

Republic of the Philippines
Congress of the Philippines
Metro Manila
Fifteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand twelve.



[REPUBLIC ACT NO. **10590**]

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:*

SECTION 1. Section 1 of Republic Act No. 9189 is hereby amended to read as follows:

“SECTION 1. *Short Title.* – This Act shall be known as ‘The Overseas Voting Act of 2013.’”

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

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

"(a) *Certified List of Overseas Voters (CLOV)* refers to the list of registered overseas voters whose applications to vote overseas have been approved by the Commission, said list to be prepared by the Office for Overseas Voting of the Commission, on a country-by-country and post-by-post basis. The list shall be approved by the Commission in an *en banc* resolution.

"(b) *Commission* refers to the Commission on Elections.

"(c) *Day of Election* refers to the actual date of elections in the Philippines.

"(d) *Department of Foreign Affairs Overseas Voting Secretariat (DFA-OVS)* refers to the secretariat based at the Department of Foreign Affairs (DFA) home office tasked to assist the Office for Overseas Voting (OFOV) under the Commission, and to direct, coordinate and oversee the participation of the DFA in the implementation of the Overseas Voting Act.

"(e) *Field Registration* refers to the conduct of registration of overseas voters at predetermined locations, either in the Philippines, as may be determined by the Commission, or outside the posts, upon the favorable recommendation of the DFA-OVS, both being of limited duration and based on the guidelines prescribed by the Commission for that exclusive purpose; the government shall not collect fees for the same.

"(f) *Mobile Registration* refers to the conduct of registration of overseas 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.

“(g) *Municipal/City/District Registry of Overseas Voters (ROV)* refers to the consolidated list prepared, approved and maintained by the Commission for every municipality/city/district of overseas voters whose applications for registration as such, including those registered voters under Republic Act No. 8189, ‘Voter’s Registration Act of 1996’, who applied for certification as overseas voters, have been approved by the Election Registration Board and/or resident Election Registration Board.

“(h) *National Registry of Overseas Voters (NROV)* refers to the consolidated list prepared, approved and maintained by the Commission of overseas voters whose applications for registration as overseas voters, including those registered voters under Republic Act No. 8189 who have applied to be certified as overseas voters, have been approved by the resident Election Registration Board, indicating the post where the overseas voter is registered.

“(i) *Office for Overseas Voting (OFOV)* refers to the Office of the Commission tasked to oversee and supervise the effective implementation of the Overseas Voting Act.

“(j) *Overseas Voter* refers to a citizen of the Philippines who is qualified to register and vote under this Act, not otherwise disqualified by law, who is abroad on the day of elections.

“(k) *Overseas Voting* refers to the process by which qualified citizens of the Philippines abroad exercise their right to vote.

“(l) *Posts* refer to the Philippine embassies, consulates, foreign service establishments and other Philippine government agencies maintaining offices abroad and having jurisdiction over the places where the overseas voters reside.

“(m) *Resident Election Registration Board (RERB)* refers to the in-house Election Registration Board in every post and in the OFOV, which

processes, approves or disapproves all applications for registration and/or certification as overseas voters, including the deactivation, reactivation and cancellation of registration records.

“(n) *Seafarers* refer to ship officers and ratings manning ships, including offshore workers, service providers and fishermen, as defined in the revised rules on the issuance of seafarer’s identification and record book of the Maritime Industry Authority.

“(o) *Special Ballot Reception and Custody Group (SBRCG)* refers to the group constituted by the Commission to receive and take custody of all accountable and other election forms, supplies and paraphernalia from the OFOV for transmittal to the Special Board of Election Inspectors and Special Board of Canvassers.

“(p) *Special Board of Canvassers (SBOC)* refers to the body deputized by the Commission to canvass the overseas voting election returns submitted to it by the Special Board of Election Inspectors.

“(q) *Special Board of Election Inspectors (SBEI)* refers to the body deputized by the Commission to conduct the voting and counting of votes.

“(r) *Voting Period* refers to a continuous thirty (30)-day period, the last day of which is the day of election, inclusive of established holidays in the Philippines and of such other holidays in the host countries.”

