

## **OVERSEAS ABSENTEE VOTING ACT of 2003**

Republic Act No. 9189, also known as "The Overseas Absentee Voting Act of 2003", is the law that ensures equal opportunity to all qualified citizens of the Philippines abroad in the exercise of their right to participate in the election of President, Vice-President, Senators and Party-List Representatives.

### **WHO ARE QUALIFIED TO VOTE**

All Filipino citizens, not otherwise disqualified by law, at least eighteen (18) years of age on the day of the election, and who are registered overseas absentee voters with approved application to vote *in absentia*, may vote for President, Vice-President, Senators and Party-List Representatives.

### **WHO ARE DISQUALIFIED FROM REGISTERING AS OVERSEAS ABSENTEE VOTERS**

The following are disqualified from registering as overseas absentee voters:

- a. Those who have lost their Philippine 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 Retention and Reacquisition Act of 2003".
- c. Those who have been convicted by final judgment of a court or tribunal of an offense punishable by imprisonment of not less than one (1) year, unless such disability has been removed by plenary pardon or amnesty;
- d. Those who have been found guilty by final judgment of Disloyalty as defined under Article 137 of the Revised Penal Code, unless such disability has been removed by plenary pardon or amnesty;
- e. An immigrant or a permanent resident who is recognized as such in the host country, unless he/she executes upon filing of an application for registration as overseas absentee voter an affidavit declaring that: (i) he/she shall resume actual physical permanent residence in the Philippines not later than three (3) years from approval of his/her registration, and (ii) he/she has not applied for citizenship in another country;

- f. Any citizen of the Philippines abroad previously declared insane or incompetent by competent authority in the Philippines or abroad, as verified by the Philippine embassy, consulate or Foreign Service establishment concerned, unless such competent authority subsequently certifies that such person is no longer insane or incompetent.

However, those disqualified under paragraphs (c) and (d) hereof who have not been granted plenary pardon or amnesty shall automatically acquire or reacquire the right to vote as an overseas absentee voter upon the expiration of five (5) years after service of sentence.

## **HOW MAY A FILIPINO CITIZEN BECOME A REGISTERED OVERSEAS ABSENTEE VOTER**

Filipino citizens abroad or Filipino citizens in the Philippines who will be abroad on Election Day may become registered overseas absentee voters by filing an application for registration or certification as overseas absentee voters.

**Note:** A registered overseas absentee voter is not automatically entitled to vote, he/she must have an approved application in order to vote *in absentia* to be entitled to vote for President, Vice-President, Senators and Party-List Representatives.

## **APPLICATION FOR REGISTRATION OR CERTIFICATION AS OVERSEAS ABSENTEE VOTER**

The application for registration or certification as overseas absentee voter and application to vote in absentia are contained in one form, consisting of four parts:

### **Part 1**

The Application for Registration is to be accomplished by ALL applicants.

The Application for Certification is to be accomplished ONLY by applicants who are already registered as voters under Republic Act No. 8189, also known as "The Voter's Registration Act of 1996". (Those who registered before the June 1997 general registration of voters and those who registered before the December 1999 general registration of voters in the Autonomous Region in Muslim Mindanao [ARMM], except Cotabato City and Isabela City of Basilan, are not considered registered voters under RA No. 8189)

**Part 2** - The Application to Vote *in Absentia* is to be accomplished by ALL applicants.

Committee on Overseas Absentee Voting at the Central Office of the Commission on Elections, Intramuros, Manila (iii) and at the NAIA or POEA OAV Registration Centers.

## **PROCEDURE FOR FILING OF APPLICATION FOR REGISTRATION/ CERTIFICATION**

### **If the applicant is abroad during the period for the filing of applications:**

- a. Personally appear before the representative of the Commission on Election (COMELEC) at the Philippine Embassy, Consulate and other Foreign Service establishment having consular jurisdiction over the locality where you temporarily reside;
- b. Present your valid Philippine passport;
- c. Accomplish the prescribed application form; and
- d. Submit the accomplished application form with a photocopy of your passport.
- e. Have an actual capture of his/her biometrics

