 (OFOV) UNDER THE COMMISSION, AND TO DIRECT,
16 COORDINATE AND OVERSEE THE PARTICIPATION OF THE DFA IN
17 THE IMPLEMENTATION OF THE OVERSEAS VOTING LAW (OVL);

18 "e) *FIELD REGISTRATION* REFERS TO THE CONDUCT OF
19 REGISTRATION OF OVERSEAS VOTERS AT PREDETERMINED
20 LOCATIONS, EITHER IN THE PHILIPPINES, AS MAY BE
21 DETERMINED BY THE COMMISSION, OR OUTSIDE THE POSTS,
22 UPON THE FAVORABLE RECOMMENDATION OF THE DFA-OVS,
23 BOTH BEING OF LIMITED DURATION AND BASED ON THE
24 GUIDELINES PRESCRIBED BY THE COMMISSION FOR THAT
25 EXCLUSIVE PURPOSE; THE GOVERNMENT SHALL NOT COLLECT
26 FEES FOR THE SAME;

27 "f) *MOBILE REGISTRATION* REFERS TO THE CONDUCT OF
28 REGISTRATION OF OVERSEAS VOTERS AT VARIOUS LOCATIONS

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

5 "G) *MUNICIPAL/CITY/DISTRICT REGISTRY OF OVERSEAS*
6 *VOTERS (ROV)* REFERS TO THE CONSOLIDATED LIST PREPARED,
7 APPROVED AND MAINTAINED BY THE COMMISSION FOR EVERY
8 MUNICIPALITY/CITY/DISTRICT OF OVERSEAS VOTERS WHOSE
9 APPLICATIONS FOR REGISTRATION AS SUCH, INCLUDING THOSE
10 REGISTERED VOTERS UNDER REPUBLIC ACT NO. 8189, 'VOTER'S
11 REGISTRATION ACT OF 1996', WHO APPLIED FOR
12 CERTIFICATION AS OVERSEAS VOTERS, HAVE BEEN APPROVED BY
13 THE ELECTION REGISTRATION BOARD AND/OR RESIDENT
14 ELECTION REGISTRATION BOARD;

15 "[e] H) ["*National Registry of OVERSEAS [Absentee]*
16 *Voters (NROV)*["] refers to the consolidated list prepared,
17 approved and maintained by the Commission, of overseas
18 [absentee] voters whose applications for registration as [absentee]
19 OVERSEAS voters, including those registered voters UNDER
20 REPUBLIC ACT NO. 8189 who have applied to be certified as
21 [absentee] OVERSEAS voters, have been approved by the
22 RESIDENT Election Registration Board[.], INDICATING THE POST
23 WHERE THE OVERSEAS VOTER IS REGISTERED;

24 "I) *OFFICE FOR OVERSEAS VOTING (OFOV)* REFERS TO
25 THE OFFICE OF THE COMMISSION TASKED TO OVERSEE AND
26 SUPERVISE THE EFFECTIVE IMPLEMENTATION OF THE
27 OVERSEAS VOTING ACT;

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

5 “(a) K) [“*Absentee] OVERSEAS Voting*”] refers to the
6 process by which qualified citizens of the Philippines abroad
7 exercise their right to vote;

8 “(L) *POSTS* REFER TO THE PHILIPPINE EMBASSIES,
9 CONSULATES, FOREIGN SERVICE ESTABLISHMENTS AND OTHER
10 PHILIPPINE GOVERNMENT AGENCIES MAINTAINING OFFICES
11 ABROAD AND HAVING JURISDICTION OVER THE PLACES WHERE
12 THE OVERSEAS VOTERS RESIDE;

13 “(M) *RESIDENT ELECTION REGISTRATION BOARD (RERB)*
14 REFERS TO THE IN-HOUSE ELECTION REGISTRATION BOARD IN
15 EVERY POST AND IN THE OFOV, WHO PROCESS, APPROVE OR
16 DISAPPROVE ALL APPLICATIONS FOR REGISTRATION AND/OR
17 CERTIFICATION AS OVERSEAS VOTERS, INCLUDING
18 DEACTIVATION, REACTIVATION AND CANCELLATION OF
19 REGISTRATION RECORDS;

20 “(N) *SEAFARERS* REFER TO SHIP OFFICERS AND RATINGS
21 MANNING SHIPS, INCLUDING OFFSHORE WORKERS, SERVICE
22 PROVIDERS AND FISHERMEN, AS DEFINED IN THE REVISED RULES
23 ON THE ISSUANCE OF SEAFARER’S IDENTIFICATION AND RECORD
24 BOOK OF THE MARITIME INDUSTRY AUTHORITY;

25 “(O) *SPECIAL BALLOT RECEPTION AND CUSTODY GROUP*
26 (*SBRCG*) REFERS TO THE GROUP CONSTITUTED BY THE
27 COMMISSION TO RECEIVE AND TAKE CUSTODY OF ALL
28 ACCOUNTABLE AND OTHER ELECTION FORMS, SUPPLIES AND

1 PARAPHERNALIA FROM THE OFOV FOR TRANSMITTAL TO THE
2 SPECIAL BOARD OF ELECTION INSPECTORS AND SPECIAL
3 BOARD OF CANVASSERS;

4 "P) *SPECIAL BOARD OF CANVASSERS (SBOC)* REFERS TO
5 THE BODY DEPUTIZED BY THE COMMISSION TO CANVASS THE
6 OVERSEAS VOTING ELECTION RETURNS SUBMITTED TO IT BY THE
7 SPECIAL BOARD OF ELECTION INSPECTORS;

8 "Q) *SPECIAL BOARD OF ELECTION INSPECTORS (SBEI)*
9 REFERS TO THE BODY DEPUTIZED BY THE COMMISSION TO
10 CONDUCT THE VOTING AND COUNTING OF VOTES;

11 "R) *SYSTEM OF CONTINUING REGISTRATION* REFERS TO
12 THE ACT OF ACCOMPLISHING AND FILING OF A SWORN
13 APPLICATION FOR REGISTRATION AND/OR CERTIFICATION BY A
14 QUALIFIED OVERSEAS VOTER BEFORE THE PERSONNEL
15 DEPUTIZED BY THE COMMISSION WITHIN SIX (6) MONTHS
16 BEFORE THE START OF THE OVERSEAS VOTING PERIOD AND
17 INCLUDING THE SAME IN THE NROV UPON APPROVAL BY THE
18 RERB; AND

19 "S) *VOTING PERIOD* REFERS TO A CONTINUOUS THIRTY
20 (30)-DAY PERIOD, THE LAST DAY OF WHICH IS THE DAY OF
21 ELECTION, INCLUSIVE OF ESTABLISHED HOLIDAYS IN THE
22 PHILIPPINES AND OF SUCH OTHER HOLIDAYS IN THE HOST
23 COUNTRIES."

24 SEC. 3. Section 4 of the same Act is hereby amended to
25 read as follows:

26 "SEC. 4. *Coverage.* -- All citizens of the Philippines abroad,
27 who are not otherwise disqualified by law, at least eighteen (18) years
28 of age on the day of elections, may vote for [p]President, [v]Vice-

1 [p]President, senators and party-list representatives, AS WELL AS IN
2 ALL NATIONAL REFERENDA AND PLEBISCITES.”

3 SEC. 4. Section 5 of the same Act is hereby amended to read as follows:

4 “SEC. 5. *Disqualifications.* – The following shall be
5 disqualified from REGISTERING AND voting under this Act:

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

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

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

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

12 “[c] D) Any citizen of the Philippines abroad previously
13 declared insane or incompetent by competent authority in the
14 Philippines or abroad, as verified by the Philippine embassies,
15 consulates or foreign service establishments concerned, unless such
16 competent authority subsequently certifies that such person is no
17 longer insane or incompetent.”

18 SEC. 5. Section 6 of the same Act is hereby amended to read as follows:

19 “SEC. 6. *Personal Overseas [Absentee] Registration*
20 *AND/OR CERTIFICATION.* -- Registration AND/OR CERTIFICATION
21 as an overseas [absentee] voter shall be done in person AT ANY
22 POST ABROAD OR AT DESIGNATED REGISTRATION CENTERS
23 OUTSIDE THE POST OR IN THE PHILIPPINES APPROVED BY THE
24 COMMISSION.

25 “[Qualified citizens of the Philippines abroad who failed to
26 register under Republic Act No. 8189, otherwise known as ‘The
27 Voters Registration Act of 1996’, may personally apply for

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

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

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

27 "[6.1. Upon receipt of the application for registration, the
28 Election Officer shall immediately set the application for hearing,

1 the notice of which shall be posted in a conspicuous place in the
2 premises of the city or municipal building of the applicant's stated
3 residence for at least one (1) week before the date of the hearing
4 The Election Officer shall immediately furnish a copy of the
5 application to the designated representatives of political parties and
6 other accredited groups.

7 "6.2. If no verified objection to the application is filed, the
8 Election Officer shall immediately forward the application to the
9 Election Registration Board, which shall decide on the application
10 within one (1) week from the date of hearing without waiting for
11 the quarterly meeting of the Board. The applicant shall be notified
12 of the approval or disapproval of his/her application by registered
13 mail.

14 "6.3. In the event that an objection to the application is
15 filed prior to or on the date of hearing, the Election Officer shall
16 notify the applicant of said objection by *registered mail, enclosing*
17 *therein* copies of affidavits or documents submitted in support of
18 the objection filed with the said Election Officer, if any. The
19 applicant shall have the right to file his counter-affidavit by
20 registered mail, clearly stating therein facts and defenses sworn
21 before any officer in the host country authorized to administer
22 oaths.

23 "6.4. The application shall be approved or disapproved
24 based on the merits of the objection, counter-affidavit and
25 documents submitted by the party objecting and those of the
26 applicant.]

