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Overseas Absentee Voting Act

REPUBLIC ACT No. 9189

AN ACT PROVIDING FOR A SYSTEM OF OVERSEAS ABSENTEE VOTING BY QUALIFIED CITIZENS OF THE PHILIPPINES ABROAD, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Section Details

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

Section 1. Short Title. - This Act shall be known as "**The Overseas Absentee Voting Act of 2003.**"

Sec. 2. Declaration of Policy. - It is the prime duty of the State to provide a system of honest and orderly overseas absentee 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. 3. Definition of Terms. - For purposes of this Act:

- a. "**Absentee Voting**" refers to the process by which qualified citizens of the Philippines abroad exercise their right to vote;
- b. "**Commission**" refers to the Commission on Elections;
- c. "**Certified List of Overseas Absentee Voters**" refers to the list of registered overseas absentee voters whose applications to vote in *absentia* have been approved by the Commission, said list to be prepared by the Committee on Absentee Voting of the Commission, on a country-by-country basis. This list shall be approved by the Commission in an en banc resolution;
- d. "**Day of Election**" refers to the actual date of elections in the Philippines;
- e. "**National Registry of Absentee Voters**" refers to the consolidated list prepared, approved and maintained by the Commission, of overseas absentee voters

whose applications for registration as absentee voters, including those registered voters who have applied to be certified as absentee voters, have been approved by the Election Registered Board;

- f. "**Overseas Absentee Voter**" refers to a citizen of the Philippines who is qualified to register and vote under this Act, not otherwise disqualified by law, who is abroad on the day of elections.

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.

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

- a. Those who have lost their Filipino citizenship in accordance with Philippine laws;
- b. Those who have expressly renounced their Philippine citizenship and who have pledged allegiance to a foreign country;
- c. Those who have committed and are convicted in a final judgment by a court or tribunal of an offense punishable by imprisonment of not less than one (1) year, including those who have committed and been found guilty of Disloyalty as defined under Article 137 of the Revised Penal Code, such disability not having been removed by plenary pardon or amnesty; Provided, however, That any person disqualified to vote under this subsection shall automatically acquire the right to vote upon expiration of five (5) years after service of sentence; Provided, further, That the Commission may take cognizance of final judgments issued by foreign courts or tribunals only on the basis of reciprocity and subject to the formalities and processes prescribed by the Rules of Court on execution of judgments;
- d. An immigrant or a permanent resident who is recognized as such in the host country, unless he/she executes, upon registration, an affidavit prepared for the purpose by the Commission declaring that he/she shall resume actual physical permanent residence in the Philippines not later than three (3) years from approval of his/her registration under this Act. Such affidavit shall also state that he/she has not applied for citizenship in another country. Failure to return shall be the cause for the removal of the name of the immigrant or permanent resident from the National Registry of Absentee Voters and his/her permanent disqualification to vote in *absentia*.
- e. 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. 6. Personal Overseas Absentee Registration. - Registration as an overseas absentee voter shall be done in person.

Qualified citizens of the Philippines abroad who failed to register under Republic Act No. 8189, otherwise known as the "The Voters Registration Act of 1996", may personally apply for registration with the Election Registration Board of the city or municipality where they were domiciled immediately prior to their departure from the Philippines, or with the representative

of the Commission at the Philippine embassies, consulates and other foreign service establishments that have jurisdiction over the locality where they temporarily reside. Subject to the specific guidelines herein provided, the Commission is hereby authorized to prescribe additional procedures for overseas absentee registration pursuant to the provisions of Republic Act No. 8189, whenever applicable, taking into strict consideration the time zones and the various periods and processes herein provided for the proper implementation of this Act. The embassies, consulates and other foreign service establishments shall transmit within (5) days from receipt the accomplished registration forms to the Commission, after which the Commission shall coordinate with the Election Officer of the city or municipality of the applicant's stated residence for verification, hearing and annotation in the permanent list of voters.

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

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

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

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

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

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

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

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

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

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

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

Sec. 7. System of Continuing Registration. - The Commission shall ensure that the benefits of the system of continuing registration are extended to qualified overseas absentee voters. Towards this end, the Commission shall optimize the use of existing facilities, personnel and mechanisms of the various government agencies for purposes of data gathering, data validation, information dissemination and facilitation of the registration process.

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

Sec. 8. Requirements for Registration. - Every Filipino registrant shall be required to furnish the following documents:

- a. A valid Philippine passport. In the absence of a valid passport, a certification of the Department of Foreign Affairs that it has reviewed the appropriate documents submitted by the applicant and found them sufficient to warrant the issuance of a passport, or that the applicant is a holder of a valid passport but is unable to produce the same for a valid reason;
- b. Accomplished registration form prescribed by the Commission containing the following mandatory information:
 - i. Last known residence of the applicant in the Philippines before leaving for abroad;
 - ii. Address of applicant abroad, or forwarding address in the case of seafarers;
 - iii. Where voting by mail is allowed, the applicant's mailing address outside the Philippines where the ballot for absentee voters will be sent, in proper cases; and;
 - iv. Name and address of applicant's authorized representative in the Philippines for purposes of Section 6.7 and Section 12 hereof.