### **If the applicant is a seafarer:**

- a. Personally appear before the representative of the Commission on Election (COMELEC) at the Philippine Embassy, Consulate and other Foreign Service establishment having consular jurisdiction over the locality where your vessel is docked during the period for the filing of applications;
- b. Present your valid Philippine passport;
- c. Accomplish the prescribed form; and
- d. Submit the accomplished form together with (i) a photocopy of your passport and (ii) a photocopy of your Seaman's Book or any other document that will prove that you are a seafarer.
- e. Have an actual capture of his/her biometrics

**If the applicant is in the Philippines during the period for the filing of applications but will be abroad on the day of the election:**

- a. Personally appear before the Election Officer of the city/municipality/district where you are domiciled or at the NAIA or POEA OAV Registration Centers prior to your departure from the Philippines;
- b. Present your valid Philippine passport;
- c. Accomplish the prescribed application form; and
- d. Submit the accomplished form together with a photocopy of your passport.
- e. Have an actual capture of his/her biometrics

**If the applicant is a seafarer:**

- a. Personally appear at your option either (i) before the Election Officer of the city/municipality where you are domiciled prior to your departure from the Philippines or (ii) before the Committee on Overseas Absentee Voting at the Central Office of the Commission on Elections, Intramuros, Manila (iii) and at the NAIA or POEA OAV Registration Centers.
- b. Present your valid Philippine passport;
- c. Accomplish the prescribed application form; and
- d. Submit the accomplished form together with (i) a photocopy of your passport and (ii) a photocopy of your Seaman's Book or any other document that will prove that you are a seafarer.
- e. Have an actual capture of his/her biometrics

**OAV VOTING PERIOD**

For purposes of the May 10, 2010 National Elections, Overseas absentee voters may cast their votes from **10 April 2010 until 3:00 p.m. (Philippine Time) of 10 May 2010.**

## MODES OF VOTING

**Personal Voting (PV)** – Overseas absentee voters whose application to vote *in absentia* has been approved shall cast their ballots personally at anytime within the voting period. In the last 2007 Senatorial and Party-List Elections, PV was adopted in twenty-six (26) Foreign Service Posts namely:

Abu Dhabi PE	Dubai PCG	Manama PE	Shanghai PCG
POLO Al Khobar	Guangzhou PCG	Muscat PE	Tripoli PE
Amman PE	Hanoi PE	Nairobi PE	Vientiane PE
Athens PE	Hong Kong PCG	New Delhi PE	Xiamen PCG
Beijing PE	Jeddah PCG	Port Moresby PE	Yangon PE.
Beirut PE	Koror PCG	Riyadh PE	
Doha PE	Kuwait PE	Saipan PCG	
Abu Dhabi PE	Dubai PCG	Manama PE	

**Voting by Mail (VBM)** - Overseas absentee voters whose application to vote *in absentia* has been approved shall cast their ballots anytime within the voting period. In VBM, the electoral mails are sent by the Commission on Election from the OAV Mailing Center in Manila directly to the voters based on their addresses selected from the Certified List of Overseas Absentee Voters (CLOAV) database.

The voters will receive a mailing/packet envelope that contains the ballot and the envelopes to seal and send/deliver the ballot. It also contains the Certified List of Candidates and Instructions which provides the step-by-step procedures on how they would be able to cast their votes.

In the 2004 National Elections, VBM was adopted in three (3) countries (Japan, United Kingdom and Canada). After a series of consultation by COMELEC with the DFA and different Foreign Service Posts (FSPs), the legislators, members of the Joint Congressional Oversight Committee (JCOC) on the overseas absentee voting and those in the private sector involve in affairs or matters affecting the plight of overseas Filipinos, the COMELEC decided to expand the coverage of VBM (54 FSPs) as most of the voters do not live near the FSPs. The following FSPs were allowed by COMELEC to conduct VBM:

Agana PCG	Los Angeles PCG
Ankara PE	Manado PCG
Bangkok PE	Mexico PE
Berlin PE	New York PCG
Berne PE	Osaka PCG
Bonn E.O.	Ottawa PCG
Brasilia PE	Dili PE
Brunei PE	Havana PE
Brussels PE	Honolulu PCG
Bucharest PE	Islamabad PE

Buenos Aires PE  
Canberra PE  
Caracas PE  
Chicago PE  
Dhaka PE  
Dili PE  
Havana PE  
Honolulu PCG  
Islamabad PE  
Jakarta PE  
Kuala Lumpur PE

