



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

GENERAL INSTRUCTIONS FOR
THE RESUMPTION OF
CONTINUING REGISTRATION/
CERTIFICATION OF QUALIFIED
OVERSEAS ABSENTEE
VOTERS FOR PURPOSES OF
THE MAY 10, 2010 NATIONAL
ELECTIONS AND
SUBSEQUENT NATIONAL
ELECTIONS THERAFTER .

X-----X

MELO, JOSE A. R.	Chairman
BRAWNER, ROMEO A.	Commissioner
SARMIENTO, RENE V.	Commissioner
FERRER, NICODEMO T.	Commissioner
MACARAMBON, MOSLEMEN T.	Commissioner

Promulgated : 20 May 2008

RESOLUTION NO. 8458

WHEREAS, the first paragraph of Section 7 of Republic Act No. 9189 otherwise known as "*The Overseas Absentee Voting Act of 2003*" provides:

"Section 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. "

WHEREAS, the next National Elections involving overseas absentee voters shall be held on May 10, 2010, hence, the resumption of the system of continuing registration/certification is necessary;

WHEREAS, there is an imperative need to conduct continuing registration/certification at the Posts and in other area/s outside the Posts and in the Philippines for a longer period in order to allow a greater number of qualified overseas Filipinos to register and for the Commission to be given ample time to prepare the Certified List of Overseas Absentee Voters (CLOAV) for purposes of the 2010 National Elections;

WHEREAS, observations and experiences of the Commission and the Department of Foreign Affairs (DFA), in the implementation of R.A. 9189, showed that more efficient and less costly processes may be adopted by the Commission consistent with the spirit and intent of R.A. 9189 without sacrificing the integrity of the exercise;

WHEREAS, there is a need to institutionalize basic reforms in the conduct and processing of overseas absentee voters' registration/certification to avoid delays, huge expenditures and other human errors;

WHEREAS, early issuance of the general instructions for the continuing registration/certification of qualified overseas absentee voters is essential to ensure sufficient information dissemination and voters' education campaign that the Commission and the DFA shall undertake;

NOW, THEREFORE, the Commission on Elections, pursuant to the authority vested in it under the Constitution, R.A. 9189, and other pertinent election laws, **RESOLVED**, as it hereby **RESOLVES** to promulgate, the following General Instructions for the Resumption of Registration/Certification of Qualified Overseas Absentee Voters for Purposes of the May 10, 2010 National Elections and Subsequent National Elections .

Section 1. Declaration of policy. – It is the policy of the Commission to establish a clean, complete and accurate list of overseas absentee voters through the adoption of biometrics technology in the registration process at all Posts and in specifically designated area/s outside the Posts and in the Philippines.

Sec. 2. Definition of Terms. – As used in this General Instructions:

a) **Application** refers to the filing of application forms prescribed by the Commission to be accomplished by an overseas absentee voter for: (1) Registration/ Certification as Overseas Absentee Voter and To Vote *in Absentia*. (OAVF No. 1); (2) Transfer of Registration Record (OAVF No. 1B); (3) Reinstatement in the National Registry of Overseas Absentee Voters (OAVF No. 1D); (4) Correction of Wrong Entries/Misspelled Names/Change of Name and other entries (OAVF No. 1E); (5) Withdrawal of Application for Registration/Certification Pending Approval (OAVF No. 1F); (6) Reactivation of Registration Records (OAVF No. 1G);

b) **Certified List of Overseas Absentee Voters (CLOAV)** refers to the list, as approved by the Commission in an En Banc resolution, of registered overseas absentee voters whose applications to vote *in absentia* have been approved and prepared by the Committee on Overseas Absentee Voting on a country and post basis;

c) **Commission** refers to the Commission on Elections;

d) **Committee on Overseas Absentee Voting (COAV)** refers to the Committee of the Commission created under R.A. 9189 tasked to oversee and supervise the effective implementation of the Overseas Absentee Voting Law ;

e) **Day of Election** refers to the actual date of the elections in the Philippines;

f) **DFA-Overseas Absentee Voting Secretariat (DFA-OAVS)** refers to the Secretariat based at the Department of Foreign Affairs (DFA) home office tasked to direct, coordinate and oversee the Department's participation in the implementation of R.A. 9189;

g) **Education and Information Department (EID)** refers to the Department of the Commission tasked with dissemination of information and voter's education campaigns relative to the conduct of all electoral exercises;

h) **Election Officer (EO)** refers to the highest official or authorized representative of the Commission in a city/municipality/district/ or in designated OAV registration centers in the Philippines;

i) **Election Registration Board (ERB)** refers to the body constituted under R. A. 8189, to act on all applications for registration in the Philippines;

j) **Information Technology Department (ITD)** refers to the Department of the Commission that provides services for all information technology concerns and computing solution requirements of the Commission;

k) **Local Field Registration** refers to the conduct of registration/certification at predetermined locations in the Philippines for a limited period;

l) **Mobile Registration** refers to the conduct of registration at various locations outside the Posts which shall be undertaken as part of the Posts' consular outreach activities to Filipinos within their jurisdictions;

