



HOUSE OF REPRESENTATIVES

H. No. 5352

BY REPRESENTATIVES LAPUS, PICHAY, ROSALES, AGUJA, HONTIVEROS-BARAQUEL, AGARAO, SALAPUDDIN, LOCSIN, COJUANGCO (M.), REYES (E.), VIOLAGO, DEFENSOR (M.), ABAD, CODILLA, BARINAGA, CAGAS, MACIAS, BATERINA, ESPINOSA (E.T.), VILLAFUERTE, DATUMANONG, DIMAPORO, DOMOGAN, ZIALCITA, JARULA, VICENCIO, MACARAMBON, FUA, JALA, VALDEZ, HIZON, JAWORSKI, ABUBAKAR, ABALOS, ANGARA, ASISTIO, NOEL, DILANGALEN, MAZA, MARIANO, GOLEZ, OCAMPO, KINTANAR, PUENTEVELLA, UMALI (A.M.), BIAZON, BAUTISTA, ABAYON, GULLAS, MITRA, YAPHA, SOON-RUIZ, CHATTO, CUENCO, CAJES, BADELLES, ZUBIRI, ESPINO, DADIVAS, MANDANAS, BARBERS, ARROYO (I.), MACAPAGAL ARROYO, CASTELO DAZA, VILLAR, CLARETE, CERILLES, IPONG, ESTRELLA, COJUANGCO (C.), VELARDE, PABLO, TOMAWIS, BACULIO, ZAMORA (M.), ALVAREZ (A.), MARCOLETA, SANTIAGO, PONCE ENRILE, CHIPECO, GUINGONA, CASIÑO, CUA (G.), UMALI (A.V.), UY (R.), FIGUEROA, DEL MAR, DEFENSOR (A.) AND VILLAROSA, PER COMMITTEE REPORT NO. 1604

AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8436, ENTITLED "AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN AUTOMATED ELECTION SYSTEM IN THE MAY 11, 1998 NATIONAL OR LOCAL ELECTIONS AND IN SUBSEQUENT NATIONAL AND LOCAL ELECTORAL EXERCISES, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES"

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

1 SECTION 1. Section 1 of Republic Act No. 8436 is hereby amended to
2 read as follows:

3 "SECTION 1. *Declaration of Policy.* – It is the policy of
4 the State to ensure free, orderly, honest, peaceful and credible
5 elections[,] THROUGH THE USE OF APPROPRIATE AND
6 AVAILABLE TECHNOLOGY IN VOTING, COUNTING AND
7 CANVASSING, AND THE ELECTRONIC TRANSMISSION OF
8 RESULTS, IN A MANNER THAT WILL PRESERVE AND PROTECT
9 THE [and assure the] secrecy and sanctity of the ballot AS WELL
10 AS ENSURE THAT [in order that] the results of elections,
11 plebiscites, referenda, and other electoral exercises shall be
12 [fast,] TRULY accurate and reflective of the genuine will of the
13 people AND SHALL BE KNOWN IN THE SHORTEST TIME
14 POSSIBLE."

15 SEC. 2. Section 2 of Republic Act No. 8436 is hereby amended to read
16 as follows:

17 "SEC. 2. *Definition of Terms.* – As used in this Act, the
18 following terms shall mean:

19 1. *Automated election system* – HEREINAFTER
20 REFERRED TO AS THE SYSTEM, IS a system [using] THAT
21 EMPLOYS appropriate technology for voting, COUNTING,
22 CONSOLIDATING/CANVASSING AND TRANSMISSION OF
23 ELECTION RESULTS USING A COMBINATION OF MECHANICAL,
24 ELECTROMECHANICAL OR [and] electronic [devices to count
25 votes and canvass/consolidate results;] EQUIPMENT. IT
26 INCLUDES THE SOFTWARE REQUIRED TO PROGRAM, CONTROL
27 AND SUPPORT THE EQUIPMENT OR DEVICE THAT IS USED TO