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

“SEC. 4. *Coverage.* – All citizens of the Philippines abroad, who are not otherwise disqualified by law, at least eighteen (18) years of age on the day of elections, may vote for President, Vice-President, Senators and Party-List Representatives, as well as in all national referenda and plebiscites.”

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

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

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

“(b) Those who have expressly renounced their Philippine citizenship and who have pledged allegiance to a foreign country, except those who have reacquired or retained their Philippine citizenship under Republic Act No. 9225, otherwise known as the ‘Citizenship Retention and Reacquisition Act of 2003’;

“(c) Those who have committed and are convicted in a final judgment by a Philippine court or tribunal of an offense punishable by imprisonment of not less than one (1) year, such disability not having been removed by plenary pardon or amnesty: *Provided, however,* That any person disqualified to vote under this subsection shall automatically acquire the right to vote upon the expiration of five (5) years after service of sentence; and

“(d) Any citizen of the Philippines abroad previously declared insane or incompetent by competent authority in the Philippines or abroad, as verified by the Philippine embassies, consulates or foreign service establishments concerned, unless such competent authority subsequently certifies that such person is no longer insane or incompetent.”

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

“SEC. 6. *Personal Overseas Registration and/or Certification.* – Registration and/or certification as an overseas voter shall be done in person at any post abroad or at designated registration centers outside the post or in the Philippines approved by the Commission.

“Field and mobile registration centers shall be set up by the posts concerned to ensure accessibility by the overseas voters.

“All applicants shall submit themselves for live capture of their biometrics.

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

SEC. 6. A new Section 7 of the same Act is hereby inserted to read as follows:

“SEC. 7. *Resident Election Registration Board (RERB); Composition, Appointment, Disqualification and Compensation.* – The RERB shall be composed of the following:

“(a) A career official of the DFA, as Chairperson;

“(b) The most senior officer from the Department of Labor and Employment (DOLE) or any government agency of the Philippines maintaining offices abroad, as member: *Provided*, That in case of disqualification or nonavailability of the most senior officer from the DOLE or any government agency of the Philippines maintaining offices abroad, the Commission shall designate a career official from the embassy or consulate concerned; and

“(c) A registered overseas voter of known probity, as member.

“The Commission shall appoint the members of the RERB upon the recommendation of the DFA-OVS.

“The RERB in the OFOV shall be based in the main office of the Commission and shall be composed of a senior official of the Commission as the Chairperson and one (1) member each from the DFA and the DOLE, whose rank shall not be lower than a division chief or its equivalent.

"No member of the RERB shall be related to each other or to an incumbent President, Vice-President, Senator or Member of the House of Representatives representing the party-list system of representation, within the fourth civil degree of consanguinity or affinity.

"Each member of the RERB shall be entitled to an honorarium at the rates approved by the Department of Budget and Management (DBM)."

SEC. 7. A new Section 8 of the same Act is hereby inserted to read as follows:

"SEC. 8. *Duties and Functions of the RERB.* - The RERB shall have the following duties and functions:

"(a) Post in the bulletin boards of the embassy or consulates or at the OFOV, as the case may be, and in their respective websites, the names of the applicants and the dates when their applications shall be heard, as well as the place where the RERB will hold its hearing;

"(b) Notify, through the OFOV, all political parties and other parties concerned of the pending applications through a weekly updated publication in the website of the Commission;

"(c) Act on all applications received;

"(d) Notify all applicants, whose applications have been disapproved, stating the reasons for such disapproval;

"(e) Prepare a list of all approved applications during each hearing and post the same at the bulletin boards of the embassy or consulates or at the OFOV, as the case may be, and in their respective websites;

"(f) Deactivate the registration records of overseas voters; and

“(g) Perform such other duties as may be consistent with its functions as provided under this Act.”

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

“SEC. 9. *Petition for Exclusion, Motion for Reconsideration, Petition for Inclusion.* –

“9.1. *Petition for Exclusion.* – If the application has been approved, any interested party may file a petition for exclusion not later than one hundred eighty (180) days before the start of the overseas voting period with the proper Municipal/Metropolitan Trial Court in the City of Manila or where the overseas voter resides in the Philippines, at the option of the petitioner.