m) **Municipal/City/District Registry of Overseas Absentee Voters (ROAV)** refers to the consolidated list prepared, approved and maintained by the Commission, for every municipality/city/district, of overseas absentee voters whose applications for registration as such, including those registered under R.A. 8189, who applied for certification as overseas absentee voters, have been approved by the ERB/Resident Election Registration Board (RERB);

n) **National List of Registered Voters (NLRV)** refers to the consolidated list prepared, approved and maintained by the Commission, for every municipality/city/district, for voters registered under R.A. 8189 and R.A. 9189;

o) **National Registry of Overseas Absentee Voters (NROAV)** refers to the consolidated list prepared, approved and maintained by the Commission, of overseas absentee voters whose applications for registration as absentee voters, including those registered voters under R.A. 8189, who applied for certification as overseas absentee voters, have been approved by the ERB/RERB. The NROAV shall indicate the Post where the overseas absentee voter is registered;

p) **Overseas Absentee Voter** refers to a citizen of the Philippines who is qualified to register and vote under R.A. 9189, not otherwise disqualified by law, who is abroad on the day of the elections;

q) **Overseas Absentee Voting (OAV)** refers to the process by which qualified citizens of the Philippines abroad exercise their right to vote;

r) **Overseas Absentee Voting Book of Voters** refers to the compilation of all approved Overseas Absentee Voter Registration Records in a country or in a smaller unit in a given country;

s) **Overseas Absentee Voter Registration Record (OAVRR)** refers to a machine-generated record, other than the overseas absentee voter's identification card, showing the name, photograph, signature, fingerprints and other personal circumstances of a registered overseas absentee voter issued by the Commission upon the approval of said voter's application for registration/certification as overseas absentee voter;

t) **Overseas Field Registration** refers to the conduct of registration/certification at predetermined location outside of the Posts for a limited period upon request of the Post and favorable recommendation of the DFA-OAVS, and approval of the Chairman of COAV based on the guidelines hereto provided;

u) **Posts** refer to the Philippine embassies, consulates, foreign service establishments and other Philippine government agencies maintaining offices abroad having jurisdiction over the places where the overseas absentee voters temporarily reside;

v) **Registered Overseas Absentee Voter** refers to one whose application for registration/certification as overseas absentee voter has been approved by the ERB/RERB under R.A. 9189 and this General Instructions;

w) **Representative of the Commission** refers to the officials and employees, including their Filipino dependents, of the Posts and foreign service establishments, and Filipino project-term personnel that the embassies, consulates and other foreign service establishments may locally hire at the host country, deputized by the Commission pursuant to R.A. 9189 and these Rules; and COAV/DFA-OAVS officers in designated OAV registration centers in the Philippines;

x) **Resident Election Registration Board (RERB)** refers to the in-house Election Registration Board of the COAV composed of three (3) ranking officials of the Commission, the main functions of which are to process, approve or disapprove the applications for registration or certification of overseas absentee voter, deactivation of registration records and removal/deletion of names of overseas absentee voters from the NROAV.

y) **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;

Sec. 3. Publication and posting of the notice of filing of applications and election.- At least six (6) months before the start of the filing of applications, the Commission shall, through the Philippine embassies, consulates and other foreign service establishments, publish once in a newspaper of general circulation, or in local Filipino newspapers of wide circulation, in countries with not less than 5,000 Filipinos, the date, place and time of the holding of a regular or special national elections and the requirements for the participation of qualified Filipino citizens abroad.

In addition, the Commission and the DFA shall post the said notice of filing of applications and election in their respective websites and in conspicuous places at the Post.

For purposes of the May 10, 2010 elections, publication and posting of the notice of filing of applications and election shall be made not later than June 3, 2008.

Towards this end, the COAV shall, in coordination with the EID of the Commission and the DFA-OAVS, develop information and education materials on overseas absentee registration and voting.

Sec. 4. Period to File Applications. - All applications shall be filed from December 1, 2008 to August 31, 2009, at five (5) days per week for the duration of the registration period.

The need to conduct field and mobile registration, and the dates thereof, including the five (5) specific days of each week during the registration period, shall be determined by the Posts. The DFA-OAVS shall make its recommendation thereon to the Chairman of the COAV for his appropriate action.

Sec. 5. Time and Filing of Applications. – All applications shall be filed before the authorized representatives of the Commission at the Posts which have jurisdiction over the places where the registrants temporarily reside or in specifically designated field or mobile registration area/s outside the Posts.

Filing at the Posts should be done for at least eight (8) hours daily during the five (5) days designated in Section 4 hereof.

Applications for registration/certification may also be filed at designated places in the Philippines authorized by the COAV prior to the applicant's departure.

Sec. 6. Suspension of Registration during holidays. – There will be no filing of applications during regular and declared holidays in the Philippines. Upon the request of the Post and after favorable recommendation of the DFA-OAVS, suspension of filing of applications during declared holidays in the host country may be allowed by the Chairman of the COAV.

PART I
APPLICATION FOR REGISTRATION/CERTIFICATION AS OVERSEAS
ABSENTEE VOTER

Sec. 7. Who May Register. – All citizens of the Philippines who intend to vote abroad, at least eighteen (18) years of age on the day of the elections and not otherwise disqualified by law may register.

