

REPUBLIC OF THE PHILIPPINES

I. System of Government

1. The Philippines is republican state with a presidential form of government.
2. The head of state and chief executive is the President who is elected by a country-wide first-past-the-post vote for a single six year term without re-election. The Vice-President is similarly elected for a six year term, and is entitled to a single re-election.
3. Legislative power is vested in the Philippine Congress composed of two chambers: the Senate and the House of Representatives. The Senate is composed of 24 directly elected Senators, who have a six year term and may not serve for more than two consecutive terms. Twelve Senators are elected 'at large' every three years. The House of Representatives is composed of not more than 250 members the majority of whom are elected for legislative districts apportioned among the provinces and cities in accordance with the number of inhabitants. A maximum of 20 percent of the seats in the House of Representatives are reserved for party-list representatives (maximum of three per party) elected under a closed party list proportional representation system, with a 2 percent national vote threshold for participating in distribution of seats. The members of the House of Representatives are elected every three years. They may serve for a maximum of three consecutive terms.
4. Local elections are held every three years synchronized with the holding of national elections.
5. There were 43,894,688 registered voters as of the May 2004 general elections.

II. Electoral Legal Framework

6. Elections in the Philippines are governed by the Constitution, general and special laws passed by Congress, and the implementing rules and regulations promulgated by the Philippine Commission on Elections (Comelec), the independent election management body created by the Constitution.
7. The 1987 Philippine Constitution contains, amongst others, the fundamental provisions governing Philippine citizenship, suffrage rights, qualifications to vote, national elective positions including qualifications and terms of office, local government and the terms of local elective officials, and the creation of Comelec.
8. There are a number of Philippine laws governing elections. Significant electoral legislation includes the Omnibus Election Code (Law 881 of 1985), Synchronized National and Local Elections Act (Law 7166 of 1991), the Party List System Act (Law 7941 of 1995), the Continuing Registration Act (Law 8189 of 1996), the Election Modernization Act (Law 8436 of 1997), the Fair Elections Act (Law 9006 of 2001), and the Overseas Absentee Voting Act (Law 9189 of 2002). The Local Government Code (Law 7160 of 1991) is the main law governing elections for local government office.

III Electoral Management Body

9. Elections in the Philippines are organized, supervised and conducted by the constitutionally created Commission on Elections (Comelec). The Comelec is composed of seven presidential appointees confirmed by the Commission on Appointments. Each of the Commissioners has an individual term of office of seven years, and can be removed from office only by impeachment of Congress. The principal mandates of the Comelec include the enforcement and administration of all election laws, voter registration, registration of candidates and parties, preparation and printing of ballots, actual conduct of the elections, vote counting and adjudication of election cases. The Comelec has direct

supervision and control over Regional Election Directors, Provincial Election Supervisors and City and Municipal Election Officers who implement and administer election laws within their own jurisdictions.

10. Voter registration is the principal responsibility of the election officers and of the Election Registration Board (ERB). The registration of overseas absentee voters is done primarily through the Philippine embassies and consulates abroad.
11. Voters in the Philippines are assigned to a voting precinct of not more than 200 voters. For overseas absentee voting, a voting precinct is created for every 500 registered voters for manual elections or 4,000 registered voters for automated elections.

IV. The Right to Vote

12. The basic qualifications for voting are: (a) Filipino citizenship; (b) at least 18 years of age; and (c) residence in the Philippines for at least one year and residence in the place where the voter intends to vote for at least six months immediately preceding the election. Otherwise qualified overseas absentee voters are exempted from the residence requirement if their 'domicile' remains in the Philippines and they intend resuming residence in the Philippines within three years of registering as a voter.
13. The qualifications to vote are the same as to register as a voter, although a person who has not yet reached the required voting age or period of residence is allowed to register provided that he/she will have the required qualifications on the next election date.
14. Otherwise qualified persons are disqualified from registering to vote and voting:
 - a. during, and for five years after, serving a sentence of imprisonment of one year or more (unless granted amnesty or pardon), or having been convicted of any crime of disloyalty to the State or against national security (unless restored to full civil and political rights);
 - b. if declared insane or incompetent by a competent authority;
 - c. if their Filipino citizenship has been removed in accordance with Philippine law;
 - d. if they have renounced their Philippine citizenship and have currently pledged allegiance to another country, or if they are an immigrant or permanent resident in another country, unless eligible to vote under overseas absentee voting provisions.