“The petition shall be decided on the basis of the documents submitted within fifteen (15) days from its filing, but not later than one hundred twenty (120) days before the start of the overseas voting period. Should the Court fail to render a decision within the prescribed period, the ruling of the RERB shall be considered affirmed.

“9.2. *Motion for Reconsideration.* – If the application has been disapproved, the applicant or the authorized representative shall have the right to file a motion for reconsideration before the RERB within a period of five (5) days from receipt of the notice of disapproval. The motion shall be decided within five (5) days after its filing on the basis of documents submitted but not later than one hundred twenty (120) days before the start of the overseas voting period. The resolution of the RERB shall be immediately executory, unless reversed or set aside by the Court.

“9.3. *Petition for Inclusion.* – Within ten (10) days from receipt of notice denying the motion for reconsideration, the applicant may file a petition for inclusion with the proper Municipal/Metropolitan Trial

Court in the City of Manila or where the overseas voter resides in the Philippines, at the option of the petitioner.

“The petition shall be decided on the basis of the documents submitted within fifteen (15) days from filing, but not later than one hundred twenty (120) days before the start of the overseas voting period. Should the Court fail to render a decision within the prescribed period, the RERB ruling shall be considered affirmed.

“Qualified Philippine citizens abroad who have previously registered as voters pursuant to Republic Act No. 8189, otherwise known as the ‘Voter’s Registration Act of 1996’, shall apply for certification as overseas voters and for inclusion in the NROV. In case of approval, the Election Officer concerned shall annotate the fact of registration/certification as overseas voter before the voter’s name as appearing in the certified voters’ list and in the voter’s registration records.”

SEC. 9. A new Section 10 of the same Act is hereby inserted to read as follows:

“SEC. 10. *Transfer of Registration Record.* – In the event of change of voting venue, an application for transfer of registration record must be filed by the overseas voter with the OFOV, through its Chairperson, at least one hundred eighty (180) days prior to the start of the overseas voting period: *Provided*, That those who would eventually vote in the Philippines should register within the time frame provided for local registration in the municipality, city or district where they intend to vote: *Provided, further*, That those who have registered in the municipality, city or district where they resided prior to their departure abroad need not register anew: *Provided, finally*, That transferees shall notify the OFOV, through its Chairperson, of their transfer back to the Philippines at least one hundred eighty (180) days prior to the next national elections for purposes of cancelling their names from the CLOV and of

removing their overseas voter's registration from the book of voters."

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

"SEC. 11. *System of Continuing Registration.* - The Commission shall ensure that the benefits of the system of continuing registration are extended to qualified overseas voters. Registration shall commence not later than six (6) months after the conduct of the last national elections. Towards this end, the Commission shall be authorized to utilize and optimize the use of existing facilities, personnel and mechanisms of the various government agencies for purposes of data gathering and validation, information dissemination and facilitation of the registration process.

"*Pre-departure Orientation Seminars (PDOS)*, services and mechanisms offered and administered by the DFA, the DOLE, the Philippine Overseas Employment Administration (POEA), the Overseas Workers' Welfare Administration (OWWA), the Commission on Filipinos Overseas and by other appropriate agencies of the government and private agencies providing the same services shall include the salient features of this Act and shall be utilized for purposes of supporting the overseas registration and voting processes.

"All employment contracts processed and approved by the POEA shall state the right of migrant workers to exercise their constitutional right of suffrage within the limits provided for by this Act."

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

"SEC. 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 DFA 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

“(c) Applicants who availed themselves of the ‘Citizen Retention and Reacquisition Act’ (Republic Act No. 9225) shall present the original or certified true copy of the order of approval of their application to retain or reacquire their Filipino citizenship issued by the post or their identification certificate issued by the Bureau of Immigration.

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

“All applications for registration and/or certification as an overseas voter shall be considered as applications to vote overseas. An overseas voter is presumed to be abroad until she/he applies for transfer of her/his registration records or requests that her/his name be cancelled from the NROV.”