Sec. 8. Who May Not Register. - The following shall be disqualified from registering:

- 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 dual citizens as referred to 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 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 and amnesty; Provided, however, That any person disqualified to register under this subsection shall automatically acquire the right to

register upon expiration of five (5) years after service of sentence; and 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. 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; and,
- e. An immigrant or a permanent resident who is recognized as such in the host country, unless he executes upon filing of an application for registration as overseas absentee voter, an affidavit declaring that:
 1. He shall resume actual physical permanent residence in the Philippines pursuant to Section 5 of R.A. 9189; and
 2. He has not applied for citizenship in another country.

Sec. 9. Requirements for Filing of Applications for Registration/Certification. – Every applicant shall be required to submit a **valid Philippine passport** to establish his identity. In the absence of a valid passport, a certification of the DFA 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. In addition;

1. In case of a seafarer, a photocopy of his *Seaman's Book* or any other pertinent document; or
2. In case of a dual citizen, the original or certified true copy of the *Order of Approval* of his application to retain or reacquire his Filipino citizenship or Oath of Allegiance issued by the Post or the Bureau of Immigration.

Sec. 10. Registration/Certification Procedures. –

- a. The applicant shall:
 1. Personally appear before the representative of the Commission at the Post that has jurisdiction over the locality where he temporarily resides or at the designated registration centers in the Philippines.

In case of a seafarer, he may file his application personally at any Post or at the designated registration centers in the Philippines.

2. Submit the supporting identification documents mentioned in Section 9 hereof. The Commission may require additional documents to establish the identity and qualification of the applicant.
- b. The representative of the Commission shall:
1. Determine the identity of the applicant by verifying the passport or such other documents that may sufficiently establish his identity;
 2. Verify whether the applicant's name is already included in the NROAV:
 - 2.1 *Applicant's name is not yet included.* Issue OAVF No.1 to the applicant for him to accomplish or request for the accomplished OAVF No.1, in case the applicant downloaded OAVF No. 1 from the websites of the Commission, DFA, DFA-OAVS and the Posts.
 - 2.2 *Applicant's name is already included in the Post and his biometrics has been captured.* Advise the applicant that he need not register anew.
 - 2.3 *Applicant's name is already included in the Post but his biometrics has not been captured.* Issue OAVF No. 1 to applicant and write on the appropriate space the Application Number previously assigned to him as appearing in the NROAV. For this purpose, the form shall be stamped with the phrase "for data capturing only".
 - 2.4 *Applicant's name is already included in another Post and his biometrics has been captured.* Advise the applicant that he need not register anew and require him to accomplish OAVF No. 1B – Letter-Request for Transfer of Registration Record in accordance with Section 22 hereof.
 - 2.5 *Applicant's name is already included in another Post but without biometrics.* Advise the applicant to accomplish OAVF No. 1B in accordance with Section 22 hereof then issue OAVF No. 1 to applicant and write on the appropriate space the Application Number previously assigned to him as appearing in the NROAV. For this purpose, the form shall be stamped with the phrase "for data capturing only".

3. Ensure that the OAVF No.1 issued to the applicant has been accomplished legibly, accurately and completely with the required documents under Section 9 hereof duly attached; and
4. Direct the applicant to the Data Capturing Machine (DCM) operator for the live capture of his biometrics.

c. The DCM Operator shall:

1. Affix the Application Form Number sticker, consisting of sixteen (16) digits, on the upper right hand portion of the accomplished OAVF No. 1 of new applicants for registration/certification. If an application number is already written in the application form, an application form number sticker shall no longer be affixed;
2. Encode the demographics required by the Data Capturing Machine (DCM);
3. Capture the applicant's biometric data. If applicant does not submit himself for the live capture of his biometrics, his application shall be deemed not filed.
4. In case of defective DCM or non-availability of the same, the representative of the Commission shall:
 - 4.1 Advise the applicant that he still has to submit himself to live biometrics capture. For this purpose, the applicant shall be immediately notified as soon as the DCM becomes available;
 - 4.2 Require the applicant to affix his right thumbprint on the available space between the boxes for the Date and Signature of the Applicant on Part II of OAVF No.1;
 - 4.3 Require the applicant to attach to OAVF No.1 a photocopy of any valid identification document bearing his photograph; and
 - 4.4 Accomplish OAVF No. 1C – Certification on DCM Malfunction that on the day of the filing of said application, the DCM was defective or not available. The certification shall be attached to the application.

