

**[ REPUBLIC ACT NO. 10590, May 27, 2013 ]**

**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 denned 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