27 "[6.5. A Certificate of Registration as an overseas absentee
28 voter shall be issued by the Commission to all applicants whose

1 applications have been approved, including those certified as
2 registered voters. The Commission shall include the approved
3 applications in the National Registry of Absentee Voters.

4 "6.6. If the application has been approved, any interested
5 party may file a petition for exclusion not later than two hundred
6 ten (210) days before the day of elections with the proper
7 municipal or metropolitan trial court. The petition shall be decided
8 within fifteen (15) days after its filing on the basis of the
9 documents submitted in connection therewith. Should the court fail
10 to render a decision within the prescribed period, the ruling of the
11 Election Registration Board shall be considered affirmed.

12 "6.7. If the application has been disapproved, the applicant
13 or his authorized representative shall, within a period of five (5)
14 days from receipt of the notice of disapproval, have the right to file
15 a petition for inclusion with the proper municipal or metropolitan
16 trial court. The petition shall be decided within five (5) days after
17 its filing on the basis of documents submitted in connection
18 therewith.

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

24 **"FIELD AND MOBILE REGISTRATION CENTERS SHALL BE**
25 **SET UP BY THE POSTS CONCERNED TO ENSURE ACCESSIBILITY BY**
26 **THE OVERSEAS VOTERS.**

27 **"ALL APPLICANTS SHALL SUBMIT THEMSELVES FOR LIVE**
28 **CAPTURE OF THEIR BIOMETRICS.**

1 "REMOTE REGISTRATION MAY ALSO BE ALLOWED BASED
2 ON GUIDELINES AND PROCEDURES TO BE DETERMINED BY
3 THE COMMISSION: *PROVIDED*, THAT THE APPROPRIATE
4 TECHNOLOGY SHALL BE ADOPTED TO ENSURE ADEQUATE
5 SECURITY AND VOTER AUTHENTICITY.

6 "THE COMMISSION SHALL ISSUE AN OVERSEAS VOTER
7 IDENTIFICATION CARD TO THOSE WHOSE APPLICATIONS TO
8 VOTE HAVE BEEN APPROVED."

9 SEC. 6. A new Section 7 is hereby inserted to read as follows:

10 "SEC. 7. *RESIDENT ELECTION REGISTRATION BOARD*
11 *(RERB); COMPOSITION, DISQUALIFICATIONS AND*
12 *COMPENSATION. - THE RERB SHALL BE A THREE (3)-MAN*
13 *BOARD COMPOSED OF:*

14 (A) A CAREER OFFICIAL OF THE DFA, AS CHAIRPERSON;

15 (B) THE MOST SENIOR OFFICER FROM THE
16 DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) OR ANY
17 GOVERNMENT AGENCY OF THE PHILIPPINES MAINTAINING
18 OFFICES ABROAD, AS MEMBER; AND

19 (C) A REGISTERED OVERSEAS VOTER OF KNOWN
20 PROBITY, AS MEMBER.

21 "IN CASE OF DISQUALIFICATION OR NONAVAILABILITY OF
22 THE MOST SENIOR OFFICER FROM THE DOLE OR ANY
23 GOVERNMENT AGENCY OF THE PHILIPPINES MAINTAINING
24 OFFICES ABROAD, THE COMMISSION SHALL DESIGNATE A
25 CAREER OFFICIAL FROM THE EMBASSY OR CONSULATE
26 CONCERNED.

27 "THE RERB IN MANILA SHALL HOLD OFFICE IN THE MAIN
28 OFFICE OF THE COMMISSION IN INTRAMUROS, MANILA. THE
29 RERB SHALL BE COMPOSED OF ANY SENIOR OFFICIAL OF THE

1 COMMISSION ON ELECTIONS AS THE CHAIRPERSON AND THE
2 TWO (2) OTHER MEMBERS SHALL BE FROM THE DFA AND THE
3 DOLE, WHOSE RANK SHALL NOT BE LOWER THAN A DIVISION
4 CHIEF OR ITS EQUIVALENT.

5 "7.1. *DISQUALIFICATION OF MEMBERS OF THE RERB* -
6 NO MEMBER OF THE RERB SHALL BE RELATED TO EACH OTHER
7 OR TO THE INCUMBENT PRESIDENT, VICE-PRESIDENT OR
8 SENATOR OF THE PHILIPPINES OR ANY INCUMBENT MEMBER OF
9 THE HOUSE OF REPRESENTATIVES REPRESENTING THE PARTY-
10 LIST SYSTEM OF REPRESENTATION, WITHIN THE FOURTH CIVIL
11 DEGREE OF CONSANGUINITY OR AFFINITY.

12 "7.2. *COMPENSATION OF THE MEMBERS OF THE RERB* -
13 EACH MEMBER OF THE RERB SHALL BE ENTITLED TO AN
14 HONORARIUM AT THE RATES APPROVED BY THE DEPARTMENT
15 OF BUDGET AND MANAGEMENT (DBM)."

16 SEC. 7. A new Section 8 is hereby inserted to read as follows:

17 "SEC. 8. *DUTIES AND FUNCTIONS OF THE RERB*. - THE
18 RERB SHALL HAVE THE FOLLOWING DUTIES AND FUNCTIONS:

19 "A) POST IN THE BULLETIN BOARDS OF THE EMBASSY OR
20 CONSULATES OR AT THE OFFICE OF THE OFOV, AS THE CASE
21 MAY BE, AND IN THEIR RESPECTIVE WEBSITES, THE NAMES OF
22 THE APPLICANTS AND THE DATES WHEN THEIR APPLICATIONS
23 SHALL BE HEARD, AS WELL AS THE PLACE WHERE THE RERB
24 WILL HOLD ITS HEARING;

25 "B) NOTIFY, THROUGH THE OFOV, ALL POLITICAL
26 PARTIES AND OTHER PARTIES CONCERNED OF THE PENDING
27 APPLICATIONS THROUGH A WEEKLY UPDATED PUBLICATION IN
28 THE WEBSITE OF THE COMMISSION;

29 "C) ACT ON ALL APPLICATIONS RECEIVED;

1 “D) NOTIFY ALL APPLICANTS, WHOSE APPLICATIONS
2 HAVE BEEN DISAPPROVED, STATING THE REASONS FOR SUCH
3 DISAPPROVAL;

4 “E) PREPARE A LIST OF ALL APPROVED APPLICATIONS
5 DURING EACH HEARING AND POST THE SAME TO THE BULLETIN
6 BOARDS OF THE EMBASSY OR CONSULATES OR AT THE OFFICE
7 OF THE OFOV, AS THE CASE MAY BE, AND IN THEIR RESPECTIVE
8 WEBSITES;

9 “F) DEACTIVATE THE REGISTRATION RECORDS OF
10 OVERSEAS VOTERS; AND

11 “G) PERFORM SUCH OTHER DUTIES AS MAY BE
12 CONSISTENT WITH ITS FUNCTIONS AS PROVIDED UNDER THIS
13 ACT.”

14 SEC. 8. A new Section 9 is hereby inserted to read as follows:

15 “SEC. 9. *PETITION FOR EXCLUSION, MOTION FOR*
16 *RECONSIDERATION, PETITION FOR INCLUSION. –*

17 “9.1. *PETITION FOR EXCLUSION – IF THE APPLICATION*
18 *HAS BEEN APPROVED, ANY INTERESTED PARTY MAY FILE A*
19 *PETITION FOR EXCLUSION NOT LATER THAN ONE HUNDRED*
20 *EIGHTY (180) DAYS BEFORE THE START OF THE OVERSEAS*
21 *VOTING PERIOD WITH THE PROPER MUNICIPAL/METROPOLITAN*
22 *TRIAL COURT, IN THE CITY OF MANILA OR WHERE THE*
23 *OVERSEAS VOTER RESIDES IN THE PHILIPPINES, AT THE OPTION*
24 *OF THE PETITIONER.*

25 “THE PETITION SHALL BE DECIDED ON THE BASIS OF THE
26 DOCUMENTS SUBMITTED WITHIN FIFTEEN (15) DAYS FROM ITS
27 FILING, BUT NOT LATER THAN ONE HUNDRED TWENTY (120)
28 DAYS BEFORE THE START OF THE OVERSEAS VOTING PERIOD.
29 SHOULD THE COURT FAIL TO RENDER A DECISION WITHIN THE

1 PRESCRIBED PERIOD, THE RULING OF THE RERB SHALL BE
2 CONSIDERED AFFIRMED.

3 "9.2. *MOTION FOR RECONSIDERATION* . IF THE
4 APPLICATION HAS BEEN DISAPPROVED, THE APPLICANT OR THE
5 AUTHORIZED REPRESENTATIVE SHALL HAVE THE RIGHT TO FILE
6 A MOTION FOR RECONSIDERATION BEFORE THE RERB WITHIN A
7 PERIOD OF FIVE (5) DAYS FROM RECEIPT OF THE NOTICE OF
8 DISAPPROVAL. THE MOTION SHALL BE DECIDED WITHIN FIVE (5)
9 DAYS AFTER ITS FILING ON THE BASIS OF DOCUMENTS
10 SUBMITTED. THE RESOLUTION OF THE RERB SHALL BE
11 IMMEDIATELY EXECUTORY, UNLESS REVERSED OR SET ASIDE BY
12 THE COURT.

13 "9.3. *PETITION FOR INCLUSION* - WITHIN TEN (10) DAYS
14 FROM RECEIPT OF NOTICE DENYING THE MOTION FOR
15 RECONSIDERATION, THE APPLICANT MAY FILE A PETITION FOR
16 INCLUSION WITH THE PROPER MUNICIPAL/METROPOLITAN
17 TRIAL COURT, IN THE CITY OF MANILA OR WHERE THE
18 OVERSEAS VOTER RESIDES IN THE PHILIPPINES, AT THE OPTION
19 OF THE PETITIONER.