1 **DEFINE BALLOTS; TO CAST AND COUNT VOTES; TO**
2 **CONSOLIDATE/CANVASS THE ELECTION RETURNS; TO REPORT,**
3 **DISPLAY AND/OR TRANSMIT RESULTS AND TO MAINTAIN AND**
4 **PRODUCE ALL AUDIT TRAIL INFORMATION;**

5 2. *Counting machine* – a machine that uses an optical
6 scanning/mark-sense reading device or any similar advanced
7 technology to count ballots;

8 3. *Data storage device* – a device used to electronically
9 store counting and canvassing results, such as a memory pack or
10 diskette;

11 4. *Computer set* – a set of equipment containing regular
12 components, i.e., monitor, central processing unit or CPU,
13 keyboard and printer;

14 5. *National Ballot* – refers to the ballot to be used in the
15 automated election system for the purpose of the May 11, 1998
16 elections. This shall contain the names of the candidates for
17 president, vice-president, senators and parties, organizations or
18 coalitions participating under the party-list system. This ballot
19 shall be counted by the counting machine;

20 6. *Local Ballot* – refers to the ballot on which the voter
21 will manually write the names of the candidates of his/her choice
22 for member of the House of Representatives, governor, vice-
23 governor, members of the provincial board, mayor, vice-mayor,
24 and members of the city/municipal council. For the purpose of
25 the May 11, 1998 elections, this ballot will be counted manually;

26 7. *Board of Election Inspectors* – there shall be a Board
27 of Election Inspectors in every precinct composed of three

1 regular members who shall conduct the voting, counting and
2 recording of votes in the polling place.

3 For the purpose of the May 11, 1998 elections, there shall
4 be special members composed of a fourth member in each
5 precinct and a COMELEC representative who is authorized to
6 operate the counting machine. Both shall conduct the counting
7 and recording of votes of the national ballots in the designated
8 counting centers;

9 **8. PAPER-BASED ELECTION SYSTEM -- A TYPE OF**
10 **AUTOMATED ELECTION SYSTEM THAT USES PAPER BALLOTS,**
11 **RECORDS AND COUNTS VOTES, TABULATES, CONSOLIDATES/**
12 **CANVASSES AND TRANSMITS ELECTRONICALLY THE RESULTS**
13 **OF THE VOTE COUNT;**

14 **9. DIRECT RECORDING ELECTRONIC ELECTION SYSTEM**
15 **-- A TYPE OF AUTOMATED ELECTION SYSTEM THAT USES**
16 **ELECTRONIC BALLOTS, RECORDS VOTES BY MEANS OF A**
17 **BALLOT DISPLAY PROVIDED WITH MECHANICAL OR ELECTRO-**
18 **OPTICAL COMPONENTS THAT CAN BE ACTIVATED BY THE**
19 **VOTER; PROCESSES DATA BY MEANS OF COMPUTER PROGRAM;**
20 **RECORDS VOTING DATA AND BALLOT IMAGES; AND TRANSMITS**
21 **VOTING RESULTS ELECTRONICALLY;**

22 **10. PRECINCT COUNT ELECTION SYSTEM -- A SYSTEM**
23 **THAT COUNTS AT THE POLLING PLACES VOTES CAST USING**
24 **EITHER PAPER-BASED OR ELECTRONIC BALLOTS, PRINTS THE**
25 **RESULTS AFTER THE CLOSE OF VOTING, STORES AND**
26 **TRANSMITS THE RESULTS ELECTRONICALLY AND PRODUCES**
27 **PRINTED REPORTS THEREOF;**

28 **11. COUNTING CENTER ELECTION SYSTEM -- A SYSTEM**
29 **THAT COUNTS AT A CENTRAL LOCATION VOTES FROM**
30 **MULTIPLE PRECINCTS, STORES AND TRANSMITS THE RESULTS**

1 ELECTRONICALLY AND PRODUCES PRINTED REPORTS
2 THEREOF;

3 12. *ELECTRONIC TRANSMISSION* -- A MEANS OF
4 TRANSFERRING VOTING RESULTS FROM ONE STATION TO
5 ANOTHER USING TELEPHONE LINES, SATELLITE OR ANY OTHER
6 SIMILAR OR APPROPRIATE COMMUNICATION TECHNOLOGY;