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

“SEC. 13. *National Registry of Overseas Voters (NROV)*. – The Commission shall maintain a National Registry of Overseas Voters or NROV containing the names of registered overseas voters and the posts where they are registered.

“Likewise, the Commission shall maintain a registry of voters (ROV) per municipality, city or district containing the names of registered overseas

voters domiciled therein. The Commission shall provide each and every municipality, city or district with a copy of their respective ROVS for their reference."

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

"SEC. 14. *Deactivation of Registration.* - The RERB shall deactivate and remove the registration records of the following persons from the corresponding book of voters and place the same, properly marked and dated, in the inactive file after entering any of the following causes of deactivation:

"(a) Any person who has been sentenced by final judgment by a Philippine court or tribunal to suffer imprisonment for not less than one (1) year, such disability not having been removed by plenary pardon or amnesty: *Provided, however,* That any person disqualified to vote under this paragraph shall automatically reacquire the right to vote upon the expiration of five (5) years after service of sentence, as certified by the Clerks of Courts of the Municipal, Municipal Circuit, Metropolitan, Regional Trial Courts or the Sandiganbayan;

"(b) Any person declared by competent authority to be insane or incompetent, unless such disqualification has been subsequently removed by a declaration of a proper authority that such person is no longer insane or incompetent;

"(c) Any person who did not vote in two (2) consecutive national elections as shown by voting records; and

"(d) Any person whose registration has been ordered excluded by the courts.

"The fact of deactivation shall be annotated in the NROV and the corresponding ROV."

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

“SEC. 15. *Notice of Registration and Election.* – The Commission shall, through the posts cause the publication in a newspaper of general circulation of the place, date and time of the holding of a regular or special national election and the requirements for the participation of qualified citizens of the Philippines abroad, at least six (6) months before the date set for the filing of applications for registration.

“The Commission shall determine the countries where publication shall be made, and the frequency thereof, taking into consideration the number of overseas Filipinos present in such countries. Likewise, the Commission and the DFA shall post the same in their respective websites.”

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

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

“SEC. 16. *Reactivation of Registration.* – Any overseas voter whose registration has been deactivated pursuant to the preceding section may file with the RERB at any time, but not later than one hundred twenty (120) days before the start of the overseas voting period, a sworn application for reactivation of registration stating that the grounds for the deactivation no longer exist.”

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

“SEC. 17. *Cancellation of Registration.* – The RERB shall cancel the registration records of those who have died, as certified by either the posts or by the local civil registrar, and those who have been proven to have lost their Filipino citizenship.”

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

"SEC. 18. *Voters Excluded from the NROV Through Inadvertence.* — Any registered overseas voter whose name has been inadvertently omitted from the NROV may, personally or through an authorized representative, file with the RERB through the OFOV or the post exercising jurisdiction over the voter's residence, an application under oath for reinstatement not later than one hundred twenty (120) days before the start of the voting period.

"The RERB shall resolve the application within one (1) month from receipt thereof, otherwise the application shall be deemed approved."

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

"SEC. 19. *Application for Correction of Entries and Change of Name.* — Any registered overseas voter who intends to change her/his name by reason of marriage, death of husband, or final court judgment; or to correct a misspelled name or any erroneous entry in the NROV, CLOV and voter's identification card may, personally or through an authorized representative, file an application under oath for change of name or correction of entries with the RERB through the OFOV or the post exercising jurisdiction over the voter's residence not later than ninety (90) days before the start of the voting period.

"The RERB shall resolve the application within one (1) month from receipt thereof, otherwise the application shall be deemed approved."

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

"SEC. 20. *Preparation and Posting of Certified List of Overseas Voters.* — The Commission shall prepare the Certified List of Overseas Voters or CLOV not later than ninety (90) days before the start

of the overseas voting period, and furnish within the same period electronic and hard copies thereof to the appropriate posts, which shall post the same in their bulletin boards and/or websites within ten (10) days from receipt thereof.