20 "THE PETITION SHALL BE DECIDED ON THE BASIS OF THE
21 DOCUMENTS SUBMITTED WITHIN FIFTEEN (15) DAYS FROM
22 FILING, BUT NOT LATER THAN ONE HUNDRED TWENTY (120)
23 DAYS BEFORE THE START OF THE OVERSEAS VOTING PERIOD.
24 SHOULD THE COURT FAIL TO RENDER A DECISION WITHIN THE
25 PRESCRIBED PERIOD, THE RERB RULING SHALL BE CONSIDERED
26 AFFIRMED.

27 "QUALIFIED PHILIPPINE CITIZENS ABROAD WHO HAVE
28 PREVIOUSLY REGISTERED AS VOTERS PURSUANT TO REPUBLIC
29 ACT NO. 8189, OTHERWISE KNOWN AS 'THE VOTERS

1 **REGISTRATION ACT OF 1996**, SHALL APPLY FOR
2 CERTIFICATION AS OVERSEAS VOTERS AND FOR INCLUSION IN
3 **THE NROV**. IN CASE OF APPROVAL, THE ELECTION OFFICER
4 CONCERNED SHALL ANNOTATE THE FACT OF
5 REGISTRATION/CERTIFICATION AS OVERSEAS VOTER BEFORE
6 THE VOTER'S NAME AS APPEARING IN THE CERTIFIED VOTERS'
7 LIST AND IN THE VOTER'S REGISTRATION RECORDS."

8 SEC. 9. A new Section 10 is hereby inserted to read as follows:

9 "**SEC. 10. TRANSFER OF REGISTRATION RECORD.** - IN THE
10 EVENT OF CHANGE OF VOTING VENUE, AN APPLICATION FOR
11 TRANSFER OF REGISTRATION RECORD MUST BE FILED BY THE
12 OVERSEAS VOTER WITH THE OFOV, THROUGH ITS
13 CHAIRPERSON, AT LEAST ONE HUNDRED EIGHTY (180) DAYS
14 PRIOR TO THE START OF THE OVERSEAS VOTING PERIOD:
15 **PROVIDED**, THAT THOSE WHO WOULD EVENTUALLY VOTE IN THE
16 **PHILIPPINES SHOULD REGISTER WITHIN THE TIME FRAME**
17 PROVIDED FOR LOCAL REGISTRATION IN THE MUNICIPALITY,
18 CITY OR DISTRICT WHERE THEY INTEND TO VOTE AND:
19 **PROVIDED, FURTHER**, THAT THOSE WHO HAVE REGISTERED IN
20 THE MUNICIPALITY, CITY OR DISTRICT WHERE THEY RESIDED
21 PRIOR TO THEIR DEPARTURE ABROAD NEED NOT REGISTER
22 ANEW: **PROVIDED, FINALLY**, THAT TRANSFEREES SHALL NOTIFY
23 THE OFOV, THROUGH ITS CHAIRPERSON, OF THEIR TRANSFER
24 BACK TO THE PHILIPPINES AT LEAST ONE HUNDRED EIGHTY
25 (180) DAYS PRIOR TO THE NEXT NATIONAL ELECTIONS FOR
26 PURPOSES OF CANCELLING THEIR NAMES FROM THE CLOV AND
27 OF REMOVING THEIR OVERSEAS VOTER'S REGISTRATION FROM
28 THE BOOK OF VOTERS."

1 SEC. 10. Section 7 of the same Act is hereby renumbered as Section 11
2 and is amended to read as follows:

3 "SEC. [7]11. *System of Continuing Registration.* – The
4 Commission shall ensure that the benefits of the system of
5 continuing registration are extended to qualified overseas
6 [absentee] voters. **REGISTRATION SHALL COMMENCE NOT LATER**
7 **THAN SIX (6) MONTHS AFTER THE CONDUCT OF THE LAST**
8 **NATIONAL ELECTIONS.** Towards this end, the Commission shall **BE**
9 **AUTHORIZED TO UTILIZE AND** optimize the use of existing
10 facilities, personnel and mechanisms of the various government
11 agencies for purposes of data gathering[, data] **AND** validation,
12 information dissemination and facilitation of the registration
13 process.

14 "Pre-departure [programs] **ORIENTATION SEMINARS**
15 **(PDOS),** 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 SAME**
21 **SERVICES SHALL INCLUDE THE SALIENT FEATURES OF THIS ACT**
22 **AND** shall be utilized for purposes of supporting the overseas
23 [absentee] registration and voting processes, subject to **SYSTEMS**
24 limitations **AND THOSE** imposed by law.

25 "ALL EMPLOYMENT CONTRACTS PROCESSED AND
26 APPROVED BY THE PHILIPPINE OVERSEAS EMPLOYMENT
27 ADMINISTRATION SHALL STATE THE RIGHT OF MIGRANT

1 **WORKERS TO EXERCISE THEIR CONSTITUTIONAL RIGHT OF**
2 **SUFFRAGE WITHIN THE LIMITS PROVIDED FOR BY THIS ACT.”**

3 SEC. 11. Section 8 of the same Act is hereby renumbered as Section 12
4 and is amended to read as follows:

5 “SEC. [8]12. *Requirements for Registration* – Every
6 Filipino registrant shall be required to furnish the following
7 documents:

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

14 “b) Accomplished registration form prescribed by the
15 Commission, AND; [containing the following mandatory
16 information:

17 “(i) Last known residence of the applicant in the
18 Philippines before leaving for abroad;

19 “(ii) Address of applicant abroad, or forwarding address in
20 the case of seafarers;

21 “(iii) Where voting by mail is allowed, the applicant’s
22 mailing address outside the Philippines where the ballot for
23 absentee voters will be sent, in proper cases; and

24 “(iv) Name and address of applicant’s authorized
25 representative in the Philippines for purposes of Section 6.7 and
26 Section 12 hereof.

27 “c) In the case of immigrants and permanent residents not
28 otherwise disqualified to vote under this Act, an affidavit declaring

1 the intention to resume actual physical permanent residence in the
 2 Philippines not later than three (3) years after approval of his/her
 3 registration as an overseas absentee voter under this Act. Such
 4 affidavit shall also state that he/she has not applied for citizenship
 5 in another country.]

6 "C) ORIGINAL OR CERTIFIED TRUE COPY OF THE ORDER
 7 OF APPROVAL ON THEIR APPLICATION TO RETAIN OR REACQUIRE
 8 THEIR FILIPINO CITIZENSHIP ISSUED BY THE POST; OR FOR
 9 APPLICANTS WHO AVAILED THEMSELVES OF THE 'CITIZENSHIP
 10 RETENTION AND REACQUISITION ACT OF 2003' (REPUBLIC ACT
 11 NO. 9225), THEIR IDENTIFICATION CERTIFICATE ISSUED BY THE
 12 BUREAU OF IMMIGRATION.

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

17 "ALL APPLICATIONS FOR REGISTRATION AND/OR
 18 CERTIFICATION AS AN OVERSEAS VOTER SHALL BE CONSIDERED
 19 AS APPLICATIONS TO VOTE OVERSEAS. AN OVERSEAS VOTER IS
 20 PRESUMED TO BE ABROAD UNTIL THE OVERSEAS VOTER APPLIES
 21 FOR TRANSFER OF ONE'S REGISTRATION RECORDS OR REQUESTS
 22 TO BE DELETED FROM THE NROV."

23 SEC. 12. Section 9 of the same Act is hereby renumbered as Section 13
 24 and is amended to read as follows:

25 "SEC. [9]13. *National Registry of Overseas [Absentee]*
 26 *Voters (NROV).* – The Commission shall maintain a National
 27 Registry of Overseas [Absentee] Voters OR NROV CONTAINING
 28 THE NAMES OF REGISTERED OVERSEAS VOTERS AND THE POSTS

1 **WHERE THEY ARE REGISTERED.** [Approved applications of
2 overseas absentee registrants shall also be included in the
3 permanent list of voters of the city or municipality where the
4 registrant is domiciled, with the corresponding annotation that such
5 person has been registered or will be voting as an overseas
6 absentee voter. The registry shall also include those registered
7 under Republic Act No. 8189 and who have been issued
8 *certifications as overseas absentee voters. The entries in the*
9 *National Registry of Overseas Absentee Voters and the annotations*
10 *as overseas absentee voters in the Certified Voters' List shall be*
11 *permanent, and cannot be cancelled or amended except in any of*
12 *the following cases:*

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

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

21 **“LIKewise, THE COMMISSION SHALL MAINTAIN A**
22 **REGISTRY OF VOTERS (ROV) PER MUNICIPALITY, CITY OR**
23 **DISTRICT CONTAINING THE NAMES OF REGISTERED OVERSEAS**
24 **VOTERS DOMICILED THEREIN. THE COMMISSION SHALL**
25 **PROVIDE EACH AND EVERY MUNICIPALITY, CITY OR DISTRICT**
26 **WITH A COPY OF THEIR RESPECTIVE ROVs FOR THEIR**
27 **REFERENCE.”**

1 SEC. 13. A new Section 14 is hereby inserted to read as follows:

2 "SEC. 14. *DEACTIVATION OF REGISTRATION.* - THE
3 RERB SHALL DEACTIVATE AND REMOVE THE REGISTRATION
4 RECORDS OF THE FOLLOWING PERSONS FROM THE
5 CORRESPONDING BOOK OF VOTERS AND PLACE THE SAME,
6 PROPERLY MARKED AND DATED, IN THE INACTIVE FILE AFTER
7 ENTERING ANY OF THE FOLLOWING CAUSES OF DEACTIVATION:

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

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

23 "C) ANY PERSON WHO DID NOT VOTE IN TWO (2)
24 CONSECUTIVE NATIONAL ELECTIONS AS SHOWN BY VOTING
25 RECORDS; AND

26 "D) ANY PERSON WHOSE REGISTRATION HAS BEEN
27 ORDERED EXCLUDED BY THE COURTS.