7 13. *STATION* -- REFERS TO A POLLING PLACE,
8 COUNTING CENTER, MUNICIPAL OR PROVINCIAL CANVASSING
9 CENTER;

10 14. *OFFICIAL BALLOT* -- REFERS TO THE BALLOT TO BE
11 USED IN THE AUTOMATED ELECTION SYSTEM, WHETHER ON
12 PAPER OR IN ELECTRONIC FORM, WHICH SHALL EMBODY
13 ADEQUATE SECURITY FEATURES THAT PREVENT THEIR
14 DUPLICATION, ALTERATION AND FORGERY. THIS SHALL
15 INDICATE THE NAMES OF, OR SYMBOLS REPRESENTING, THE
16 CANDIDATES FOR ALL POSITIONS, WHICH MAY INCLUDE
17 PARTIES, ORGANIZATIONS OR COALITIONS PARTICIPATING
18 UNDER THE PARTY-LIST SYSTEM, TO BE VOTED FOR IN A
19 PARTICULAR ELECTION OR THE QUESTION OR QUESTIONS
20 SUBJECT OF A PLEBISCITE OR REFERENDUM;

21 [8.] 15. *Election returns* -- a [machine-generated]
22 document IN ELECTRONIC AND PRINTED FORM DIRECTLY
23 PRODUCED BY THE COUNTING OR VOTING MACHINE, showing
24 the date of the election, the province, municipality and the
25 precinct in which it is held and the votes in figures for each
26 candidate in a precinct [directly produced by the counting
27 machine];

1 [9.] 16. *Statement of votes* – a machine-generated
2 document containing the votes obtained by candidates in each
3 precinct in a city/municipality;

4 [10.] 17. *City/municipal/district/provincial certificate*
5 *of canvass [of votes]* – a [machine-generated] document IN
6 **ELECTRONIC AND PRINTED FORM** containing the total votes in
7 figures obtained by each candidate in a city/municipality/district/
8 province as the case may be[; and]. **THE ELECTRONIC**
9 **CERTIFICATE OF CANVASS SHALL BE THE OFFICIAL CANVASS**
10 **RESULTS IN EACH OF THE ABOVE-LISTED JURISDICTIONS; AND**

11 [11.] 18. *Counting center* – a public place designated
12 by the Commission where counting of votes and
13 canvassing/consolidation of results shall be conducted.”

14 SEC. 3. Section 6 of Republic Act No. 8436 is hereby amended to read
15 as follows:

16 “SEC. 6. *Authority to Use an Automated Election System.*
17 – To carry out the above-stated policy, the Commission on
18 Elections, herein referred to as the Commission, is hereby
19 authorized to use an automated election system, **WHETHER**
20 **PAPER-BASED OR ONE THAT DIRECTLY RECORDS VOTING**
21 **DATA, AS IT MAY DEEM APPROPRIATE AND PRACTICAL**
22 [herein referred to as the System,] for the process of voting,
23 counting of votes and canvassing/consolidation AND
24 **TRANSMITTAL** of results of **ELECTORAL EXERCISES:**
25 **PROVIDED, THAT FOR THE REGULAR [the] national and local**
26 **elections[:], WHICH SHALL BE HELD IMMEDIATELY AFTER THE**
27 **PASSAGE OF THIS ACT, THE AUTOMATED ELECTION SYSTEM**

1 SHALL BE USED IN THE NATIONAL CAPITAL REGION, THE
2 AUTONOMOUS REGION IN MUSLIM MINDANAO (ARMM) AND
3 IN AT MOST THREE (3) OTHER REGIONS AS DETERMINED BY
4 *THE COMMISSION: PROVIDED, FURTHER, THAT FOR THE NEXT*
5 *REGULAR NATIONAL OR LOCAL ELECTIONS, FULL*
6 *AUTOMATION OF THE ELECTION SHALL BE IMPLEMENTED*
7 *NATIONWIDE: [Provided, however, That for the May 11, 1998*
8 *elections, the System shall be applicable in all areas within the*
9 *country only for the positions of president, vice-president,*
10 *senators and parties, organizations or coalitions participating*
11 *under the party-list system.] PROVIDED, FINALLY, THAT IF,*
12 *WITH REFERENCE TO THE 2007 NATIONAL AND LOCAL*
13 *ELECTIONS, IT BECOMES EVIDENT SIX (6) MONTHS BEFORE*
14 *SUCH ELECTIONS THAT THE ABOVEMENTIONED PILOTING OF*
15 *THE AUTOMATED ELECTION SYSTEM CANNOT BE*
16 *IMPLEMENTED, THE SAID ELECTIONS MAY BE DONE*
17 *MANUALLY IN THE AFFECTED REGIONS.*