V. System and Procedure of Voter Registration

15. In order to vote, a qualified Filipino is required to be a registered voter. Registration as a voter is not mandatory, and is self-initiated by the voter, although the government actively campaigns for voter registration. In 1996, the Philippines adopted a permanent voter register. To facilitate the transition from a periodic to a permanent voter register, in 1997 there was a country-wide general registration of voters and redrawing of precinct maps of voters.
16. Voter registration is required to be done in person—within the Philippines at a city or municipal Election Officer's office and overseas at the relevant Philippine mission for the voter's residence, or at a mobile registration office. Comelec also provides special facilities for those going overseas for employment to register before they leave the Philippines. Already registered voters who are overseas can apply for certification of their registration to qualify them for overseas absentee voting.

17. The Comelec determines the registration period. No registration of voters is allowed in the 120 days before a regular election or 90 days before a special election.
18. Failure to vote in two successive regular elections results in the deactivation of a registered voter's voter registration. Voters who register overseas must resume permanent physical residence in the Philippines within three years of being registered, or they are removed from the voter register and are permanently disqualified from voting by absentee ballot.
19. When a voter attends an Election Officer's office, the Election Officer first verifies that the voter resides within the territorial jurisdiction of the office and, if so, determines which precinct the voter is assigned to. The voter must then prove their identity, by providing an ID card bearing the voter's photo and signature—such as a driver's license or company ID. If the voter does not have such an identity card, his/her identity can be verified under oath by any registered voter of the same precinct or a close relative who is a registered voter in the same city/municipality.
20. Only when identity is verified is the voter given an application form, on which the voter enters his/her full name; gender; date and place of birth; citizenship; civil status, and if married, name of spouse; occupation; period of residence in the Philippines and in the place of registration; complete residential address; a statement that the applicant possesses the qualifications to register; a statement that the applicant is not a registered voter in any other precinct; and any other information required by Comelec.
21. The voter must complete the application form in triplicate, and provide three specimen signatures, clear left hand and right hand thumbprints, and four photographs (at Comelec expense). An illiterate or disabled voter may be assisted by a relative, the Election Officer, or other defined officials, to complete the application. If the Election Officer is satisfied the application has been correctly completed, the voter's biometric data is captured on the DCM, the official administers the oath, countersigns the application and issues a receipt to the voter.
22. The application is then considered by Election Registration Board (ERB), which at the same time considers written challenges to the application that may be lodged by any voter, registered political party representative or election observer.
23. In the case of voter registration abroad, the voter is required to attend the relevant Philippines mission for his/her residence and submit (a) a valid proof of identity; (b) a valid Philippine passport or a statement from the Department of Foreign Affairs that the applicant is entitled to a passport; (c) a voter registration form completed under oath, containing full name; status abroad; citizenship; birth date; place of birth; civil status; passport number, date and place of issue; last residence in the Philippines; place of residence abroad; telephone number and email address; mother's name, and place and date of birth; authorized representative in the Philippines; and statement of intention to return to the Philippines (for immigrants or permanent residents overseas). There are additional information requirements for seamen and dual citizens. After the completed application has been verified by mission officials as correctly completed, the voter's biometric data is captured by the DCM. After submitting the application form and completing the registration process, an acknowledgment receipt is issued to the voter as proof of his/her application for voter registration.
24. ERB hearings are held every three months to deal with all outstanding applications for and challenges to voter registration. Challenges must be lodged at least a week before the scheduled hearing. Notice of each hearing must be displayed at least a week in advance in the Election Officer's office and city/municipal bulletin boards, and provided to applicants, political parties and other accredited organizations. Applicants need only appear in person at the ERB if their registration application has been challenged. The ERB determines the application by majority vote and must display details of

the applicant and its decision at the Election Officer's office and on city/municipal bulletin boards, within five days of making its decision.