28 "THE FACT OF DEACTIVATION SHALL BE ANNOTATED IN
29 THE NROV AND THE CORRESPONDING ROV."

1 SEC. 14. Section 10 of the same Act is hereby renumbered as Section 15.

2 "SEC. [10]15. *Notice of Registration and Election.* – The
3 Commission shall, through the embassies, consulates and other
4 foreign service establishments, cause the publication in a
5 newspaper of general circulation of the place, date and time of the
6 holding of a regular or special national election and the
7 requirements for the participation of qualified citizens of the
8 Philippines abroad, at least six (6) months before the date set for
9 the filing of applications for registration.

10 "The Commission shall determine the countries where
11 publication shall be made, and the frequency thereof, taking into
12 consideration the number of overseas Filipinos present in such
13 countries. Likewise, the Commission and the Department of
14 Foreign Affairs shall post the same in their respective websites."

15 SEC 15. Sections 11 and 12 of the same Act are hereby deleted.

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

17 "11.1. Every qualified citizen of the Philippines abroad
18 whose application for registration has been approved, including
19 those previously registered under Republic Act No. 8189, shall, in
20 every national election, file with the officer of the embassy,
21 consulate or other foreign service establishment authorized by the
22 Commission, a sworn written application to vote in a form
23 prescribed by the Commission. The authorized officer of such
24 embassy, consulate or other foreign service establishment shall
25 transmit to the Commission the said application to vote within five
26 (5) days from receipt thereof. The application form shall be
27 accomplished in triplicate and submitted together with the

1 photocopy of his/her overseas absentee voter certificate of
2 registration.

3 "11.2. Every application to vote *in absentia* may be done
4 personally at, or by mail to, the embassy, consulate or foreign
5 service establishment, which has jurisdiction over the country
6 where he/she has indicated his/her address for purposes of the
7 elections.

8 "11.3. Consular and diplomatic services rendered in
9 connection with the overseas absentee voting processes shall be
10 made available at no cost to the overseas absentee voter.]

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

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

25 SEC. 16. A new Section 16 of the same Act is hereby inserted to read as
26 follows:

27 "SEC. 16. *REACTIVATION OF REGISTRATION.* -- ANY
28 OVERSEAS VOTER WHOSE REGISTRATION HAS BEEN

1 DEACTIVATED PURSUANT TO THE PRECEDING SECTION MAY FILE
2 WITH THE RERB AT ANY TIME, BUT NOT LATER THAN ONE
3 HUNDRED TWENTY (120) DAYS BEFORE THE START OF THE
4 OVERSEAS VOTING PERIOD, A SWORN APPLICATION FOR
5 REACTIVATION OF REGISTRATION IN THE FORM OF AN
6 AFFIDAVIT STATING THAT THE GROUNDS FOR THE
7 DEACTIVATION NO LONGER EXIST.”

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

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

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

17 “SEC. 18. *VOTERS EXCLUDED FROM THE NROV*
18 *THROUGH INADVERTENCE.* – ANY REGISTERED OVERSEAS
19 VOTER WHOSE NAME HAS BEEN INADVERTENTLY OMITTED
20 FROM THE NROV MAY, PERSONALLY OR THROUGH AN
21 AUTHORIZED REPRESENTATIVE, FILE WITH THE COMMISSION
22 OR WITH THE POST EXERCISING JURISDICTION OVER THE
23 VOTER’S RESIDENCE, AN APPLICATION UNDER OATH FOR
24 REINSTATEMENT NOT LATER THAN ONE HUNDRED TWENTY
25 (120) DAYS BEFORE THE START OF THE VOTING PERIOD.”

26 SEC. 19. A new Section 19 of the same Act is hereby inserted to read as
27 follows:

28 “SEC. 19. *APPLICATION FOR CORRECTION OF ENTRIES*
29 *AND CHANGE OF NAME.* – WITHIN NINETY (90) DAYS BEFORE

1 THE START OF THE VOTING PERIOD, ANY REGISTERED VOTER
2 MAY FILE WITH THE OFOV, OR WITH THE POST HAVING
3 JURISDICTION OVER THE VOTER'S RESIDENCE, AN APPLICATION
4 UNDER OATH FOR THE CORRECTION OF MISSPELLED NAME OR
5 OTHER ENTRIES; CHANGE OF NAME BY REASON OF MARRIAGE,
6 DEATH OF HUSBAND, OR BY VIRTUE OF A COURT ORDER; AND/OR
7 CHANGE OR CORRECTION OF ANY ENTRY IN THE NROV, CLOV
8 AND THE VOTER'S IDs."

9 SEC. 20. Section 13 of the same Act is hereby renumbered as Section 20
10 and is amended to read as follows:

11 "SEC. [13]20. *Preparation and Posting of Certified List of*
12 *Overseas [Absentee] Voters.* – The Commission shall prepare the
13 Certified List of Overseas [Absentee] Voters OR CLOV [within
14 one hundred twenty (120)] NOT LATER THAN NINETY (90) days
15 before [every election] THE START OF THE OVERSEAS VOTING
16 PERIOD, and furnish within the same period ELECTRONIC AND
17 HARD copies thereof to the appropriate [embassies, consulates and
18 other foreign service establishments] POSTS, which shall post the
19 same in their bulletin boards AND/OR WEBSITES within ten (10)
20 days from receipt thereof.

21 "Subject to reasonable regulation and the payment of fees in
22 such amounts as may be fixed by the Commission, the candidates,
23 political parties, accredited citizens' arms, AND ALL OTHER
24 interested persons [and all embassies, consulates and other foreign
25 service establishments] shall be furnished copies thereof[.]:
26 **PROVIDED, THAT NONGOVERNMENTAL ORGANIZATIONS AND**
27 **OTHER CIVIL SOCIETY ORGANIZATIONS ACCREDITED BY AND**

~1 WORKING WITH THE COMMISSION AS PARTNERS ON OVERSEAS
 2 VOTERS' EDUCATION AND PARTICIPATION SHALL BE EXEMPT
 3 FROM THE PAYMENT OF FEES."

4 SEC. 21. Section 14 of the same Act is hereby renumbered as Section 21
 5 and is amended to read as follows:

6 "SEC. [14]21. *Printing and Transmittal of Ballots, Voting*
 7 *Instructions, Election Forms and Paraphernalia. –*

8 "[14.1]21.1. The Commission shall cause the printing of
 9 ballots for overseas [absentee] voters, [voting instructions,] and
 10 ALL OTHER ACCOUNTABLE election forms in such number as may
 11 be necessary, but in no case shall [it] THESE exceed the total
 12 number of approved applications. Security markings shall be used
 13 in the printing of ballots for overseas [absentee] voters.

14 "[14.2]21.2. The Commission shall present to the
 15 authorized representatives of the Department of Foreign Affairs
 16 and OF the accredited major political parties the ballots for
 17 overseas [absentee] voters, voting instructions, election forms and
 18 other election paraphernalia for scrutiny and inspection prior to
 19 their transmittal to the [embassies, consulates and other foreign
 20 service establishments concerned] POSTS.

21 "[14.3]21.3. The Commission shall[,] TRANSMIT, AS
 22 EAR AS PRACTICABLE BUT not later than [seventy-five (75)]
 23 FORTY-FIVE (45) days before the day of elections, [transmit] by
 24 special pouch to [the embassies, consulates and other foreign
 25 service establishments,] ALL POSTS the exact number of ballots for

1 overseas [absentee] voters corresponding to the number of
2 approved applications, along with such [materials and election
3 paraphernalia] ACCOUNTABLE FORMS necessary to ensure the
4 secrecy and integrity of the election.

5 “[14.4]21.4. The authorized representatives of accredited
6 major political parties shall have the right to be present in all
7 phases of printing, transmittal, and casting of MAILED ballots
8 abroad. [Unclaimed ballots properly marked as such, shall be
9 cancelled and shipped to the Commission by the least costly
10 method.]”

11 SEC. 22. Section 15 of the same Act is hereby renumbered as Section 22
12 and is amended to read as follows:

13 “SEC. [15]22. *Regulation on Campaigning Abroad.* –
14 **PERSONAL CAMPAIGNING, [T]The use of campaign materials, as**
15 **well as the limits on campaign spending shall be governed by the**
16 **laws and regulations applicable in the Philippines[.] AND TO THE**
17 **EXTENT ALLOWED BY THE LAWS OF HOST COUNTRIES:**
18 ***PROVIDED, THAT, ALL FORMS OF CAMPAIGNING ABROAD WITHIN***
19 ***THE THIRTY (30)-DAY OVERSEAS VOTING PERIOD SHALL BE***
20 ***PROHIBITED.*”**

21 SEC. 23. A new Section 23 of the same Act is hereby inserted to read as
22 follows:

23 “SEC. 23. *VOTING.* – **VOTING MAY BE DONE EITHER**
24 **PERSONALLY, BY MAIL OR BY ANY OTHER MEANS AS MAY BE**
25 **DETERMINED BY THE COMMISSION. FOR THIS PURPOSE, THE**

1 COMMISSION SHALL ISSUE THE NECESSARY GUIDELINES ON THE
2 MANNER AND PROCEDURES OF VOTING.

3 "THE OFOV, IN CONSULTATION WITH THE DFA-OVS,
4 SHALL DETERMINE THE COUNTRIES WHERE VOTING SHALL BE
5 DONE BY ANY SPECIFIC MODE, TAKING INTO CONSIDERATION
6 THE MINIMUM CRITERIA ENUMERATED UNDER THIS ACT WHICH
7 SHALL INCLUDE THE NUMBER OF REGISTERED VOTERS,
8 ACCESSIBILITY OF THE POSTS, EFFICIENCY OF THE HOST
9 COUNTRY'S APPLIED SYSTEM AND SUCH OTHER CIRCUMSTANCES
10 THAT MAY AFFECT THE CONDUCT OF VOTING.