Jakarta PE  
Kuala Lumpur PE  
San Francisco PCG  
Santiago PE  
Singapore PE  
Sydney PE  
Tokyo PE  
Toronto PCG  
Vancouver PCG  
Washington D.C. PE  
Wellington PE

**Note:** Seafarers may vote at any Post adopting **Personal Voting (PV)**. Additionally, they could vote at the following Posts that adopts **Voting by Mail (VBM)**, were allocated corresponding blank electoral mails (with no addresses) so that they may vote in case their ships are docked in ports situated at the host countries:

Canberra PE	MECO Kaoshiung	San Francisco PCG	The Hague PE
Caracas PE	London PE	Seoul PE	Tokyo PE
Brunei PE	Los Angeles PCG	Singapore PE	Vancouver PCG
Brussels PE	Osaka PCG	Stockholm PE	Washington PE
Hamburg PCG	Ottawa PE	Sydney PCG	Wellington PE

**Modified Voting by Mail (MVBM)** - Overseas absentee voters whose application to vote *in absentia* has been approved shall cast their ballots anytime within the voting period. In MVBM, the electoral mails are sent by the Commission on Election from the OAV Mailing Center in Manila directly to the Foreign Service Posts. The FSPs in turn distributes the electoral mails to the voters. The following FSPs were allowed by COMELEC to conduct MVBM:

Geneva PM  
Holy See PE  
Milan PCG  
Phnom Penh PE  
Rome PE  
Seoul PE  
Tehran PE

A major step taken by COMELEC towards the modernization of elections was the pilot implementation of a secure **INTERNET VOTING (IV)** for Overseas Absentee Voting in Singapore last 20 July 2007. It was a non-binding test which used the names of dead heroes for Senatorial candidates and names of different Philippine Rock Bands for the Party-List Representatives with the basic objective of evaluating the advantages, usability, security and reliability of this mode of voting in order to assess its potential use in future elections in the Philippines or even overseas.

COMELEC declared the IV pilot test a success and submitted a report to the joint Oversight Committee of Congress for its consideration.

For more information on the Overseas Absentee Voting Act, please contact:

**Committee on Overseas Absentee Voting**

Commission on Elections

7/F Palacio del Gobernador Bldg.

General Luna St. Intramuros Manila, Philippines

Tel. No. (632) 5212952

Telefax No. (632) 5270836

**Overseas Absentee Voting Secretariat**

Department of Foreign Affairs

6<sup>th</sup> Floor, South Wing, Department of Foreign Affairs Building,

2330 Roxas Boulevard, Pasay City, Philippines

Tel. Nos. (632) 8344361, 8343275

Telefax No. (632) 8330914



Regarding my text earlier about OAV registration Monday, May 18, 2009 3:38 PM

Monday, May 18, 2009 3:40 PM

From: "Maria Althea Teves" <maria.althea@yahoo.com>

To: nestypadalhin2000@yahoo.co.uk, dfaoavs@yahoo.com.ph

OAV-requirementsandprocedure-registration101.doc (49KB)

Good afternoon Amb. Padalhin,

Attached is my research on the how-to's of OAV registration. Hopefully you could check the document and see if I missed anything out.

Thank you very much,

Maria Althea Teves  
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OAVS



If you are a qualified Filipino living abroad, at least 18 years old, then you can register as an overseas absentee voter (OAV) until August 31, 2009.

Go to your resident country's Philippine Consulate to register so you can vote on May 10, 2010 for the next set of public servants.

You may want to find out whether the Philippine Consulate General in your country will conduct field registration to areas where there are large concentrations of Filipinos willing to register and vote.

If you are going to register, you must personally appear before the representative of the Committee on Overseas Absentee Voting (COAV) over the locality where you are currently residing. If you are in the Philippines, just go to designated registration centers for OAV. If you are a seafarer, you need to file your application personally at any Post or at any designated registration centers in the Philippines.

**You are a qualified OAV if:**

- 1) You are a Filipino citizen abroad, at least 18 years old on the day of the elections, not otherwise disqualified by law
- 2) You have reacquired or retained your Philippine citizenship under R.A. 9225 and if you are a dual citizenship holder
- 3) You are an immigrant or a permanent resident who will execute an Affidavit of Intent to Return upon registration. This is if you did not apply for naturalization in their host countries.

Upon filing application for registration or certification as overseas absentee voters, dual citizens and immigrants must sign an Affidavit of Intent to Return.