25. Appeals may be lodged to the relevant court against an ERB's decision. An applicant for registration must lodge an appeal against a decision to refuse to register at least 105 days before a regular election or 75 days before a special election. Similarly, an Election Officer, a registered voter or a political party must lodge a petition to exclude a voter from the register at least 100 days before a regular election or 70 days before a special election.
26. Applications for registration of overseas absentee voters are processed by the Resident Election Registration Board of the Committee on Overseas Absentee Voting of Comelec.

VI. Data Management and Storage

27. Completed voter registration applications for action by ERBs are filed each day in the Election Officer's office. A duplicate of each form and a daily statistical report are sent to the relevant Provincial or Regional Election Supervisor. CDs containing voters' biometric data are used until full, and at the end of each week are sent to the relevant Provincial or Regional Supervisor's office. Each week, Provincial and Regional Supervisors send consolidated statistical reports to Comelec head office, and each month they collate the CDs and send them to Comelec's IT Department for processing and archiving.
28. Every 15 days Philippine missions overseas submit completed applications and CDs containing biometric data to Comelec's Committee on Overseas Absentee Voting (COAV). COAV checks for duplicates, prepares summary reports and submits the applications for decision to its internal Resident Election Registration Board (RERB).
29. An approved application is renamed 'Voter's Registration Record', and is assigned a unique voter identification number. Originals are retained in the Election Officer's office, filed alphabetically by precinct in the Precinct Book of Voters. The second and third copies are retained, filed alphabetically by precinct, at the Provincial Supervisor's office and the national Comelec office respectively.

VII. Data Management Technology

30. In 2000, Comelec launched a modernization project that included digitally mapping voting precincts, validating the exact number of registered voters in each precinct, capturing demographic and biometric data (signature, photo and thumbprint) and embedding these in bar-coded tamper-proof identification cards. Comelec abruptly terminated the project in 2001 - stating it was unnecessary, too costly and too complex. In 2003, Comelec implemented a Voter Validation System for the 2004 elections, using data capturing machines (DCMs) in selected densely populated areas to capture biometric data for voters. Voters who had not validated their status could still vote at the 2004 elections. These machines were also used for the first overseas voter registration in 2003. Since 2005 they have been deployed in all cities and municipalities. An estimated 19 million voters (out of 43.89 million registered voters) had been validated as of June 2006.
31. Voter registration data are kept in document files and computer databases. Voters' biometric data are stored on CDs and are used by the IT Department of the Comelec for voter verification and cleansing of the voters' list by visual inspection and comparison of the photographs, fingerprints and signatures and by using Integrated Fingerprint Identification System (IFIS) technology. The relevant information contained in the Voter's Registration Record is digitally encoded in the office of the city or municipal Election Officer and is used to generate a computerized voters' list for each city or

municipality, split by precincts. Hard and diskette copies of the voters' list are submitted by the municipal and city Election Officers to the Comelec head office in Manila.

VIII. Types of Voters' List Generated

32. A Permanent List of Voters is maintained at the precinct level. Comelec prepares a National List of Registered Voters (NLRV) from the computerized lists submitted by Election Officers. The names of voters who were deactivated from the NLRV are kept in a separate list called the National List of Deactivated Voters (NLDV).
33. Names of voters that may vote in an election are contained in the Certified List of Voters compiled by city or municipality and split by precinct, which is prepared by each ERB 90 days before a regular election and 60 days before a special election. The ERB also prepares a Certified List of Deactivated Voters, containing the names of voters whose names were removed from the permanent list of voters.
34. Comelec also maintains a separate National Registry of Overseas Absentee Voters (NROAV), which is a consolidated list of registered overseas absentee voters classified by overseas mission. Registered overseas absentee voters are also recorded in the Registry of Overseas Absentee Voters (ROAV) of the city or municipality where the voter is domiciled, and their entries on the computerized list of voters for this city or municipality are annotated to show their overseas absentee voter status.
35. The names of registered overseas absentee voters who may vote in an election are contained in the Certified List of Overseas Absentee Voters (CLOAV), which is prepared by Comelec 120 days before the election.