11 "THE COMMISSION SHALL ANNOUNCE THE SPECIFIC
12 MODE OF VOTING PER COUNTRY/POST AT LEAST ONE HUNDRED
13 TWENTY (120) DAYS BEFORE THE START OF THE VOTING
14 PERIOD."

15 SEC. 24. Section 16 of the same Act is hereby renumbered as Section 24
16 and is amended to read as follows:

17 "SEC. [16]24. *PERSONAL VOTING.* - Casting and
18 Submission of Ballots.[-]

19 "[16.1]24.1. Upon receipt [by the designated officer of the
20 embassy, consulate and other foreign service establishments] of the
21 ballots for overseas [absentee] voters AND OTHER ACCOUNTABLE
22 FORMS, VOTING MACHINES AND OTHER HARDWARE AND
23 SOFTWARE, [voting instructions, election forms and other
24 paraphernalia,] THE SBRCG [he/she] shall make [them] THESE
25 available on the premises to the qualified overseas [absentee]
26 voters in their respective jurisdictions [during the thirty (30) days

1 before the day of elections when overseas absentee voters may cast
2 their vote. Immediately upon receiving it, the overseas absentee
3 voter must fill-out his/her ballot personally, in secret, without
4 leaving the premises of the embassies, consulates and other foreign
5 service establishments concerned.] **DURING THE THIRTY (30)-DAY**
6 **VOTING PERIOD.**

7 "THE COMMISSION SHALL CONSTITUTE AS MANY
8 **SBRCGS AS MAY BE NECESSARY TO RECEIVE AND TAKE**
9 **CUSTODY OF ALL ACCOUNTABLE AND OTHER ELECTION FORMS,**
10 **SUPPLIES AND PARAPHERNALIA FROM THE OFOV FOR**
11 **TRANSMITTAL TO THE SBEIs AND TO THE SBOC. EACH SBRCG**
12 **SHALL BE COMPOSED OF THREE (3) MEMBERS FROM AMONG THE**
13 **STAFF OF THE POSTS CONCERNED, INCLUDING THEIR ATTACHED**
14 **AGENCIES, AND FILIPINO CITIZENS ABROAD.**

15 "THE COMMISSION SHALL, LIKEWISE, CONSTITUTE AS
16 **MANY SBEIs AS MAY BE NECESSARY TO CONDUCT AND**
17 **SUPERVISE THE VOTING AND COUNTING OF VOTES.**

18 "EACH SBEI SHALL BE COMPOSED OF A CHAIRPERSON,
19 **DESIGNATED AS SUCH BY THE COMMISSION FROM AMONG**
20 **CAREER PUBLIC OFFICERS POSTED ABROAD, AND TWO (2)**
21 **GOVERNMENT OFFICERS AS MEMBERS, ONE OF WHOM SHALL BE**
22 **DESIGNATED AS POLL CLERK. IN THE ABSENCE OF SUCH**
23 **GOVERNMENT OFFICERS, THE TWO (2) MEMBERS SHALL BE**
24 **FILIPINO CITIZENS QUALIFIED TO REGISTER OR VOTE UNDER**
25 **THIS ACT AND SHALL BE DEPUTIZED BY THE COMMISSION NOT**
26 **LATER THAN SIXTY (60) DAYS BEFORE THE START OF THE**
27 **VOTING PERIOD.**

1 **“ALL SBEI RESOLUTIONS SHALL BE VALID ONLY WHEN**
2 **APPROVED BY A MAJORITY OF THE MEMBERS OF THE BOARD.**

3 **“24.2. VOTING SHALL BE DONE AT THE POSTS, OR**
4 **WHEREVER FIELD REGISTRATIONS WERE CONDUCTED, OR AT**
5 **ANY OTHER POLLING PLACE DESIGNATED/ACCREDITED AS SUCH**
6 **BY THE COMMISSION.**

7 “[16.2. The overseas absentee voter shall personally
8 accomplish his/her ballot at the embassy, consulate or other foreign
9 service establishment that has jurisdiction over the country where
10 he/she temporarily resides or at any polling place designated and
11 accredited by the Commission.]

12 “[16.3]24.3. [The] AN overseas [absentee] voter shall cast
13 [his] HIS/HER [ballot] VOTE, upon presentation of the [absentee]
14 voter’s identification card issued by the Commission[,]
15 OR SUCH
16 OTHER DOCUMENTS DEEMED BY THE SBEI AT THE POST AS
17 SUFFICIENT TO ESTABLISH THE VOTER’S IDENTITY [within thirty
18 (30) days before the day of elections. In the case of seafarers, they
19 shall cast their ballots anytime within sixty (60) days before the day
20 of elections as prescribed in the Implementing Rules and
21 Guidelines].

22 “[16.4]24.4. All accomplished ballots received shall be
23 placed [unopened inside] IN sealed containers and kept in a secure
24 place designated by the Commission.

25 “[16.5]24.5. The [embassies, consulates and other foreign
26 service establishments concerned] SBRCG shall keep a complete
27 record of the ballots for overseas [absentee] voters, specifically

1 indicating the number of ballots [they] actually received[, and in
2 cases where voting by mail is allowed under Section 17 hereof, the
3 names and addresses of the voters to whom these ballots were sent,
4 including proof of receipt thereof]. In addition, **WITHIN THIRTY**
5 **(30) DAYS FROM THE DAY OF ELECTIONS**, the [embassies,
6 consulates and other foreign service establishments] **SBRCG** shall
7 submit a formal report to the Commission and **TO** the Joint
8 Congressional Oversight Committee created under this Act. [within
9 thirty (30) days from the day of elections.] Such report shall
10 contain data on the number of ballots cast and received by the
11 offices, the number of invalid and unclaimed ballots and other
12 pertinent data.

13 **"24.6. BEFORE THE START OF THE COUNTING, ALL**
14 **UNUSED BALLOTS SHALL BE ACCOUNTED FOR AND DISPOSED OF**
15 **APPROPRIATELY BY THE CONCERNED POSTS, WITH THE**
16 **CORRESPONDING FORMAL REPORT OF SUCH FACTS**
17 **TRANSMITTED TO THE COMMISSION.**

18 "[16.6. The overseas absentee voter shall be instructed that
19 his/her ballot shall not be counted if it is not inside the special
20 envelope furnished him/her when it is cast.

21 "16.7. Ballots not claimed by the overseas absentee
22 voters at the embassies, consulates and other foreign service
23 establishments, in case of personal voting, and ballots returned to
24 the embassies, consulates and other foreign service establishments
25 concerned, in the case of voting by mail, shall be cancelled and
26 shipped to the Commission by the least costly method within six
27 (6) months from the day of elections.]

1 “[16.8]24.7. Only ballots cast[, and mailed ballots
2 received by the Philippine embassies, consulates and other foreign
3 service establishments concerned in accordance with Section 17
4 hereof before the close of voting on the day of elections shall be
5 counted in accordance with Section 18 hereof. All envelopes
6 containing the ballots received by the embassies, consulates and
7 other foreign service establishments after the prescribed period
8 shall not be opened, and shall be cancelled and shipped to the
9 Commission by the least costly method within six (6) months from
10 the day of elections] AT OR BEFORE THE CLOSE OF VOTING ON
11 THE DAY OF ELECTIONS SHALL BE COUNTED.

12 “[16.9. A Special Ballot Reception and Custody Group
13 composed of three (3) members shall be constituted by the
14 Commission from among the staff of the embassies, consulates and
15 other foreign service establishments concerned, including their
16 attached agencies, and citizens of the Philippines abroad, who will
17 be deputized to receive ballots and take custody of the same
18 preparatory to their transmittal to the Special Boards of Election
19 Inspectors.]

20 “[16.10]24.8. During THE VOTING, [this phase of the
21 election process,] the authorized representatives of political
22 parties, candidates, and accredited citizens’ arms of the
23 Commission shall be notified THEREOF in writing [thereof] and
24 shall have the right to witness the proceedings.

25 “[16.11. The Commission shall study the use of electronic
26 mail, internet, or other secured networks in the casting of votes,

1 and submit a report thereon to the Joint Congressional Oversight
2 Committee.]"

3 SEC. 25. Section 17 of the same Act is hereby renumbered as Section 25
4 and is amended to read as follows:

5 "SEC. [17]25. *Voting by Mail. - MAILING AND*
6 *SUBMISSION OF BALLOTS.*

7 "[17.1. For the May, 2004 elections, the Commission shall
8 authorize voting by mail in not more than three (3) countries,
9 subject to the approval of the Congressional Oversight Committee.
10 Voting by mail may be allowed in countries that satisfy the
11 following conditions:

12 "a) Where the mailing system is fairly well-developed and
13 secure to prevent the occasion of fraud;

14 "b) Where there exists a technically established
15 identification system that would preclude multiple or proxy voting;
16 and,

17 "c) Where the system of reception and custody of mailed
18 ballots in the embassies, consulates and other foreign service
19 establishments concerned are adequate and well-secured.

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

23 "25.1. THE COMMISSION SHALL MAIL THE BALLOTS
24 INTENDED FOR THE REGISTERED VOTERS THROUGH THE POSTS
25 USING THE DIPLOMATIC POUCH OR CARGO FACILITY OR SUCH
26 OTHER FACILITIES AS MAY BE APPROVED BY THE COMMISSION;
27 *PROVIDED, THAT THE SECRECY AND SANCTITY OF THE MAILED*
28 *BALLOTS ARE ENSURED. MAILING OF THE BALLOTS SHALL BE*

1 DONE NOT LATER THAN THIRTY (30) DAYS BEFORE THE START
2 OF THE VOTING PERIOD.

3 "FOR THIS PURPOSE, THE COMMISSION SHALL ISSUE THE
4 NECESSARY GUIDELINES AND PROCEDURES TO IMPLEMENT THIS
5 PROVISION.