**You will be disqualified from registering as an overseas absentee voter if:**

- 1) You have lost their citizenship in accordance with Philippine laws
- 2) You have clearly renounced their Philippine citizenship and pledged their allegiance to a foreign country
- 3) You are convicted of an offense punishable by imprisonment of not less than a year. Including: Disloyalty as defined under Article 137 of the Revised Penal Code, unless plenary pardon or amnesty is granted by the President.
  - a. You will be allowed to vote five years after the service of your sentence.
  - b. The COAV may also take cognizance of final judgments issued by foreign courts of tribunals regarding your case
- 4) You are an immigrant or permanent resident recognized in your host country.
  - a. You will be allowed to register as an OAV if you execute an affidavit that you will resume actual physical permanent resident in the Philippines not later than three years from the approval of your registration.
  - b. Your affidavit should also include that you have not applied for citizenship in another country
- 5) If you are a Philippine citizen abroad previously declared insane or incompetent by competent authorities.
  - a. You will be allowed to register when the said competent authorities will certify that you are no longer insane or incompetent.

**If you are qualified, this is how you apply as an OAV:**

- 1) If you are a Filipino citizen residing or working abroad:
  - a. Appear **in person** at the office of the Philippine Consulate General in your country of residence or at any site of field registration conducted by the Philippine Consulate General
  - b. Present documents needed:
    - i. A valid Philippine Passport

1. In the absence of a passport: bring an original copy and photocopy of your birth certificate from the Philippine National Statistics Office and your Permanent Resident Card (Green Card)
  2. If you do not have your birth certificate, bring an original copy of non-availability of birth certificate from the National Statistics Office or a certified true copy of your birth certificate issued by the Local Civil Registrar or your baptismal certificate or a certification from the Department of Foreign Affairs that you could not supply the said documents for valid reasons.
    - ii. An accomplished Overseas Absentee Voters Form No. 1 (OAVF No. 1) prescribed by the Commission on Elections (COMELEC)
  - c. Submit to a biometrics capture
- 2) If you are a dual citizenship holder:
- a. Appear **in person** at the office of the Philippine Consulate General in your country of residence or at any site of field registration conducted by the Philippine Consulate General
  - b. Present documents needed
    - i. The original copy of the Order of Approval of your application to retain or re-acquire your Filipino citizenship, or Oath of Allegiance issued by the Philippine Embassy, Consulate or Bureau of Immigration or Philippine Passport
    - ii. An accomplished OAVF No. 1 prescribed by COMELEC
  - c. Submit to a biometrics capture
- 3) If you are a seafarer
- a. **Appear personally** before the COAV representative at the Philippine Embassy or Consulate, or any other Foreign Service establishment that has consular or diplomatic jurisdiction over the place where your vessel is docked
  - b. Present documents needed:
    - i. Your Seaman's book, or any proof that you are seafarer if you do not have a Seaman's book
    - ii. Your Philippine passport
    - iii. Submit a completed OAVF No. 1 prescribed by COMELEC, with a photocopy of 3bi and 3bii

Reminder: in case the identity and qualification of the applicant is questionable, additional documents supporting the identity and qualification of the applicant may be required.

Once your eligibility is established, you must complete your registration form (OAVF No. 1) available at the Philippine embassy in the country where you reside. You can also download this form at the [COMELEC Website](#) or the [Department of Foreign Affairs Website](#).

If you have registered as an OAV in one country but already transferred residence to another, you need to accomplish the [OAVF No. 1B \(Letter-Request for Transfer of Record\)](#). By applying for transfer to your current country of residence, your registration records and voting venue will be changed. You can mail your letter on the address found on the heading of the letter.

If you have registered as an OAV in 2006, and have been allowed to vote in the May 2007 elections, you no longer need to re-register. You can check the Certified List of Overseas Absentee Voters (CLOAV) and National Registry of Overseas Absentee Voters most probably available at the *Philippine Embassy website* of the country of your residence.

If you registered in 2003 but did not or were not able to vote in the 2004 and 2007 elections, you need to re-register because you are deleted from the CLOAV.

For more information about OAV, click [here](#).

Sources:

[www.comelec.gov.ph](http://www.comelec.gov.ph)

[www.dfa.gov.ph](http://www.dfa.gov.ph)