IX. Proof of Registration

36. An acknowledgment receipt is issued to the voter as proof of his/her application for voter registration. Voters whose registrations are approved are given a permanent Voter Identification Card that contains their full name, picture, address, signature, precinct number and voter identification number. If the application for registration is rejected, the applicant is given a certificate which states the grounds for denial of the application.
37. The law requires that approved overseas absentee voters be issued with a certificate of registration. However, Comelec did not do this for the initial implementation of overseas absentee voting in 2004.

X. Maintenance of Voters List

38. A voter can apply to the Election Officer to have errors or omissions in the Precinct Book of Voters rectified and can file a petition with the Election Officer to note an official change of name. When a registered voter transfers residence to outside the current district he/she may apply to the Election Officer for his/her new residence for the transfer of his/her registration record. All the above applications are heard by the ERB, under conditions similar to those for new registrations, and with similar provisions for appeal against the ERB's decision. The ERB notifies the Election Officer of the former residence, and if the transfer request is approved, the Election Officer shall transmit the voter's registration record to the Election Officer of the voter's new place of residence. The voter is also required to inform in writing the Election Officer of his/her change of residence within the same city or municipality. If the change of address involves the transfer of precinct, the ERB shall order the transfer of the voter's registration record to the precinct book of voters of his/her new

- precinct. The city or municipal Election Officer is required to report to the Provincial Election Supervisor and to the Comelec in Manila all changes in voters' addresses.
39. Local Civil Registrars are required to submit a certified list of deceased persons to the relevant Election Officer each month, and the ERB then cancels their registration records. The Election Officer must provide a copy of the list of deceased persons whose registration has been cancelled to political parties, and provincial and regional offices of Comelec.
 40. The ERB is also required to deactivate the registration, and to remove the registration records, of persons who no longer meet the qualifications to be a registered voter, as described at Sections IV and V above. Courts and government agencies are required to submit a certified list of these persons to the relevant Election Officer each month. The Election Officer is required to display in his office, and on the bulletin board of the city/municipality, the certified list of persons whose registrations have been deactivated. A copy is sent to the relevant voter, political parties and to the provincial and central Comelec offices.
 41. When the grounds for deactivation of registration no longer exist, the relevant voter may file an application for reactivation of registration before the Election Officer. This will be considered by the ERB under its usual procedures.

XI. Quality Assurance Mechanisms

42. Voter registration quality assurance mechanisms instituted by Comelec include checks within its processing systems, transparency in compiling and maintaining voters lists, and proactive Comelec activities to verify the accuracy of the voters list. These measures include the following:
 - a. face-to-face verification by the Election Officer from the registrant that the information contained in his/her application for voter registration are true and correct;
 - b. the use of biometric technology in capturing and storing the photograph, signature and thumbprints of the registered voter to prevent multiple registration using the Integrated Fingerprint Identification System (IFIS) technology;
 - c. the assignment of a unique voting identification numbers (composed of 16 alphanumeric digits) to each registered voter assists in the identification of the voter's permanent address, voter precinct assignment, birth date and name code;
 - d. the voter identification card issued to each registered voter;
 - e. transparency mechanisms in the voter registration process provide public access to registration records and opportunities to verify, amend and challenge existing voter registration records;
 - f. to restrict opportunities for fraudulent registration, the Precinct Book of Voters is sealed, after inspection and verification by the Board of Election Inspectors and representatives of political parties, at the start of the campaign period for each election; and
 - g. the Comelec may annul a Precinct Book of Voters after considering complaints of fraud, forgery, bribery, impersonation or intimidation in its preparation or of statistically improbable data, lodged by a voter, election officer or political party.

XII. Transparency and Accessibility to the Public

43. As well as the public display of applications to ERBs and decisions of ERBs, the permanent list of voters at the precinct level (containing the names, address and precinct number of the voters), and accountable election forms, may be inspected and copied, at their own expense, by representatives of political parties and election candidates. These records are accessible to the public at the office of the city or municipal Election Officer during regular office hours. Personal data of the voter contained in the Voter's Registration Record are not accessible to the public and may be accessed only upon lawful order of the courts.
44. The names of newly registered overseas absentee voters are displayed on the Comelec website. The certified list of voters is posted in the office of the municipal or city Election Officer and in the bulletin board of each city/municipal hall 90 days before a regular election and 60 days before a special election.