6 "THE COMMISSION SHALL CONSTITUTE SBRCGS FOR
7 EVERY POST FOR WHICH VOTING BY MAIL IS THE DESIGNATED
8 VOTING MODE TO RECEIVE AND TAKE CUSTODY OF ALL
9 ACCOUNTABLE AND OTHER ELECTION FORMS, SUPPLIES AND
10 PARAPHERNALIA FROM THE OFOV FOR TRANSMITTAL TO THE
11 SBEIS AND TO THE SBOC, AS WELL AS TO RECORD, VERIFY,
12 RECEIVE AND TAKE CUSTODY OF ALL MAILED ACCOMPLISHED
13 BALLOTS. EACH SBRCG SHALL BE COMPOSED OF THREE (3)
14 MEMBERS FROM AMONG THE STAFF OF THE POSTS CONCERNED,
15 INCLUDING THEIR ATTACHED AGENCIES, AND FILIPINO CITIZENS
16 ABROAD.

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

1 “~~[17.3]~~**25.3.** Only mailed ballots [received by the
2 Philippine embassy, consulate and other foreign service
3 establishments before the close of voting on the day of elections
4 shall be counted in accordance with Section 18 hereof.]
5 **STAMP MARKED BY THE LOCAL POSTAL SERVICE AS HAVING**
6 **BEEN MAILED BEFORE CLOSE OF VOTING AND RECEIVED BY THE**
7 **SBCRG DURING THE COUNTING OF VOTES SHALL BE COUNTED.**

8 All envelopes containing the **ACCOMPLISHED** ballots received [by
9 the embassies, consulates and other foreign service establishments
10 after the prescribed period shall not be opened, and shall be
11 cancelled and disposed of] **AFTER THE COUNTING OF VOTES**
12 **SHALL NOT BE OPENED AND SHALL BE FILED AND KEPT**
13 **appropriately FOR PURPOSES OF DOCUMENTATION,** with a
14 corresponding **INVENTORY** report thereon [submitted to the
15 Commission not later than thirty (30) days from the day of
16 elections]. **ACCREDITED MAJOR POLITICAL PARTIES SHALL BE**
17 **FURNISHED COPIES OF THE SAID REPORT NOT LATER THAN**
18 **THIRTY (30) DAYS AFTER THE DAY OF ELECTIONS.**

19 **“25.4. THE COMMISSION SHALL MAINTAIN A COMPLETE**
20 **REPORT OF THE NAMES AND ADDRESSES OF THE VOTERS TO**
21 **WHOM THE BALLOTS WERE SENT, INCLUDING THE NUMBER OF**
22 **BALLOTS CAST AND RECEIVED BY THE SBRCG, THE NUMBER OF**
23 **INVALID AND UNCLAIMED BALLOTS, AS WELL AS OTHER**
24 **PERTINENT DATA AND SUBMIT A TIMELY REPORT THEREON TO**
25 **THE JOINT CONGRESSIONAL OVERSIGHT COMMITTEE.**

26 **“25.5. ALL MAILED BALLOTS MARKED ‘RETURN TO**
27 **SENDER’ AND RETURNED TO THE COMMISSION SHALL NOT BE**
28 **OPENED. THE SAME SHALL BE CANCELLED AND DISPOSED OF**

1 APPROPRIATELY, WITH A CORRESPONDING INVENTORY REPORT
 2 THEREON DULY FURNISHED THE MAJOR POLITICAL PARTIES NOT
 3 LATER THAN THIRTY (30) DAYS AFTER THE DAY OF ELECTIONS.”

4 SEC. 26. A new Section 26 of the same Act is hereby inserted to read as
 5 follows:

6 “SEC. 26. *VOTING BY SEAFARERS.* – SEAFARERS MAY
 7 VOTE IN ACCORDANCE WITH SECTION 23 OF THIS ACT. FOR
 8 THIS PURPOSE, THE COMMISSION SHALL PREPARE A SEPARATE
 9 CLOV FOR SEAFARERS.”

10 SEC. 27. A new Section 27 of the same Act is hereby inserted to read as
 11 follows:

12 “SEC. 27. *VOTING PRIVILEGE OF MEMBERS OF THE SBEL,*
 13 *SBRCG AND SBOC.* – GOVERNMENT EMPLOYEES POSTED
 14 ABROAD WHO WILL PERFORM ELECTION DUTIES AS MEMBERS OF
 15 THE SBEL, SBRCG AND SBOC SHALL BE ALLOWED TO VOTE IN
 16 THEIR RESPECTIVE POSTS: *PROVIDED, THAT, THEY ARE*
 17 *REGISTERED EITHER IN THE PHILIPPINES OR AS OVERSEAS*
 18 *VOTERS.*”

19 SEC. 28. Section 18 of the same Act is hereby renumbered as Section 28
 20 and is amended to read as follows:

21 “SEC. [18]28. *On-Site Counting and Canvassing* –

22 “[18.1]28.1 The counting and canvassing of votes shall
 23 be conducted on site in the country where the votes were actually
 24 cast. The opening of the specially-marked envelopes AND
 25 CONTAINERS containing the ballots and the counting and
 26 canvassing of votes shall be conducted within the premises of the
 27 [embassies, consulates and other foreign service establishments or
 28 in such other places as may be designated by the Commission

1 pursuant to the Implementing Rules and Regulations.] **POSTS OR**
2 **WITHIN ANY OTHER POLLING PLACE DESIGNATED/ACCREDITED**
3 **AS SUCH BY THE COMMISSION.** The Commission shall ensure that
4 the start of counting in all polling places abroad shall, [be
5 synchronized] **AS FAR AS PRACTICABLE, COINCIDE** with the start
6 of counting in the Philippines, **TAKING INTO CONSIDERATION THE**
7 **RESPECTIVE TIME ZONES OF THE DIFFERENT POSTS: PROVIDED,**
8 **THAT, NO COUNTING AND CANVASSING SHALL COMMENCE PRIOR**
9 **TO THE CLOSING OF VOTING.”**

10 “[18.2]28.2. [For these purposes, the Commission shall
11 constitute as many *Special Boards of Election Inspectors* as may be
12 necessary to conduct and supervise the counting of votes as
13 provided in Section 18.1 hereof. The Special Board of Election
14 Inspectors to be constituted herein shall be composed of a
15 Chairman and two (2) members, one (1) of whom shall be
16 designated as poll clerk. The ambassador or consul-general, or any
17 career public officer posted abroad designated by the Commission,
18 as the case may be, shall act as the chairman; in the absence of
19 other government officers, the two (2) other members shall be
20 citizens of the Philippines who are qualified to vote under this Act
21 and deputized by the Commission not later than sixty (60) days
22 before the day of elections. All resolutions of the Special Board of
23 Election Inspectors on issues brought before it during the conduct
24 of its proceedings shall be valid only when they carry the approval
25 of the chairman.]

26 “Immediately upon the completion of the counting, the
27 [Special Boards of Election Inspectors] **SBELs** shall transmit [via

1 facsimile and/or electronic mail] the results **THEREOF** to the
2 Commission in Manila and **TO** the accredited major political
3 parties **VIA FACSIMILE, ELECTRONIC MAIL AND/OR BY ANY**
4 **OTHER SAFE, SECURE AND RELIABLE MEANS OF TRANSMISSION.**

5 “[18.3. Only ballots cast on, or received by the embassies,
6 consulates and other foreign service establishments before the close
7 of voting on the day of elections shall be included in the counting
8 of votes. Those received afterwards shall not be counted.]

9 “[18.4]28.3. [A Special Board of Canvassers] **THE SBOC**
10 composed of **THE HIGHEST RANKING OFFICER FROM THE POST** [a
11 lawyer preferably of the Commission] as chair[man]**PERSON**, a
12 senior career officer from any of the government agencies
13 maintaining a post abroad and, in the absence of another
14 government officer, a citizen of the Philippines qualified to vote
15 under this Act **AND** deputized by the Commission, as vice-
16 chair[man]**PERSON** and member-secretary, respectively, shall be
17 constituted to canvass the election returns submitted to it by the
18 [Special Boards of Election Inspectors] **SBEIs**. Immediately upon
19 the completion of the canvass, the chair[man]**PERSON** of the
20 **SBOC** [Special Board of Canvassers] shall transmit via facsimile,
21 electronic mail, **AND/or BY** any other **SAFE, SECURE AND RELIABLE**
22 means of transmission [equally safe and reliable] the Certificates of
23 Canvass and the Statements of Votes to the Commission, and shall
24 cause to preserve the same immediately after the conclusion of the
25 canvass, and make it available upon instructions of the
26 Commission. The [Special Board of Canvassers] **SBOC** shall also

1 furnish the accredited major political parties and accredited
2 citizens' arms with copies thereof via facsimile, electronic mail
3 and/OR BY any other SAFE, SECURE AND RELIABLE means of
4 transmission [equally safe, secure and reliable].

5 "The Certificates of Canvass and the accompanying
6 Statements of Votes as transmitted via facsimile, electronic mail
7 and/OR any other SAFE, SECURE AND RELIABLE means of
8 transmission [equally safe, secure and reliable] shall be the primary
9 basis for the national canvass.