5. Affix initials under the space provided for the signature of the Administering Officer, found in part 2 of OAVF No.1;
6. Return the initialed OAVF No.1 to the applicant and direct him to proceed to the representative of the Commission who shall:
 - 6.1 Administer the Oath found in Part 2 of OAVF No. 1 if properly initialed by the DCM operator. The absence of the initials of the DCM operator shall be construed as applicant's failure to submit to live capture of his biometrics. In such case, he shall be directed to return to the Data Capturing station for biometrics capture;
 - 6.2 Return the accomplished OAVF No.1 to the corresponding DCM operator for completion of the encoding.
7. Complete the encoding of all fields indicated in accomplished OAVF No. 1;
8. Arrange and compile all the received accomplished OAVF No. 1 for the day;
9. Store all the captured data in a CD;
10. Finalize/close the CD every 15th and end of the month, except for the last three (3) months of registration where it shall be finalized/closed every Monday; and
11. Transmit to the COAV the finalized CDs together with all received accomplished application forms every 15th and end of the month, except for the last three (3) months of registration where the finalized CDs and the accomplished OAVF No.1 shall be transmitted every Monday covered by OAVF No. 1A;

d. The COAV shall:

1. Record and compile the reports of all CDs and accomplished OAVF No.1 received from the Posts or the designated registration centers in the Philippines;
2. Process all applications for registration/certification and prepare the appropriate report after determining:
 - 2.1. Multiple registrants, in case of applications for registration; and
 - 2.2. The fact of registration in case of applications for certification.

3. Forward to the RERB for its appropriate action all processed OAVF No. 1 together with the report required above;
4. Obtain from the RERB after each hearing, all applications acted upon by it, and on the basis thereof, update the content of the CDs received from the Posts or the designated registration centers in the Philippines;
5. Create a new CD containing the updated information; and
6. Endorse the CD containing the updated information to the Information Technology Department (ITD) of the Commission for the printing of the Overseas Absentee Voter's Registration Record (OAVRR) and the voters' IDs.

Sec. 11. Duties and Functions of the RERB. –The RERB shall have the following duties and functions:

- a. Post at the Office of the COAV, and in its website, 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 all political parties and other parties concerned of the pending applications through a weekly updated publication in the website of the Commission. The COAV shall be utilized to effect said notification;
- c. Act on all applications received from the Posts;
- 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 board of the Commission, at the Office of the COAV, and on the website of the Commission;

The information above-cited shall be made available to the DFA-OAVS for posting at their own website.

The COAV Chairman may constitute as many additional RERBs as may be necessary to ensure that all applications are acted upon within the period prescribed herein.

- f. Deactivate the registration records of overseas absentee voters in accordance with Section 28 hereof; and
- g. Remove/delete/cancel entries in the NROAV in conformity with Section 30 of this General Instructions.

Sec. 12. Procedures before the RERB. –

- a. Applications for Registration:
1. Upon receipt of the applications, the Chairman of the RERB shall immediately:
 - 1.1 Set the applications for hearing in accordance with the schedule provided in Section 13 herein;
 - 1.2 Prepare and post the Notice of Hearing as provided under Section 11 (a) herein at least one (1) week before the date of hearing;
 - 1.3 Notify all political parties and other parties concerned of the pending applications for registration through a weekly updated publication in the website of the Commission. The COAV shall be utilized to effect said notification;
 - 1.4 Determine whether the applicant possesses all the qualifications and none of the disqualifications for registration. If the applicant meets all the qualifications and none of the disqualifications for registration, the RERB shall approve the application; otherwise, the RERB shall disapprove the application.
 2. Any interested party may file a verified objection to the application on or before the date set for hearing of the said application.
 - 2.1 If an objection is filed, the Chairman of the RERB shall immediately notify the applicant or his authorized representative of the said objection personally or by registered mail, together with copies of the objection and the documents submitted in support thereof, if any. The applicant shall, within five (5) days from receipt of the copy of objection, file by registered mail an Answer that clearly states his defense. The Answer, if executed abroad, shall be duly sworn to before any consular officer authorized to administer oath or authenticated by the Post if notarized by a non-consular officer. If the Answer is executed in the Philippines, the same shall be sworn to before any officer authorized to

administer oath. For this purpose, the date postmarked in the envelope containing the Answer shall be considered as the date of filing, provided that Answers to objections to applications filed from August 1 to 31, 2009, shall be received by the RERB not later than October 19, 2009.

- 2.2 If no objection is filed or once an Answer is filed, or upon the lapse of the five (5)-day period for filing an Answer, the Chairman of the RERB shall immediately forward the application to the RERB for decision.
3. Within three (3) days from the disapproval of the application, the RERB shall send a notice of said disapproval to the applicant or his authorized representative by registered mail, stating the reason for such disapproval. In addition, the RERB shall, on the day following the action taken on the applications, post at the Office of the COAV, and in the websites of the Commission and DFA, the list of the names of those whose applications have been approved.
4. Upon approval of the applications, the RERB shall direct the ITD of the Commission to include in the NROAV the names of the applicants with approved applications.

b. Applications for Certification:

1. Upon receipt of the applications, the Chairman of the RERB shall immediately:
 - 1.1 Notify all political parties and other parties concerned of the pending applications for certification through a weekly updated publication in the websites of the Commission and the DFA. The COAV shall be utilized to effect said notification;
 - 1.2 Verify from the NLRV whether the applicant is a registered voter;
 - 1.3 If the applicant is a registered voter, the RERB shall approve the application for certification. If not, the RERB shall treat the application for certification as an application for registration.