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

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

Sec. 9. National Registry of Overseas Absentee Voters. - The Commission shall maintain a National Registry of Overseas Absentee Voters. Approved applications of overseas absentee registrants shall also be included in the permanent list of voters of the city or municipality where the registrant is domiciled, with the corresponding annotation that such person has been registered or will be voting as an overseas absentee voter. The registry shall also include those registered under Republic Act No. 8189 and who have been issued certifications as overseas absentee voters. The entries in the National Registry of Overseas Absentee Voters and the annotations as overseas absentee voters in the Certified Voters' List shall be permanent, and cannot be cancelled or amended except in any of the following cases:

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

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

Sec. 10. Notice of Registration and Election. - The Commission shall, through the embassies, consulates and other foreign service establishments, 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 Department of Foreign Affairs shall post the same in their respective websites.

Sec. 11. Procedure for Application to Vote in *Absentia*. -

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

11.2. Every application to vote in *absentia* may be done personally at, or by mail to,

the embassy, consulate or foreign service establishment, which has jurisdiction over the country where he/she has indicated his/her address for purposes of the elections.

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

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

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

Sec. 13. Preparation and Posting of Certified List of Overseas Absentee Voters. - The Commission shall prepare the Certified List of Overseas Absentee Voters within one hundred twenty (120) days before every election, and furnish within the same period copies thereof to the appropriate embassies, consulates and other foreign service establishments, which shall post the same in their bulletin boards 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, interested persons and all embassies, consulates and other foreign service establishments shall be furnished copies thereof.

Sec. 14. Printing and Transmittal of Ballots, Voting Instructions, Election Forms and Paraphernalia. -

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

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

14.3. The Commission shall, not later than seventy-five (75) days before the day of elections, transmit by special pouch to the embassies, consulates and other foreign service establishments, the exact number of ballots for overseas absentee voters corresponding to the number of approved applications, along with such materials and election paraphernalia necessary to ensure the secrecy and integrity of the election.

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

Sec. 15. Regulation on Campaigning Abroad. - The use of campaign materials, as well as the limits on campaign spending shall be governed by the laws and regulations applicable in the Philippines.

Sec. 16. Casting and Submission of Ballots. -

16.1. Upon receipt by the designated officer of the embassy, consulate and other foreign service establishments of the ballots for overseas absentee voters, voting instructions, election forms and other paraphernalia, he/she shall make them available on the premises to the qualified overseas absentee voters in their respective jurisdictions during the thirty (30) days before the day of elections when overseas absentee voters may cast their vote. Immediately upon receiving it, the overseas absentee voter must fill-out his/her ballot personally, in secret, without leaving the premises of the embassies, consulates and other foreign service establishments concerned.

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

16.3. The overseas absentee voter shall cast his ballot, upon presentation of the absentee voter identification card issued by the Commission, within thirty (30) days before the day of elections. In the case of seafarers, they shall cast their ballots anytime within sixty (60) days before the day of elections as prescribed in the Implementing Rules and Guidelines.

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

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

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

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

16.8. Only ballots cast, and mailed ballots received by the Philippine embassies, consulates and other foreign service establishments concerned in accordance with Section 17 hereof before the close of voting on the day of elections shall be counted in accordance with Section 18 hereof. All envelopes containing the ballots received by the embassies, consulates and other foreign service establishments after the prescribed

period shall not be opened, and shall be cancelled and shipped to the Commission by the least costly method within six (6) months from the day of elections.

16.9. A Special Ballot Reception and Custody Group composed of three (3) members shall be constituted by the Commission from among the staff of the embassies, consulates and other foreign service establishments 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 Special Boards of Election Inspectors.

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

16.11. The Commission shall study the use of electronic mail, Internet, or other secured networks in the casting of votes, and submit a report thereon to the Joint Congressional Oversight Committee.

Sec. 17. Voting by Mail. -

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

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

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

17.2. The overseas absentee voters shall send his/her accomplished ballot to the corresponding embassy, consular or other foreign service establishment that has jurisdiction over the country where he/she temporarily resides. He/She shall be entitled to cast his/her ballot at any time upon his/her receipt thereof, provided that the same is received before the close of voting on the day of elections. The overseas absentee voter shall be instructed that his/her ballot shall not be counted if not transmitted in the special envelope furnished him/her.

17.3. Only mailed ballots received by the Philippine embassy, consulate and other foreign service establishments before the close of voting on the day of elections shall be counted in accordance with Section 18 hereof. All envelopes containing the ballots received by the embassies, consulates and other foreign service establishments after the prescribed period shall not be opened, and shall be cancelled and disposed of appropriately, with a corresponding report thereon submitted to the Commission not later than thirty (30) days from the day of elections.

Sec. 18. On-Site Counting and Canvassing. -

18.1. The counting and canvassing of votes shall be conducted on site in the country where the votes were actually cast. The opening of the specially-marked envelopes containing the ballots and the counting and canvassing of votes shall be conducted within the premises of the embassies, consulates and other foreign service establishments or in such other places as may be designated by the Commission pursuant to the Implementing Rules and Regulations. The Commission shall ensure that the start of counting in all polling places abroad shall be synchronized with the start of counting in the Philippines.