10 "[18.5]28.4. The canvass of OVERSEAS votes shall not
11 cause the delay of the proclamation of a winning candidate OR THE
12 DETERMINATION OF THE RESULT OF NATIONAL REFERENDA OR
13 PLEBISCITES if the outcome of the election will not be affected by
14 the results thereof. Notwithstanding the foregoing, the
15 Commission, AS NATIONAL BOARD OF CANVASSERS FOR
16 SENATORS AND PARTY-LIST REPRESENTATIVES, OR CONGRESS,
17 AS NATIONAL BOARD OF CANVASSERS FOR PRESIDENT AND
18 VICE-PRESIDENT, SHALL PROCLAIM THE [is empowered to order
19 the proclamation of] winning candidates OR ANNOUNCE THE
20 RESULT OF NATIONAL REFERENDA OR PLEBISCITES despite the
21 fact that the scheduled election has not taken place in a particular
22 country or countries, if the holding of elections therein has been
23 rendered impossible by events, factors and circumstances peculiar
24 to such country or countries, and which events, factors and
25 circumstances are beyond the control or influence of the
26 Commission.

1 “[18.6]28.5. In the preparation of the final tally of votes on
2 the results of the national elections, [the Commission shall ensure
3 that] the votes canvassed [by] IN each and every country shall be
4 reflected as a separate item from the tally of national votes. For
5 purposes of this Act, the returns of every election for [p]President
6 and [v]Vice-[p]President prepared by the [Special Board of
7 Canvassers] SBOCs shall be deemed a certificate of canvass of a
8 city or a province.

9 “[18.7]28.6. Where feasible, the counting and canvassing
10 of votes shall be automated. Towards this end, the Commission is
11 hereby authorized to borrow, rent, lease or acquire automated
12 [voting] COUNTING machines for purposes of canvassing and
13 counting of votes pursuant to the provisions of this Act, and in
14 accordance with the Implementing Rules and Regulations
15 promulgated by the Commission.”

16 SEC. 29. A new Section 29 is hereby inserted to read as follows:

17 “SEC. 29. *AUTHORITY TO ADOPT OTHER MODES OR*
18 *SYSTEMS USING AUTOMATED ELECTION SYSTEM. –*
19 *NOTWITHSTANDING CURRENT PROCEDURES AND SYSTEMS*
20 *HEREIN PROVIDED, FOR THE PROPER IMPLEMENTATION OF THIS*
21 *ACT AND IN VIEW OF THE PECULIARITIES ATTENDANT TO THE*
22 *OVERSEAS VOTING PROCESS, THE COMMISSION MAY EXPLORE*
23 *AND ADOPT OTHER MORE EFFICIENT, RELIABLE AND SECURE*
24 *MODES OR SYSTEMS, ENSURING THE SECRECY AND SANCTITY OF*
25 *THE ENTIRE PROCESS, WHETHER PAPER-BASED OR ELECTRONIC-*
26 *BASED TECHNOLOGY OR SUCH OTHER LATEST TECHNOLOGY*

1 AVAILABLE, FOR ONSITE AND REMOTE REGISTRATION AND
2 ELECTIONS.”

3 SEC. 30. A new Section 30 is hereby inserted to read as follows:

4 “SEC. 30. *PROCUREMENT OF FACILITIES, EQUIPMENT,*
5 *MATERIALS, SUPPLIES OR SERVICES.* – TO ACHIEVE THE
6 PURPOSE OF THIS ACT, THE COMMISSION MAY, LIKEWISE,
7 PROCURE FROM LOCAL OR FOREIGN SOURCES, THROUGH
8 PURCHASE, LEASE, RENT OR OTHER FORMS OF ACQUISITION,
9 HARDWARE OR SOFTWARE, FACILITIES, EQUIPMENT,
10 MATERIALS, SUPPLIES OR SERVICES IN ACCORDANCE WITH
11 EXISTING LAWS, FREE FROM TAXES AND IMPORT DUTIES,
12 SUBJECT TO GOVERNMENT PROCUREMENT RULES AND
13 REGULATIONS.”

14 SEC. 31. A new Section 31 is hereby inserted to read as follows:

15 “SEC. 31. *ESTABLISHMENT OF AN OFFICE FOR OVERSEAS*
16 *VOTING UNDER THE COMMISSION.* – THE COMMISSION IS
17 HEREBY AUTHORIZED TO ESTABLISH AN OFFICE FOR OVERSEAS
18 VOTING TASKED SPECIFICALLY TO OVERSEE AND SUPERVISE THE
19 EFFECTIVE IMPLEMENTATION OF THE OVERSEAS VOTING LAW:
20 *PROVIDED,* THAT ITS SECRETARIAT SHALL COME FROM THE
21 EXISTING SECRETARIAT PERSONNEL OF THE COMMISSION ON
22 ELECTIONS.”

23 SEC. 32. A new Section 32 is hereby inserted to read as follows:

24 “SEC. 32. *CREATION OF THE DEPARTMENT OF FOREIGN*
25 *AFFAIRS OVERSEAS VOTING SECRETARIAT (DFA-OVS).* – A
26 SECRETARIAT BASED IN THE DEPARTMENT OF FOREIGN
27 AFFAIRS (DFA) HOME OFFICE IS HEREBY CREATED TO ASSIST
28 THE OFOV, AND TO DIRECT, COORDINATE AND OVERSEE THE
29 PARTICIPATION OF THE DFA IN THE IMPLEMENTATION OF THE

1 **OVERSEAS VOTING LAW (OVL): PROVIDED, THAT ITS**
2 **SECRETARIAT SHALL COME FROM THE EXISTING SECRETARIAT**
3 **PERSONNEL OF THE DEPARTMENT OF FOREIGN AFFAIRS.”**

4 SEC. 33. Section 19 of the same Act is hereby deleted.

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

12 “In the formulation of the rules and regulations, the
13 Commission shall coordinate with the Department of Foreign
14 Affairs, Department of Labor and Employment, Philippine
15 Overseas and Employment Administration, Overseas Workers’
16 Welfare Administration and the Commission on Filipinos
17 Overseas. Nongovernment organizations and accredited Filipino
18 organizations or associations abroad shall be consulted.]”

19 SEC. 34. Section 20 of the same Act is hereby renumbered as Section 33
20 and is amended to read as follows:

21 “SEC. [20]33. *Information Campaign.* – The Commission,
22 in coordination with agencies concerned, shall undertake an
23 information campaign to educate the public on the manner of
24 [absentee] OVERSEAS voting for qualified overseas [absentee]
25 voters. It may require the support and assistance of the Department
26 of Foreign Affairs, through the [embassies, consulates and other
27 foreign service establishments] POSTS, Department of Labor and

1 Employment, Department of Transportation and Communications,
2 Philippine Postal Corporation, Philippine Overseas Employment
3 Administration, Overseas Workers' Welfare Administration and
4 the Commission on Filipinos Overseas. [The Commission may
5 deputize Filipino organizations/associations overseas for the
6 same purpose: *Provided*, That any such deputized
7 organization/association shall be prohibited from participating in
8 the elections by campaigning for or fielding candidates; *Provided*,
9 *further*, That if any such deputized organization/association is
10 discovered to have a member who is not a qualified overseas
11 absentee voter as herein defined, such deputized
12 organization/association shall be banned from participating in any
13 manner, and at any stage, in the Philippine political process
14 abroad.]

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

25 "THE COMMISSION IS AUTHORIZED TO ALLOCATE NOT
26 LESS THAN TEN PERCENT (10%) OF THE OVERSEAS VOTING
27 BUDGET TO DEFRAID THE COSTS OF EFFECTIVELY CARRYING OUT

1 THE OVERSEAS VOTERS INFORMATION AND EDUCATION
2 CAMPAIGN.

3 "THE COMMISSION MAY ENTER INTO CONTRACTS WITH
4 PUBLIC OR PRIVATE ENTITIES TO ENSURE EFFECTIVE AND
5 EFFICIENT INFORMATION DISSEMINATION."

6 SEC. 35. A new Section 34 is hereby inserted to read as follows:

7 "SEC. 34. *ROLE AND ENGAGEMENT OF FILIPINO CIVIL*
8 *SOCIETY ORGANIZATIONS.* — THE COMMISSION SHALL
9 ENCOURAGE AND ENGAGE THE PARTICIPATION OF LOCAL AND
10 OVERSEAS FILIPINO CIVIL SOCIETY ORGANIZATIONS AS
11 ACCREDITED OR DEPUTIZED PARTNERS AT ANY STAGE OF THE
12 OVERSEAS ELECTORAL PROCESS, SUBJECT TO THE GUIDELINES
13 AND LIMITATIONS ELSEWHERE AS PROVIDED IN THIS ACT OR IN
14 OTHER RELEVANT LAWS, AS WELL AS THOSE THAT THE
15 COMMISSION SHALL PROMULGATE: *PROVIDED*, THAT ANY SUCH
16 ORGANIZATION OR ASSOCIATION SHALL BE ACCREDITED OR
17 DEPUTIZED ON THE BASIS OF THEIR PRESENCE, REACH AND
18 RESOURCES TO EDUCATE THE FILIPINO PUBLIC ON THE
19 PHILIPPINE ELECTORAL SYSTEM, THEIR RIGHTS AS OVERSEAS
20 VOTERS, THE OVERSEAS VOTING PROCESSES AND OTHER
21 RELATED CONCERNS, AS WELL AS TO DISSEMINATE
22 INFORMATION DEVELOPED BY THE COMMISSION EFFECTIVELY
23 AND IN A TIMELY MANNER: *PROVIDED, FURTHER*, THAT NO SUCH
24 ACCREDITED OR DEPUTIZED ORGANIZATION SHALL PREPARE,
25 PRINT, DISTRIBUTE OR POST ANY INFORMATION OR MATERIAL
26 WITHOUT THE PRIOR APPROVAL OF THE COMMISSION:
27 *PROVIDED, FURTHERMORE*, THAT ANY SUCH ACCREDITED OR
28 DEPUTIZED ORGANIZATION OR ASSOCIATION SHALL BE
29 PROHIBITED FROM CAMPAIGNING FOR OR FIELDING

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

7 SEC. 36. A new Section 35 is hereby inserted to read as follows:

8 “SEC. 35. *TRAININGS.* – ALL MEMBERS OF THE FOREIGN
9 SERVICE CORP SHALL RECEIVE TRAINING ON OVERSEAS VOTING
10 PROCESSES, RULES AND PROCEDURES FROM THE COMMISSION.
11 SUCH TRAINING SHALL BE UNDERTAKEN IN COORDINATION WITH
12 THE DFA-OVS, AND SHALL FORM AN INTEGRAL PART OF THEIR
13 PRE-POSTING BRIEFING AND ORIENTATION.