“Subject to reasonable regulation and the payment of fees in such amounts as may be fixed by the Commission, the candidates, political parties, accredited citizens’ arms, and all other interested persons shall be furnished copies thereof: *Provided*, That nongovernmental organizations and other civil society organizations accredited by and working with the Commission as partners on overseas voters’ education and participation shall be exempt from the payment of fees.”

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

“SEC. 21. Printing and Transmittal of Ballots, Voting Instructions, Election Forms and Paraphernalia. –

“21.1. The Commission shall cause the printing of ballots for overseas voters, and all other accountable election forms in such number as may be necessary, but in no case shall these exceed the total number of approved applications. Security markings shall be used in the printing of ballots for overseas voters.

“21.2. The Commission shall present to the authorized representatives of the DFA and of the accredited major political parties the ballots for overseas voters, voting instructions, election forms and other election paraphernalia for scrutiny and inspection prior to their transmittal to the posts.

“21.3. The Commission shall transmit, as far as practicable, but not later than forty-five (45) days before the day of elections, by special pouch to all posts the exact number of ballots for overseas voters

corresponding to the number of approved applications, along with such accountable forms necessary to ensure the secrecy and integrity of the election.

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

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

"SEC. 22. *Regulation on Campaigning Abroad.* - Personal campaigning, the use of campaign materials, as well as the limits on campaign spending shall be governed by the laws and regulations applicable in the Philippines: *Provided*, That all forms of campaigning abroad within the thirty (30)-day overseas voting period shall be prohibited."

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

"SEC. 23. *Voting.* - Voting may be done either personally, by mail or by any other means as may be determined by the Commission. For this purpose, the Commission shall issue the necessary guidelines on the manner and procedures of voting.

"The OFOV, in consultation with the DFA-OVS, shall determine the countries where voting shall be done by any specific mode, taking into consideration the minimum criteria enumerated under this Act which shall include the number of registered voters, accessibility of the posts, efficiency of the host country's applied system and such other circumstances that may affect the conduct of voting.

"The Commission shall announce the specific mode of voting per country/post at least one hundred twenty (120) days before the start of the voting period."

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

"SEC. 24. Casting and Submission of Ballots. --

"24.1. Upon receipt by the SBEI of the ballots for overseas voters, voting instructions, election forms and other paraphernalia, they shall make these available on the premises to the qualified overseas voters in their respective jurisdictions during the thirty (30) days before the day of elections when overseas voters may cast their vote. Immediately upon receiving it, the overseas voter must fill-out her/his ballot personally, in secret, without leaving the premises of the posts concerned.

"24.2. The overseas voter shall personally accomplish her/his ballot at the post that has jurisdiction over the country where she/he temporarily resides or at any polling place designated and accredited by the Commission.

"24.3. The overseas voter shall cast her/his ballot, upon presentation of the voter identification card issued by the Commission or such other documents deemed by the SBEI at the post as sufficient to establish the voter's identity.

"24.4. x x x

"24.5. The posts concerned shall keep a complete record of the ballots for overseas voters, specifically indicating the number of ballots they actually received, and in cases where voting by mail is allowed under Section 25 hereof, the names and addresses of the voters to whom these ballots were sent, including proof of receipt thereof. In addition, the posts shall submit a formal report to the Commission and the Joint Congressional Oversight Committee created under this Act within thirty (30) days from the day of elections. Such report shall contain data on the number of ballots cast and received by the offices, the number of invalid and unclaimed ballots and other pertinent data.

"24.6. Ballots not claimed by the overseas voters at the posts, in case of personal voting, and ballots returned to the posts concerned, in the case of voting by mail, shall be cancelled and shipped to the Commission by the least costly method within six (6) months from the day of elections.

"24.7. Only ballots cast, and mailed ballots received by the posts concerned in accordance with Section 25 hereof before the close of voting on the day of elections shall be counted in accordance with Section 27 hereof. All envelopes containing the ballots received by the posts after the prescribed period shall not be opened, and shall be cancelled and shipped to the Commission by the least costly method within six (6) months from the day of elections.

"24.8. A special ballot Reception and Custody Group composed of three (3) members shall be constituted by the Commission from among the staff of the posts concerned, including their attached agencies, and citizens of the Philippines abroad, who will be deputized to receive ballots and take custody of the same preparatory to their transmittal to the SBEI.