2. In case of approval of the application, the RERB shall:

2.1 Direct the Election Officer (EO) concerned to make an annotation in the Computerized Voters' List (CVL) of the municipality/city/district and in the applicant's VRR that the said applicant has been registered as an Overseas Absentee Voter and will be voting as such; and

2.2 Include the names of the applicants with approved applications in the NROAV and in the CLOAV of the Post concerned.

3. On the day following the action taken on the applications, the Chairman of the RERB shall post at the Office of the COAV, and in the websites of the Commission and DFA, the list of the names of those whose applications have been approved.

4. In addition, the RERB shall, within three (3) days from the disapproval of the application, send a notice of the disapproval to the applicant or his authorized representative by registered mail, stating the reason for such disapproval.

Sec. 13. Hearings of Applications. - The RERB shall hear the applications for registration/certification as well as approve/disapprove the same in accordance with the following schedule:

Period to File Applications	Last Day to Post Notice of Hearing of Applications	Last Day to File Opposition to Applications	Approval/ Disapproval
1- 31 December 2008	21 January 2009	28 January 2009	06 February 2009
1- 31 January 2009	21 February 2009	28 February 2009	07 March 2009
1- 28 February 2009	21 March 2009	28 March 2009	04 April 2009
1- 31 March 2009	21 April 2009	28 April 2009	05 May 2009
1- 30 April 2009	21 May 2009	28 May 2009	05 June 2009
1- 31 May 2009	21 June 2009	28 June 2009	05 July 2009
1- 30 June 2009	21 July 2009	28 July 2009	04 August 2009
1- 31 July 2009	21 August 2009	28 August 2009	04 September 2009
1- 31 August 2009	05 October 2009	12 October 2009	19 October 2009

Sec. 14. Remedy for Disapproved Application for Registration/ Certification. - For applications disapproved by the RERB, the applicant or his authorized representative shall, within a period of five (5) days from receipt of the notice of disapproval of his application for registration/certification, may file a motion for reconsideration before the RERB which shall decide the same within five (5) days after its filing on the basis of the documents submitted.

If the motion for reconsideration is given due course by the RERB, the name of the movant shall be included in the NROAV.

Sec. 15. *Petition for Inclusion.* – The aggrieved party or through his authorized representative may file a petition for inclusion with the proper MTC-Manila within ten (10) days from receipt of the notice of denial of the motion for reconsideration. The petition shall be decided within fifteen (15) days after its filing on the basis of the documents submitted. Should the court fail to render a decision within the prescribed period, the ruling of the RERB shall be considered affirmed with finality.

The Commission may make the necessary representation before the Court Administrator for the designation of special courts that shall hear and decide exclusion and inclusion cases.

Sec. 16. *Petition for Exclusion.* – Any interested party may file a verified petition for the exclusion of a registered overseas absentee voter from the NROAV not later than December 15, 2009, as follows:

- a. For applications approved by the local ERB in connection with the May 10, 2004 National Elections, with the proper Municipal or Metropolitan Trial Court (MTC); and
- b. For applications approved by the RERB, with the MTC-Manila.
- c. The court shall decide the Petition within fifteen (15) days after its filing on the basis of the documents submitted. In case the Petition is granted, the RERB shall cancel the registration record of the overseas absentee voter concerned.
- d. Should the court fail to render a decision within the prescribed period, the ruling of the RERB shall be considered affirmed with finality.

Sec. 17. *Overseas Field or Mobile Registration.* – All overseas field or mobile registration shall meet the following guidelines:

- a. The host government allows such field or mobile registration activities/services;
- b. The conduct of field or mobile registration services will not compromise the security, integrity and sanctity of the registration process;
- c. These field or mobile registration services will impact upon a significant part of the Filipino population in areas under the jurisdiction of the Posts;
- d. The conduct of these field or mobile registration activities will form part of the continuing registration services of the Post;
- e. Information on the different schedules of field or mobile registration activities shall be widely disseminated by the Post;
- f. The conduct of these field or mobile registration services shall be consistent with the provisions of the OAV law and the procedure prescribed by the DFA Internal Guidelines;
- g. The field or mobile registration services shall be undertaken by the authorized representatives of the Commission;

- h. The conduct of mobile registration services will not entail any expense on the part of the Commission while the field registration services shall be conducted, upon prior approval of the Chairman of the COAV, and with the least expense on the part of the Commission;
- i. Post which will conduct field or mobile registration services will have to use DCMs for such purposes from their current inventory of DCMs; and
- j. OAV registration at the premises of the embassy/consulate will have to be continuing, notwithstanding the field or mobile registration activities that the Post may schedule.

Sec. 18. Local Field Registration. – All local field registration shall meet the following guidelines:

- a. The Chairman of the COAV authorizes such field registration activities;
- b. The conduct of field registration will not compromise the security, integrity and sanctity of the registration process;
- c. The field registration will impact upon a significant part of Filipinos leaving for abroad;
- d. The information on the different schedules of field registration shall be widely disseminated jointly by the COAV and DFA-OAVS;
- e. The conduct of the field registration shall be consistent with the provisions of the OAV law and the procedure prescribed by the DFA Internal Guidelines; and
- f. The field registration shall be undertaken by the authorized representatives of the Commission.