18.2. For these purposes, the Commission shall constitute as many Special Boards of Election Inspectors as may be necessary to conduct and supervise the counting of votes as provided in Section 18.2 hereof. The Special Boards of Election Inspectors 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 Special Board of Election Inspectors on issues brought before it during the conduct of its proceedings shall be valid only when they carry the approval of the chairman.

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

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

18.4. A Special Board of Canvassers composed of a lawyer preferably of the Commission as chairman, a senior career officer from any of the government agencies maintaining a post abroad and, in the absence of another government officer, a citizen of the Philippines qualified to vote under this Act deputized by the Commission, as vice-chairman and member-secretary, respectively, shall be constituted to canvass the election returns submitted to it by the Special Boards of Election Inspectors. Immediately upon the completion of the canvass, the chairman of the Special Board of Canvassers 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 Special Board of Canvassers shall also furnish the accredited major political parties and accredited citizens' arms with copies thereof via facsimile, electronic mail and any other means of transmission equally safe, secure and reliable.

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

18.5. The canvass of votes shall not cause the delay of the proclamation of a winning candidate if the outcome of the election will not be affected by the results thereof. Notwithstanding the foregoing, the Commission is empowered to order the proclamation of winning candidates despite the fact that the scheduled election has

not taken place in a particular country or countries, if the holding of elections therein has been rendered impossible by events, factors and circumstances peculiar to such country or countries, and which events, factors and circumstances are beyond the control or influence of the Commission.

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

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

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

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

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

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

Sec. 21. Access to Official Records and Documents. - Subject to the pertinent provisions of this Act, any person shall have the right to access and/or copy at his expense all registration records, voters lists and other official records and documents, subject to reasonable

regulations as may be imposed by the Commission.

Sec. 22. Assistance from Government Agencies. - All government officers, particularly from the Department of Foreign Affairs, Department of Labor and Employment, Department of Transportation and Communications, Philippine Postal Corporation, Philippine Overseas Employment Administration, Overseas Workers' Welfare Administration, Commission on Filipinos Overseas and other government offices concerned with the welfare of the Filipinos overseas shall, to the extent compatible with their primary responsibilities, assist the Commission in carrying out the provisions of this Act. All such agencies or officers thereof shall take reasonable measures to expedite all election activities, which the Commission shall require of them. When necessary, the Commission may send supervisory teams headed by career officers to assist the embassies, consulates and other foreign service establishment concerned.

Sec. 23. 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 Committee on Absentee Voting of the Commission shall be responsible for ensuring the secrecy and sanctity of the absentee 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 non-government 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. 24. Prohibited Acts. - In addition to the prohibited acts provided by law, it shall be unlawful:

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

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

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

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

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

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

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

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

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

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

The penalties imposed under Section 264 of the Omnibus Election Code, as amended, shall be imposed on any person found guilty of committing any of the prohibited acts as defined in this section: Provided, That the penalty of prision mayor in its minimum period shall be imposed upon any person found guilty of Section 24.3 hereof without the benefit of the operation of the Indeterminate Sentence Law. If the offender is a public officer or a candidate, the penalty shall be prision mayor in its maximum period. In addition, the offender shall be sentenced to suffer perpetual disqualification to hold public office and deprivation of the right to vote.

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

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

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

Sec. 26. Applicability of Other Election Laws. - The pertinent provisions of the Omnibus Election Code, as amended, and other election laws, which are not in conflict with the provisions of this Act shall remain in full force and shall have supplementary application to this Act.

Sec. 27. Enforcement and Administration by the Commission. - The Commission shall, for the purpose of ensuring honest, orderly, peaceful and free elections abroad, have exclusive charge of the enforcement, administration and implementation of this Act.

Sec. 28. Mandatory Review. - Congress shall complete a mandatory review of this Act within two (2) years following the May, 2004 elections for the purpose of amending it to expand or restrict its coverage, scope and application, as well as improve its procedures and institute measures and safeguards, taking into account the experience of the previous election, technological advances and structural political changes.

Sec. 29. Appropriations. - The amount necessary to carry out the provisions of this Act shall be provided in a supplemental budget or included in the General Appropriations Act of the year of its enactment into law. Thereafter, the expenses for its continued implementation shall be included in the subsequent General Appropriations Act.

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

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

Sec. 32. Effectivity. - This Act shall take effect fifteen (15) days following its publication in three (3) newspapers of general circulation.

Approved,

(Sgd.) **JOSE DE VENECIA, JR.**
Speaker of the House of Representatives

(Sgd.) **FRANKLIN M. DRILON**
President of the Senate

This Act which is a consolidation of Senate Bill No. 2104 and House Bill No. 3570 was finally passed by the Senate and House of Representatives on February 4, 2003 and February 11, 2003, respectively.

(Sgd.) **ROBERTO P. NAZARENO**
Secretary General
House of Representatives

(Sgd.) **OSCAR G. YABES**
Secretary of the Senate

Approved: **February 13, 2003**

(Sgd.) **GLORIA MACAPAGAL ARROYO**
President of the Philippines