"24.9. x x x

"24.10. x x x."

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

"SEC. 25. *Voting by Mail.* -

"25.1. x x x

"(a) x x x;

"(b) x x x; and

"(c) x x x.

"25.2. The overseas voter shall send her/his accomplished ballot to the corresponding post that

has jurisdiction over the country where she/he temporarily resides. She/He shall be entitled to cast her/his ballot at any time upon her/his receipt thereof: *Provided*, That the same is received before the close of voting on the day of elections. The overseas absentee voter shall be instructed that her/his ballot shall not be counted if not transmitted in the special envelope furnished her/him.

“25.8. Only mailed ballots received by the post before the close of voting on the day of elections shall be counted in accordance with Section 27 hereof. All envelopes containing the ballots received by the posts after the prescribed period shall not be opened, and shall be cancelled and disposed of appropriately, with a corresponding report thereon submitted to the Commission not later than thirty (30) days from the day of elections.”

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

“SEC. 26. *Voting Privilege of Members of the SBEL, SBRCG and SBOC.* – Government employees posted abroad who will perform election duties as members of the SBEL, SBRCG and SBOC shall be allowed to vote in their respective posts: *Provided*, That they are registered either in the Philippines or as overseas voters.”

SEC. 27. Section 18 of the same Act is hereby renumbered as Section 27 and is amended to read as follows:

“SEC. 27. *On-Site Counting and Canvassing.* –

“27.1. x x x

“27.2. For these purposes, the Commission shall constitute as many SBELs as may be necessary to conduct and supervise the counting of votes as provided in Section 27.2 hereof. The SBELs to be constituted herein shall be composed of a Chairman and two (2) members, one (1) of whom shall be designated as poll clerk. The ambassador or

consul-general, or any career public officer posted abroad designated by the Commission, as the case may be, shall act as the Chairman; in the absence of other government officers, the two (2) other members shall be citizens of the Philippines who are qualified to vote under this Act and deputized by the Commission not later than sixty (60) days before the day of elections. All resolutions of the SBEIs on issues brought before it during the conduct of its proceedings shall be valid only when they carry the approval of the Chairman.

"Immediately upon the completion of the counting, the SBEIs shall transmit via facsimile and/or electronic mail the results to the Commission in Manila and the accredited major political parties.

"x x x

"27.3. x x x

"27.4. The SBOC composed of the highest ranking officer of the post as Chairperson, a senior career officer from any of the government agencies maintaining a post abroad and, in the absence of another government officer, a citizen of the Philippines qualified to vote under this Act and deputized by the Commission, as vice chairperson and member-secretary, respectively, shall be constituted to canvass the election returns submitted to it by the SBEIs. Immediately upon the completion of the canvass, the chairperson of the SBOC shall transmit via facsimile, electronic mail, or any other means of transmission equally safe and reliable the Certificates of Canvass and the Statements of Votes to the Commission, and shall cause to preserve the same immediately after the conclusion of the canvass, and make it available upon instructions of the Commission. The SBOC shall also furnish the accredited major political parties and accredited citizens' arms with copies thereof via facsimile, electronic mail and any other means of transmission equally safe, secure and reliable.

“x x x

“27.5. x x x

“27.6. x x x. For purposes of this Act, the returns of every election for President and Vice-President prepared by the SBOCs shall be deemed a certificate of canvass of a city or a province.

“27.7. x x x.”

SEC. 28. A new Section 28 of the same Act is hereby inserted to read as follows:

“SEC. 28. *Authority to Explore Other Modes or Systems Using Automated Election System.* – Notwithstanding current procedures and systems herein provided, for the proper implementation of this Act and in view of the peculiarities attendant to the overseas voting process, the Commission may explore other more efficient, reliable and secure modes or systems, ensuring the secrecy and sanctity of the entire process, whether paper-based, electronic-based or internet-based technology or such other latest technology available, for onsite and remote registration and elections and submit reports and/or recommendations to the Joint Congressional Oversight Committee.”