Sec. 19. Inclusion in the National Registry of Overseas Absentee Voters. – All approved applications for registration/certification shall be included in the NROAV and in the ROAV of the municipality/city/district where the registrant is domiciled.

For purposes of the May 10, 2010 National Elections, the NROAV shall be published at the websites of the Commission, DFA not later than December 11, 2009.

Sec. 20. Voters excluded from the National Registry of Overseas Absentee Voters through inadvertence. – Any registered overseas absentee voter whose name has been inadvertently omitted in the NROAV, may personally or through his authorized representative, file with the COAV or with the Post having jurisdiction over the voter's residence, an application under oath for reinstatement by accomplishing OAVF No. 1D. The application shall be filed not later than December 31, 2009. The Post shall, within two (2) days from receipt of the application, forward the same to the COAV by facsimile.

Sec. 21. Applications for Correction of Entries and Change of Name -

If the application is for the correction of entries, misspelled name, change of name by reason of marriage or death of husband, or by virtue of a court order, and change of any other entries in the NROAV, CLOAV and the voters' IDs, the registered overseas absentee voter shall accomplish OAVF No. 1E and submit the same to the COAV or the Post having jurisdiction over the applicant's residence, not later than August 31 2009.

Application for correction of entries resulting from the error of encoding shall be allowed by the Commission until December 31, 2009.

**PART II
TRANSFER OF REGISTRATION RECORDS**

Sec. 22. Transfer of registration records. - Any overseas absentee voter may request for the transfer of his registration records in the following cases:

- a. In case of transfer of residence under the jurisdiction of one Post to another residence under the jurisdiction of another Post; or
- b. In case of transfer of residence in a particular foreign country to another residence in another country but within the jurisdiction of the same Post; or
- c. In case of transfer of residence under the jurisdiction of one Post back to the Philippine municipality/city/district of the voter's residence as indicated in OAVF No. 1; or
- d. In case of transfer of residence under the jurisdiction of one Post back to the Philippine municipality/city/district other than the voter's residence as indicated in OAVF No. 1.

Sec. 23. Application for transfer of registration records from one Post to another; from one country to another country belonging to the same Post – Any overseas absentee voter who transfers his residence under the jurisdiction of one Post to another residence under the jurisdiction of another Post or from one country to another country belonging to the same Post may apply for transfer using OAVF No. 1B with the: (a) COAV; (b) Local Field Registration Center; or (c) Post having jurisdiction over his new residence.

The Post or Local Field Registration Center shall prepare a list of names of applicants who filed their applications for transfer. Said list and the corresponding accomplished OAVF No. 1B shall be transmitted to the COAV simultaneously with the accomplished OAVF No. 1 and the finalized CDs in the manner provided in Section 10.b.4.j.

Upon receipt of the accomplished OAVF No. 1B, the Chairman of the COAV shall act accordingly.

In connection with the May 10, 2010 National Elections, the application for transfer shall be filed not later August 31, 2009. For subsequent national elections, the application shall be filed in accordance with the schedule to be issued by the Commission.

Sec. 24. Application for transfer of registration records from Post to the same Philippine Municipality/City/District – Any overseas absentee voter who transfers his residence from one Post back to the Philippine municipality/city/ district of the voter's residence as indicated in OAVF No. 1 may apply, with the COAV or Local Field Registration Center, for transfer of registration from the overseas registry to the local registry using OAVF No. 1B

The COAV shall verify if the applicant is included in the NROAV. If the applicant is included, the Chairman of the COAV shall approve the application and issue a certification attesting that the applicant is included in the NROAV. The approval and certification shall be reproduced in two (2) more copies. One copy of the approval and certification shall be given to the applicant. The other copy of the certification and approval shall be forwarded to the Election Officer of the applicant's residence and the remaining copy of the approval and certification shall be retained by the COAV for its file. The copies intended for the Election Officer and the applicant shall be accompanied by a copy of the applicant's previously approved OAVF No. 1. Upon approval of the application, the COAV shall remove the name of the applicant from the NROAV and direct the EO concerned to also remove the name of the applicant from his ROAV.

If the name of the applicant does not appear in the NROAV, the COAV Chairman shall disapprove the application for transfer.

Upon receipt of the approval and certification, the applicant shall proceed to the Office of the Election Officer of his residence, present the approval and certification as well as the copy of his previously approved OAVF No. 1 to the EO.

If the applicant's name is included in the CVL of his municipality/city/district, the EO concerned shall remove the annotation, if any.

If the applicant is not included in the CVL, but in the ROAV of the EO's municipality/city/district, the EO shall advise the applicant to apply for local registration.

If the applicant is included in the municipality/city/district, the EO shall advise the applicant to apply for transfer of registration.

The EO shall act on the applications in accordance with the rules on registration or transfer of registration of local voters.

In connection with the May 10, 2010 National Elections, the application for transfer shall be filed not later than November 30, 2009. For subsequent national elections, the application shall be filed in accordance with the schedule to be issued by the Commission on Elections.