18 "To achieve the purpose of this Act, the Commission is
19 authorized to procure, by purchase, lease or [otherwise any]
20 OTHER FORMS OF PROCUREMENT, supplies, equipment,
21 materials, SOFTWARE, PROGRAMS and services needed for the
22 holding of the elections by an expedited process of public
23 bidding IN ACCORDANCE WITH EXISTING LAWS: [of vendors,
24 suppliers or lessors:] *Provided, That the accredited political*
25 *parties are duly notified of and allowed to observe but not to*
26 *participate in the bidding. [If, inspite of its diligent efforts to*
27 *implement this mandate in the exercise of this authority, it*
28 *becomes evident by February 9, 1998 that the Commission*

1 cannot fully implement the automated election system for
2 national positions in the May 11, 1998 elections, the elections for
3 both national and local positions shall be done manually except
4 in the Autonomous Region in Muslim Mindanao (ARMM) where
5 the automated election system shall be used for all positions.]”

6 SEC. 4. Section 7 of Republic Act No. 8436 is hereby amended to read
7 as follows:

8 “SEC. 7. *MINIMUM SYSTEM CAPABILITIES.* [*Features of*
9 *the System.* – The System shall utilize appropriate technology for
10 voting, and electronic devices for counting of votes and
11 canvassing of results. For this purpose, the Commission shall
12 acquire automated counting machines, computer equipment,
13 devices and materials and adopt new forms and printing
14 materials.

15 “The System shall contain the following features: (a) use
16 of appropriate ballots, (b) stand-alone machine which can count
17 votes and an automated system which can consolidate the results
18 immediately, (c) with provisions for audit trails, (d) minimum
19 human intervention, and (e) adequate safeguard/security
20 measures.

21 “In addition, the System shall as far as practicable have
22 the following features:

23 1. It must be user-friendly and need not require
24 computer-literate operators;

25 2. The machine security must be built-in and multi-layer
26 existent on hardware and software with minimum human
27 intervention using latest technology like encrypted coding
28 system;

1 3. The security key control must be embedded inside the
2 machine sealed against human intervention;

3 4. The Optical Mark Reader (OMR) must have a built-in
4 printer for numbering the counted ballots and also for printing
5 the individual precinct number on the counted ballots;

6 5. The ballot paper for the OMR counting machine must
7 be of the quality that passed the international standard like ISO-
8 1831, JIS-X-9004 or its equivalent for optical character
9 recognition;

10 6. The ballot feeder must be automatic;

11 7. The machine must be able to count from 100 to 150
12 ballots per minute;

13 8. The counting machine must be able to detect fake or
14 counterfeit ballots and must have a fake ballot rejector;

15 9. The counting machine must be able to detect and
16 reject previously counted ballots to prevent duplication;

17 10. The counting machine must have the capability to
18 recognize the ballot's individual precinct and city or municipality
19 before counting or consolidating the votes;

20 11. The System must have a printer that has the capacity
21 to print in one stroke or operation seven (7) copies (original plus
22 six (6) copies) of the consolidated reports on carbonless paper;

23 12. The printer must have at least 128 kilobytes of
24 Random Access Memory (RAM) to facilitate the expeditious
25 processing of the printing of the consolidated reports;

26 13. The machine must have a built-in floppy disk drive in
27 order to save the processed data on a diskette;

1 14. The machine must also have a built-in hard disk to
2 store the counted and consolidated data for future printout and
3 verification;