XIII. Voter Education

44. Voter education is a legally mandated function of the Comelec. However, it remains one of the weakest areas in the operations of the Comelec. Programs that the Comelec has implemented to inform local voters about voter registration are limited to announcements through the media about the start and end of the registration period in-between elections, the publication and distribution of pamphlets on voter registration, and postings on the Comelec website.
45. For the first implementation of overseas voting in the May 2004 general elections, the Comelec and the Department of Foreign Affairs (DFA) published notices in newspapers in countries with significant Filipino populations, conducted potential voters by mail, and some door to door visits and telephone calls, and distributed information materials. Around 38 percent of the estimated total of 975,000 qualified overseas absentee voters registered to vote.

XIV. Voter Registration Cost

46. In 2003, a pre-election year, the Comelec's approved budget for the upgrading of the voters' database project was P125 million (US\$2.4 million at the prevailing exchange rate). This amount is in addition to the appropriation of P32.5 million (US\$625,000) for the regular maintenance and updating of the voter registration database and for the preparation of precinct maps and voting centers. Overall the total budget allocated to voter registration was equivalent to 7.7 percent of the 2003 Comelec budget of P2, 043,840,000 (US\$39.3 million). These 2003 budgets were maintained for 2004.
47. In 2004, the over-all cost for registering overseas absentee voters was P1, 061.89 (US\$20.42) per voter. This cost was split between the Department of Foreign Affairs (15 percent) and the Comelec (85 percent).
48. The 2005 approved budget of the Comelec for the maintenance and updating of the voter registration database and the preparation of precinct maps and voting centers was P19,739,000 (US\$380,000) or 1.5 percent of the Comelec's 2005 budget of P1.3 billion (US\$25 million).

XV. Performance Standards

49. The Comelec has no published performance standards as far as voter registration is concerned that is available for review. However, as of April 2005, the Comelec has deployed one data capturing

machine for each city and municipality to be used for the capture of the biometric information of newly registered voters. The Comelec will also continue with the verification of the existing voter registration database. As of June 2006, an estimated 19 million registered voters has already been verified by the Comelec out of 43.89 million registered voters.

XVI. Performance of Voter Registration System

50. The performance of the Philippines' voter registration system has been assessed by IFES experts in their report on the May 2004 elections. The following points summarize the comments in this report on the implementation of automating and centralizing the voters lists:
 - a. the complex programs of validating voter lists through collection of biometric data, producing a centralized voters list, issuing voter identification cards, and simultaneously renumbering precincts, were poorly designed and implemented;
 - b. The Comelec was unable to validate gather and merge the numerous data sets required to form a centralized list. Data for many voters remained invalidated on decentralized lists, so the Comelec failed to produce the centralized voters list required for the registration claims and appeals period. This resulted in the denial of voters' rights to claims and appeals, and lack of information to voters on where they were to vote;
 - c. centralizing the voters registry failed in its aim of identification of duplicate entries, as the validation process did not cover all areas, it was not mandatory for voters to validate their data, Comelec systems were insufficient to identify duplicates, and the Comelec did not have the legal authority to remove duplicates it found;
 - d. the electoral legal framework does not provide the Comelec with the necessary authority to remove voters from the voters list or provide a swift and simple process for voters to appeal against removal;
 - e. the Comelec was unable to produce accurate voters lists centrally and the lists that were then produced from the old decentralized system contained out-of-date data, were deeply flawed, and caused confusion on voting day.
51. IFES also noted that centralizing the voters lists and issuing mandatory biometric data-based voter identification cards was a preferable future option to reverting to decentralized voter lists. However IFES cautioned that the Comelec lacked the capacity, and may not be allocated sufficient resources, to implement this task effectively.
52. The Comelec had more success in registering overseas absentee voters for the May 2004 election. This was the first time this service was available to Filipinos overseas, and the Comelec was able to compile a computerized centralized National Registry of Overseas Absentee Voters, using DCMs to capture biometric data in all registration centers abroad. Nevertheless, 2,597 applications for registration were unaccounted for, 14,738 entries in the Certified List of Overseas Absentee Voters were inaccurate, and many overseas voters' IDs contained wrong information.