Sec. 25. Application for transfer of registration records from Post to the Philippine Municipality/City/District other than the voter's residence as indicated in OAVF No. 1 – Any overseas absentee voter who transfers his residence from one Post back to the Philippine municipality/city/district other than the voter's residence as indicated in OAVF No. 1, may apply with the COAV or Local Field Registration Center for transfer of registration from the overseas registry to the local registry using OAVF No. 1B

The COAV shall verify if the applicant is included in the NROAV. If the applicant is included, the Chairman of the COAV shall approve the application and issue a certification attesting that the applicant is included in the NROAV. The approval and certification shall be reproduced in two (2) more copies. One copy of the approval and certification shall be given to the applicant. The other copy of the certification and approval shall be forwarded to the Election Officer of the applicant's residence and the remaining copy of the approval and certification shall be retained by the COAV for its file. The copies intended for the Election Officer and the applicant shall be accompanied by a copy of the applicant's previously approved OAVF No. 1.

Upon receipt of the approval and certification as well as the copy of his previously approved OAVF No. 1, the applicant shall proceed to the Office of the Election Officer of his new residence, present the approval and certification as well as the copy of his previously approved OAVF No. 1, and apply for registration if he is not yet registered locally, or apply for transfer of registration if he is registered locally. The EO shall act on the applications in accordance with the rules on registration or transfer of registration of local voters.

The EO shall notify the COAV of the ERB's action on the application of the overseas absentee voter. If the application is approved, the COAV shall remove the name of the overseas absentee voter from the NROAV and direct the EO of the overseas absentee voter's old residence to delete his name from the ROAV.

In connection with the May 10, 2010 National Elections, the application for transfer shall be filed not later than November 30, 2009. For subsequent national elections, the application shall be filed in accordance with the schedule to be issued by the Commission on Elections.

Sec. 26. Notice of Change of Address or Withdrawal of Application Pending Approval. - Applicants for registration/certification during the continuing overseas absentee voters' registration whose application have been forwarded to the COAV and have not yet been acted upon by the RERB may request for either a change of address to another Post by filing OAVF No. 1B or withdrawal of their applications for purposes of the 2010 National Elections by filing OAVF No. 1F.

The filing may be done either at the Post where the applications were originally filed or at the Post which has jurisdiction over the applicant's new address, on or before August 31, 2009 attaching thereto a photocopy of their passports or any other legal documents properly identifying the applicant.

The Post shall then send all these verified forms to the COAV which shall immediately act on the matter.

All applications which are not yet transmitted to the COAV and which are subject of withdrawals shall be disregarded by the Post. The applicant shall then apply to the Post where he intends to vote.

PART III DEACTIVATION OF REGISTRATION RECORDS; REMOVAL/DELETION OF NAMES OF OVERSEAS VOTERS IN THE NROAV

Sec. 27. Deactivation of registration records. - The registration records of the following overseas absentee voters shall be deactivated:

- a. Those who have been sentenced by final judgment to suffer 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 register under this subsection shall automatically reacquire the right to register upon expiration of five (5) years after service of sentence; and 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; or
- b. Those who have been 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; or
- c. Those who have been adjudged by final judgment of a competent court or tribunal of having committed any crime involving disloyalty to the duly constituted government, such as rebellion, sedition, violation of the firearms laws, or any crime against national security unless restored to their full civil and political rights in accordance with law; Provided, that such person shall automatically regain his right to vote upon the expiration of five (5) years after service of sentence; or
- d. Those who have been excluded from the NROAV by order of the court; or
- e. Those who have lost their Filipino citizenship and have not reacquired nor retained the same under RA 9225.

In connection with the above, the: (a) DFA shall, on a monthly basis, submit to the Commission through the COAV, a list of those who have lost Filipino citizenship, those declared insane or incompetent by competent authority abroad, and those convicted by final judgments issued by foreign courts or tribunals but only on the basis of reciprocity, subject to the formalities and processes prescribed by the Rules of Court on execution of judgments; and (b) the Clerks of Court of the Sandiganbayan, Regional Trial Courts, Metropolitan Trial Courts, Metropolitan Circuit Trial Courts; Municipal Circuit Trial Courts shall, on a monthly basis, provide the Commission through the COAV, a list of those (i) sentenced by final judgment to suffer imprisonment of not less than one (1) year; (ii) sentenced by final judgment of having committed any crime involving disloyalty to the duly constituted government; (iii) declared insane or incompetent by competent authority here in the Philippines; and (iv) excluded from the NROAV.

Sec. 28. Procedures for deactivation. – The COAV shall, on a monthly basis, provide the RERB, with the lists submitted by the DFA and the Clerks of Courts as required in Section 27 hereof. Thereafter, the RERB shall consolidate the lists.

The RERB shall, on the dates scheduled for the approval/disapproval of applications for registration/certification, consider the consolidated lists and after due deliberation, issue an Order of Deactivation containing the names of those whose registration records have been deactivated, the reason/s for the deactivation and the period within which to contest the deactivation.

Upon issuance of the Order of Deactivation, the RERB shall direct the ITD of the Commission to deactivate the names of the registered overseas absentee voters in the NROAV.

The COAV shall post the lists of those, whose registration records have been deactivated, at the Office of the COAV and in the websites of the Commission and the DFA. In addition, the COAV shall send individual notices to the concerned voter or his authorized representative.