SEC. 29. A new Section 29 of the same Act is hereby inserted to read as follows:

“SEC. 29. *Procurement of Facilities, Equipment, Materials, Supplies or Services.* – To achieve the purpose of this Act, the Commission may, likewise, procure from local or foreign sources, through purchase, lease, rent or other forms of acquisition, hardware or software, facilities, equipment, materials, supplies or services in accordance with existing laws, free from taxes and import duties, subject to government procurement rules and regulations.”

SEC. 30. A new Section 30 of the same Act is hereby inserted to read as follows:

“SEC. 30. *Establishment of an Office for Overseas Voting (OFOV) Under the Commission.* – The Commission is hereby authorized to establish an OFOV tasked specifically to oversee and supervise the effective implementation of the Overseas Voting Act: *Provided*, That its secretariat shall come from the existing secretariat personnel of the Commission on Elections.”

SEC. 31. A new Section 31 of the same Act is hereby inserted to read as follows:

“SEC. 31. *Creation of the Department of Foreign Affairs Overseas Voting Secretariat (DFA-OVS).* – A secretariat based in the DFA home office is hereby created to assist the OFOV, and to direct, coordinate and oversee the participation of the DFA in the implementation of the Overseas Voting Act: *Provided*, That its secretariat shall come from the existing secretariat personnel of the DFA.”

SEC. 32. Section 19 of the same Act is hereby deleted.

SEC. 33. Section 20 of the same Act is hereby renumbered as Section 32 and is amended to read as follows:

“SEC. 32. *Information Campaign.* – The Commission, in coordination with agencies concerned, shall undertake an information campaign to educate the public on the manner of overseas voting for qualified overseas voters. It may require the support and assistance of the DFA, through the posts, the DOLE, the Department of Transportation and Communications (DOTC), the Philippine Postal Corporation (PPC), the POEA, the OWWA and the Commission on Filipinos Overseas.

Such information campaign shall educate the Filipino public, within and outside the Philippines, on the Philippine Electoral System, the rights of overseas voters, overseas voting processes and other

related concerns. Information materials shall be developed by the Commission for distribution, through the said government agencies and private organizations. No government agency shall prepare, print, distribute or post any information material without the prior approval of the Commission."

SEC. 34. Section 21 of the same Act is hereby renumbered as Section 33.

SEC. 35. Section 22 of the same Act is hereby renumbered as Section 34 and is amended to read as follows:

"SEC. 34. *Assistance from Government Agencies.* – All government officers, particularly from the DFA, the DOLE, the DOTC, the PPC, the POEA, the OWWA, the 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.

"Likewise, consular and diplomatic services rendered in connection with the overseas voting processes shall be made available at no cost to the overseas voters."

SEC. 36. Section 23 of the same Act is hereby renumbered as Section 35 and is amended to read as follows:

"SEC. 35. *Security Measures to Safeguard the Secrecy and Sanctity of Ballots.* – At all stages of the electoral process, the Commission shall ensure that the secrecy and integrity of the ballots are preserved. The OFOV of the Commission shall be responsible for ensuring the secrecy and sanctity of the overseas voting process. In the interest of transparency, all necessary and practicable measures shall be adopted to allow representation of the candidates, accredited

major political parties, accredited citizens' arms and nongovernment organizations to assist, and intervene in appropriate cases, in all stages of the electoral exercise and to prevent any and all forms of fraud and coercion.

"No officer or member of the foreign service corps, including those belonging to attached agencies shall be transferred, promoted, extended, recalled or otherwise moved from his current post or position one (1) year before and three (3) months after the day of elections, except upon the approval of the Commission."