4 15. The machine must be temperature-resistant and rust-
5 proof;

6 16. The optical lens of the OMR must have a self-
7 cleaning device;

8 17. The machine must not be capable of being connected
9 to external computer peripherals for the process of vote
10 consolidation;

11 18. The machine must have an Uninterrupted Power
12 Supply (UPS);

13 19. The machine must be accompanied with operating
14 manuals that will guide the personnel of the Commission the
15 proper use and maintenance of the machine;

16 20. It must be so designed and built that add-ons may
17 immediately be incorporated into the System at minimum
18 expense;

19 21. It must provide the shortest time needed to complete
20 the counting of votes and canvassing of the results of the
21 election;

22 22. The machine must be able to generate consolidated
23 reports like the election return, statement of votes and certificate
24 of canvass at different levels; and

25 23. The accuracy of the count must be guaranteed, the
26 margin of error must be disclosed and backed by warranty under
27 such terms and conditions as may be determined by the
28 Commission.]

1 **“THE AUTOMATED ELECTION SYSTEM MUST AT LEAST**
2 **HAVE THE FOLLOWING FUNCTIONAL CAPABILITIES: (A)**
3 **ADEQUATE SECURITY AGAINST UNAUTHORIZED ACCESS; (B)**
4 **ACCURACY IN RECORDING AND READING OF VOTES AS WELL**
5 **AS IN THE TABULATION, CONSOLIDATION/CANVASSING AND**
6 **TRANSMISSION OF RESULTS; (C) ERROR RECOVERY IN CASE OF**
7 **NON-CATASTROPHIC FAILURE OF DEVICE; (D) SYSTEM**
8 **INTEGRITY WHICH ENSURES PHYSICAL STABILITY AND**
9 **FUNCTIONING OF THE VOTE RECORDING AND COUNTING**
10 **PROCESS; (E) PROVISION FOR VOTER VERIFIED PAPER AUDIT**
11 **TRAIL; (F) SYSTEM AUDITABILITY WHICH PROVIDES**
12 **SUPPORTING DOCUMENTATION FOR VERIFYING THE**
13 **CORRECTNESS OF REPORTED ELECTION RESULTS; (G) AN**
14 **ELECTION MANAGEMENT SYSTEM FOR PREPARING BALLOTS**
15 **AND PROGRAMS FOR USE IN THE CASTING AND COUNTING OF**
16 **VOTES AND TO CONSOLIDATE, REPORT AND DISPLAY ELECTION**
17 **RESULTS IN THE SHORTEST TIME POSSIBLE; (H) ACCESSIBILITY**
18 **TO ILLITERATES AND DIFFERENTLY-ABLED VOTERS; (I) VOTE**
19 **TABULATING PROGRAM FOR ELECTION, REFERENDUM OR**
20 **PLEBISCITE; (J) ACCURATE BALLOT COUNTERS; AND (K) DATA**
21 **RETENTION PROVISION.**

22 **“In the procurement of this system, the Commission shall**
23 **DEVELOP AND adopt an EVALUATION [equitable] system of**
24 **deductions or demerits for deviations or deficiencies in meeting**
25 **all the above stated features and standards.**

26 **“THIS EVALUATION SYSTEM SHALL BE DEVELOPED**
27 **WITH THE ASSISTANCE OF AN ADVISORY COUNCIL, CREATED**
28 **BY THE COMMISSION, WITH THE FOLLOWING MEMBERSHIP:**