14 “THE OFOV, THROUGH ITS CHAIRPERSON, MAY ALSO
15 AUTHORIZE THE CONDUCT OF TRAINING FOR THE MEMBERS OF
16 THE DEPUTIZED BODIES CONCERNING THE PROCESSES, RULES
17 AND PROCEDURES ON REGISTRATION AND ELECTION BOTH HERE
18 AND ABROAD AT LEAST ONE HUNDRED TWENTY (120) DAYS
19 BEFORE EACH SCHEDULED REGISTRATION OR NATIONAL
20 ELECTION.”

21 SEC. 37. Section 21 of the same Act is hereby renumbered as Section 36.

22 SEC. 38. Section 22 of the same Act is hereby renumbered as Section 37
23 and is amended to read as follows:

24 “SEC. [22]37. *Assistance from Government Agencies.* –
25 All government officers, particularly from the Department of
26 Foreign Affairs, Department of Labor and Employment,
27 Department of Transportation and Communications, Philippine
28 Postal Corporation, Philippine Overseas Employment
29 Administration, Overseas Workers’ Welfare Administration,

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

10 "LIKEWISE, CONSULAR AND DIPLOMATIC SERVICES
11 RENDERED IN CONNECTION WITH THE OVERSEAS VOTING
12 PROCESSES SHALL BE MADE AVAILABLE AT NO COST TO THE
13 OVERSEAS VOTER. FEES SHALL BE CHARGED AS USUAL ON ALL
14 OTHER CONSULAR AND DIPLOMATIC SERVICES NOT RELATED TO
15 OVERSEAS VOTING."

16 SEC. 39. Section 23 of the same Act is hereby renumbered as
17 Section 38.

18 SEC. 40. Section 24 of the same Act is hereby renumbered as Section 39
19 and is amended to read as follows:

20 "SEC. [24]39. *Prohibited Acts.* – In addition to the
21 prohibited acts provided by law, it shall be unlawful:

22 "[24.1]39.1. For any officer or employee of the Philippine
23 government to influence or attempt to influence any person covered
24 by this Act to vote, or not to vote, for a particular candidate.
25 Nothing in this Act shall be deemed to prohibit free discussion
26 regarding politics or candidates for public office.

27 "[24.2]39.2. For any person to deprive [any person]
28 ANOTHER of any right secured in this Act, or to give false

1 information as to [his/her] ONE'S name, address, or period of
2 residence for the purposes of establishing [his/her] THE eligibility
3 or ineligibility to register or vote under this Act; or to conspire with
4 another person for the purpose of encouraging the giving of false
5 information in order to establish the eligibility or ineligibility of
6 any individual to register or vote under this Act; or, to pay, or offer
7 to pay, or to accept payment either for application [to vote *in*
8 *absentia*] FOR REGISTRATION, or for voting;

9 " [24.3]39.3. For any person to STEAL, CONCEAL, ALTER,
10 DESTROY, MUTILATE, MANIPULATE, OR IN ANY WAY tamper with
11 [the ballot,] the mail containing the ballots for overseas [absentee]
12 voters, THE BALLOT, the election returns, [including the
13 destruction, mutilation and manipulation thereof;] OR ANY
14 RECORD, DOCUMENT OR PAPER REQUIRED FOR PURPOSES OF
15 THIS ACT;

16 " [24.4. For any person to steal, destroy, conceal, mutilate
17 or alter any record, document or paper as required for purposes of
18 this Act;]

19 " [24.5]39.4. For any deputized agent to refuse without
20 justifiable ground, to serve or continue serving, or to comply with
21 [his/her] ONE'S sworn duties after acceptance of [his/her
22 appointment] THE DEPUTIZATION;

23 " [24.6]39.5. For any public officer or employee [who
24 shall] OR ACCREDITED OR DEPUTIZED ORGANIZATION OR
25 ASSOCIATION TO cause the preparation, printing, distribution OR

1 POSTING of information OR material, [or post the same in
2 websites] without the prior approval of the Commission;

3 “[24.7]39.6. For any public officer or employee to cause
4 the transfer, promotion, extension, recall of any member of the
5 foreign service corps, including members of the attached agencies,
6 or otherwise cause the movement of any such member from [his]
7 THE current post or position one (1) year before and three (3)
8 months after the day of elections, without securing the prior
9 approval of the Commission;

10 “[24.8]39.7. For any person who, after being deputized by
11 the Commission to undertake activities in connection with the
12 implementation of this Act, shall campaign for or assist, in
13 whatever manner, candidates in the elections;

14 “39.8. FOR ANY PERSON TO ENGAGE IN PARTISAN
15 POLITICAL ACTIVITY ABROAD DURING THE THIRTY (30)-DAY
16 OVERSEAS VOTING PERIOD;

17 “[24.9]39.9. For any person who is not a citizen of the
18 Philippines to participate, by word or deed, directly or indirectly
19 through qualified organizations/associations, in any manner and at
20 any stage of the Philippine political process abroad, including
21 participation in the campaign and elections.

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

26 “The penalties imposed under Section 264 of the Omnibus
27 Election Code, as amended, shall be imposed on any person found

1 guilty of committing any of the prohibited acts as defined in this
2 section: *Provided*, That the penalty of *prision mayor* in its
3 minimum period shall be imposed upon any person found guilty
4 [of] UNDER Section [24.3] 39.3 hereof without the benefit of the
5 operation of the Indeterminate Sentence Law. If the offender is a
6 public officer or a candidate, the penalty shall be *prision mayor* in
7 its maximum period. In addition, the offender shall be sentenced to
8 suffer perpetual disqualification to hold public office and
9 deprivation of the right to vote.

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

18 SEC. 41. Section 25 of the same Act is hereby renumbered as Section 40
19 and is amended to read as follows:

20 “SEC. [25]40. *Joint Congressional Oversight Committee.* –
21 A Joint Congressional Oversight Committee is hereby created,
22 composed of the Chair[man]PERSON of the Senate Committee on
23 Constitutional Amendments, Revision of Codes and Laws, and
24 seven (7) other Senators designated by the Senate President, and
25 the Chair[man]PERSON of the House Committee on Suffrage and
26 Electoral Reforms, and seven (7) other Members of the House of
27 Representatives designated by the Speaker of the House of

1 Representatives: *Provided*, That, of the seven (7) members to be
2 designated by each House of Congress, four (4) should come from
3 the majority **TO INCLUDE THE CHAIR OF THE COMMITTEE ON**
4 **FOREIGN AFFAIRS** and the remaining three (3) from the minority.”

5 “The Joint Congressional Oversight Committee shall have
6 the power to monitor and evaluate the implementation of this Act.

7 [It shall review, revise, amend and approve the Implementing
8 Rules and Regulations promulgated by the Commission.]”

9 SEC. 42. Sections 26, 27 and 28 of the same Act are hereby renumbered
10 accordingly.

11 SEC. 43. A new Section 44 is hereby inserted to read as follows:

12 “**SEC. 44. TRANSITORY PROVISION. – ALL PRIOR ACTS,**
13 **RESOLUTIONS, ISSUANCES OF THE COMMISSION UNDER THIS**
14 **ACT, NOT OTHERWISE INCONSISTENT HEREWITH, INCLUDING**
15 **THE REGISTRATION OF VOTERS AND MODES OF VOTING, SHALL**
16 **REMAIN VALID AND EFFECTIVE.”**

17 SEC. 44. Section 29 of the same Act is hereby renumbered as Section 45
18 and is amended to read as follows:

19 “**SEC. [29]45. Appropriations.** – [The amount necessary to carry out the
20 provisions of this Act shall be provided in a supplemental budget or included in
21 the General Appropriations Act of the year of its enactment into law. Thereafter,
22 the expenses for its continued implementation shall be included in the subsequent
23 General Appropriations Act.] **THE AMOUNT NECESSARY TO CARRY OUT THE**
24 **PROVISIONS OF THIS ACT SHALL BE INCLUDED IN THE BUDGETS OF THE**
25 **COMMISSION ON ELECTIONS AND THE DEPARTMENT OF FOREIGN AFFAIRS IN**
26 **THE ANNUAL GENERAL APPROPRIATIONS ACT.”**

1 SEC. 45. *Implementing Rules and Regulations.* – The Commission shall
2 promulgate rules and regulations for the implementation and enforcement of the
3 provisions of this Act within sixty (60) days from the effectivity thereof.

4 SEC. 46. *Separability Clause.* -- If any part or provision of this Act shall
5 be declared unconstitutional or invalid, the other provisions hereof which are not
6 affected thereby shall continue to be in full force and effect.

7 SEC. 47. *Repealing Clause* – All laws, presidential decrees, executive
8 orders, rules and regulations, other issuances and parts thereof which are
9 inconsistent with the provisions of this Act are hereby repealed or modified
10 accordingly.

11 SEC. 48. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
12 after its publication in the *Official Gazette* or in at least two (2) newspapers of
13 general circulation.

Approved,

O