SEC. 37. Section 24 of the same Act is hereby renumbered as Section 36 and is amended to read as follows:

"SEC. 36. *Prohibited Acts.* - In addition to the prohibited acts provided by law, it shall be unlawful:

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

"36.2. For any person to deprive another of any right secured in this Act, or to give false information as to one's name, address, or period of residence for the purposes of establishing the eligibility or ineligibility to register or vote under this Act; or to conspire with another person for the purpose of encouraging the giving of false information in order to establish the eligibility or ineligibility of any individual to register or vote under this Act; or, to pay, or offer to pay, or to accept payment either for application for registration, or for voting;

"36.3. For any person to steal, conceal, alter, destroy, mutilate, manipulate, or in any way tamper with the mail containing the ballots for overseas voters, the ballot, the election returns, or any record, document or paper required for purposes of this Act;

“36.4. For any deputized agent to refuse without justifiable ground, to serve or continue serving, or to comply with one’s sworn duties after acceptance of the deputization;

“36.5. For any public officer or employee or accredited or deputized organization or association to cause the preparation, printing, distribution or posting of information or material, without the prior approval of the Commission;

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

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

“36.8. For any person to engage in partisan political activity abroad during the thirty (30)-day overseas voting period;

“36.9. 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 shall be 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 36.3 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."

SEC. 38. Section 25 of the same Act is hereby renumbered as Section 37 and is amended to read as follows:

"SEC. 37. *Joint Congressional Oversight Committee.* - A Joint Congressional Oversight Committee is hereby created, composed of the Chairperson of the Senate Committee on Constitutional Amendments, Revision of Codes and Laws, and seven (7) other Senators designated by the Senate President, and the Chairperson of the House Committee on Suffrage and Electoral Reforms, and seven (7) other Members of the House of Representatives designated by the Speaker of the House of Representatives: *Provided*, That, of the seven (7) members to be designated by each House of Congress, four (4) should come from the majority to include the chair of the Committee on Foreign Affairs and the remaining three (3) from the minority.

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

SEC. 39. Sections 26, 27 and 28 of the same Act are hereby renumbered as Sections 38, 39 and 40, respectively.

SEC. 40. Section 29 of the same Act is hereby renumbered as Section 41 and is amended to read as follows:

“SEC. 41. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the budgets of the Commission on Elections and the DFA in the annual General Appropriations Act.”

SEC. 41. *Implementing Rules and Regulations.* – The Commission shall promulgate rules and regulations for the implementation and enforcement of the provisions of this Act within sixty (60) days from the effectivity thereof.

In the formulation of the rules and regulations, the Commission shall coordinate with the DFA, the DOLE, the POEA, the OWWA and the Commission on Filipinos Overseas. Nongovernment organizations and accredited Filipino organizations or associations abroad shall be consulted.

SEC. 42. *Amending Clause.* – Consistent with the amendments introduced by this Act, Section 2 of Republic Act No. 9189, on the declaration of policy, is hereby amended to read as follows:

“SEC. 2. *Declaration of Policy.* – It is the prime duty of the State to provide a system of honest and orderly overseas voting that upholds the secrecy and sanctity of the ballot. Towards this end, the State ensures equal opportunity to all qualified citizens of the Philippines abroad in the exercise of this fundamental right.”

SEC. 43. *Separability Clause.* – If any part or provision of this Act shall be declared unconstitutional or invalid, the other provisions hereof which are not affected thereby shall continue to be in full force and effect.

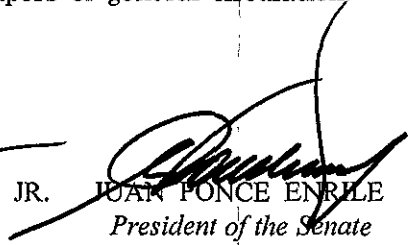
SEC. 44. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations, other issuances and parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 45. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,

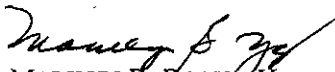


FELICIANO BELMONTE JR.
*Speaker of the House
of Representatives*



JUAN PONCE ENRILE
President of the Senate

This Act which is a consolidation of Senate Bill No. 3312 and House Bill No. 6542 was finally passed by the Senate and the House of Representatives on February 5, 2013 and February 6, 2013, respectively.



MARILYN B. BARUA-YAP
*Secretary General
House of Representatives*



EDWIN B. BELLEN
Acting Senate Secretary

Approved: MAY 27 2013



BENIGNO S. AQUINO III
President of the Philippines



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Office of the President of the Philippines



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