Sec. 29. Removal or deletion or cancellation of entries in the NROAV.

- The names of the following registered overseas absentee voters shall be removed/deleted/cancelled in the NROAV:

- a. Those who filed a letter under oath addressed to the Commission requesting that their names be removed from the NROAV or transferred to the regular registry of voters;
- b. Those ordered removed by the Commission for failure to vote for two (2) consecutive National elections as shown in the List of Voters with Voting Records;
- c. Immigrants or permanent residents who fail to resume actual physical permanent residence in the Philippines pursuant to Section 5 of R.A. 9189, or make a misrepresentation in their affidavits as to their application for citizenship in another country;
- d. Those who have died as certified by the Post or the local Civil Registrar.

Sec. 30. Procedures for Removal/Deletion. – The COAV shall:

- a. Update the voting history of each and every registered overseas absentee voter on a per Post and country basis;
- b. Prepare an updated list of the following:
 - b.1. Overseas absentee voters who failed to vote in the immediately preceding two (2) successive national elections as shown in the List of Voters with Voting Records;
 - b.2. Overseas absentee voters whose request for removal of their names from the NROAV or transfer to regular registry of voters, was approved;
 - b.3. Immigrant/permanent residents who registered for the 2004 National Elections but failed to resume actual physical permanent residence in the Philippines pursuant to Section 5 of R.A. 9189;
 - b.4. Those who died as certified by the Post and the Local Civil Registrar;
- c. Submit the above lists to the RERB for its consideration;

- d. The RERB shall, on the dates scheduled for the approval/disapproval of applications for registration/certification, consider the list and thereafter, recommend to the:
 - d.1 Commission the removal/cancellation or deletion of the registration records of those who failed to vote in two(2) consecutive National elections;
 - d.2 Chairman of the COAV the removal/cancellation or deletion of the registration records of those who:
 - d.2.1 Have validly applied for transfer from the overseas registry to the local registry;
 - d.2.2 Have validly applied for removal from the NROAV;
 - d.2.3 Did not resume actual physical permanent residence in the Philippines;
 - d.2.4 Made misrepresentation in their affidavits as to their application for citizenship in another country; or
 - d.2.5 Died.

Upon receipt of approval of the removal/deletion/cancellation, the RERB shall prepare the lists of those whose registration records are to be removed/deleted/cancelled, indicating the reason/s therefor and the period within which to contest the removal/deletion/cancellation.

The RERB shall, thereafter, direct the ITD to remove/delete/cancel the names of the registered overseas absentee voters in the NROAV.

The COAV shall post the lists of those whose registration records have been removed/deleted/cancelled, at the Office of the COAV and in the websites of the Commission and the DFA. Such posting shall be deemed considered as substantial compliance on the notification requirement.

PART IV - CONCLUDING PROVISIONS

Sec. 31. Preparation and Posting of the CLOAV- The Commission shall prepare an updated CLOAV on a per Post and country basis not later than January 10, 2010 and furnish within the same period, electronic and hard copies thereof to the appropriate embassies, consulates, and other foreign service establishments, which shall then post the same to their bulletin boards and websites within ten (10) days from receipt thereof.

Subject to reasonable regulation and the payment of prescribed fees, the candidates, political parties, accredited citizens' arms, and all other interested persons shall be furnished copies thereof.

Sec. 32. Access to official records and documents. – Subject to reasonable regulation and payment of prescribed fees, any person shall have the right to access and/or copy official records and documents pertaining to registration of voters.

Sec. 33. Repealing clause. – All Comelec Resolutions pertaining to the implementation of R.A. 9189 insofar as may be inconsistent herewith are hereby repealed or amended accordingly.

Sec. 34. Enforcement and administration by the Commission. – The Commission shall, for the purpose of ensuring honest, orderly, peaceful and free registration of voters abroad, have exclusive charge of the enforcement, administration and implementation of R.A. 9189.

Sec. 35. Effectivity. – This Resolution shall take effect seven (7) days after its publication in two (2) daily newspapers of general circulation in the Philippines.

Sec. 36. Dissemination. - The EID of the Commission shall cause the publication and widest dissemination of this Resolution and furnish copies hereof to the Department of Foreign Affairs, Philippine Overseas Employment Administration, Overseas Workers Welfare Administration, Ninoy Aquino International Airport Authority, Commission on Filipinos Overseas, Bureau of Immigration and Deportation, Maritime Industry Authority, Manila Economic and Cultural Office, Department of Labor and Employment, Department of Transportation and Communication and Philippine Postal Corporation.

The EID, in coordination with the other concerned government agencies, is likewise directed to plan and implement a national information campaign and voters' education program to apprise prospective overseas absentee registrants on the pertinent provisions of the overseas absentee voting law more particularly on the procedural aspects of registration.

SO ORDERED.

(Sgd.)
JOSE A.R. MELO
Chairman

(Sgd.)
ROMEO A. BRAUNER
Commissioner

(Sgd.)
RENE V. SARMIENTO
Commissioner

(Sgd.)
NICODEMO T. FERRER
Commissioner

(Sgd.)
MOSLEMEN T. MACARAMBON
Commissioner