1 **1. ONE MEMBER REPRESENTING THE DEPARTMENT OF**
2 **SCIENCE AND TECHNOLOGY (DOST);**

3 **2. ONE MEMBER REPRESENTING THE UNIVERSITY OF**
4 **THE PHILIPPINES;**

5 **3. ONE MEMBER REPRESENTING THE COMMISSION ON**
6 **INFORMATION AND COMMUNICATIONS TECHNOLOGY (CICT);**

7 **4. ONE MEMBER REPRESENTING THE INFORMATION**
8 **TECHNOLOGY FOUNDATION OF THE PHILIPPINES (ITFP);**

9 **5. ONE MEMBER REPRESENTING THE PRIVATE SECTOR,**
10 **RECOMMENDED BY THE PHILIPPINE COMPUTER SOCIETY**
11 **(PCS);**

12 **6. THE CHAIRMAN OF THE HOUSE COMMITTEE ON**
13 **SUFFRAGE AND ELECTORAL REFORMS; AND**

14 **7. THE CHAIRMAN OF THE SENATE COMMITTEE ON**
15 **SUFFRAGE AND ELECTORAL REFORMS.**

16 **“[For this purpose, the Commission shall create an**
17 **Advisory Council to be composed of technical experts from the**
18 **Department of Science and Technology (DOST), the Information**
19 **Technology Foundation of the Philippines (ITFP), the University**
20 **of the Philippines (UP), and two (2) representatives from the**
21 **private sector recommended by the Philippine Computer Society**
22 **(PCS).] THE MEMBERS OF THE ADVISORY COUNCIL MUST BE**
23 **CONVENED BY THE COMMISSION THIRTY (30) DAYS PRIOR TO**
24 **ANY SUCH ACTIVITY PERTAINING TO THEIR FUNCTIONS AND**
25 **RESPONSIBILITIES AS MEMBERS THEREOF. The Council may**
26 **avail itself of the expertise and services of resource persons of**
27 **known competence and probity.**

1 "ADDITIONAL RESPONSIBILITIES OF THE ADVISORY
2 COUNCIL;

3 (A) THE EXPERTISE OF THE ADVISORY COUNCIL SHALL
4 BE AVAILED FROM THE PRE-BIDDING ACTIVITIES SUCH AS, BUT
5 NOT LIMITED TO, RECOMMENDING CONDITIONS ON THE
6 TERMS OF REFERENCE PRIOR TO THE INVITATION TO BID, UP
7 TO THE SELECTION AND THE IMPLEMENTATION OF THE
8 TARGET SYSTEM.

9 (B) A POST SYSTEM IMPLEMENTATION REVIEW SHALL
10 BE CONSTITUTED BY THE ADVISORY COUNCIL IN ASSESSMENT
11 OF THE PERFORMANCE OF THE AUTOMATED VOTING,
12 COUNTING AND CANVASSING, TRANSMITTING FUNCTIONS DONE
13 BY THE MECHANICAL AND/OR THE MANUAL PROCEDURE IN
14 CONJUNCTION WITH FUNCTIONS EXECUTED BY DEPUTIZED
15 ELECTION PERSONNEL. A REPORT ON THEIR FINDINGS AND
16 ANALYSES INCLUDING RECOMMENDATIONS FOR
17 IMPROVEMENT SHALL BE SUBMITTED TO THE COMMISSION EN
18 BANC FOR THEIR EVALUATION AND APPROPRIATE ACTION.

19 (C) THE ADVISORY COUNCIL SHALL BE ENTITLED TO A
20 JUST AND REASONABLE AMOUNT OF *PER DIEM* ALLOWANCES
21 AND/OR HONORARIA TO COVER THE EXPENSES OF THE
22 SERVICES RENDERED CHARGEABLE AGAINST THE BUDGET OF
23 THE COMMISSION.

24 "ANY MEMBER OF THE ADVISORY COUNCIL IS
25 PROHIBITED FROM ENGAGING, DIRECTLY OR INDIRECTLY,
26 WITH ANY ENTITY THAT ADVOCATES, MARKETS, IMPORTS,
27 PRODUCES OR ANY SUCH ACTIVITY SOFTWARE, HARDWARE OR
28 ANY EQUIPMENT THAT MAY BE USED FOR ELECTION PURPOSES
29 FOR PERSONAL GAIN. VIOLATION OF THIS PROVISION SHALL
30 DISQUALIFY SAID MEMBER FROM THE ADVISORY COUNCIL

1. **AND WILL BE PENALIZED IN ACCORDANCE WITH THE ANTI-**
2. **GRAFT AND CORRUPT PRACTICES ACT AND OTHER RELATED**
3. **LAWS.**

4. “The Commission in collaboration with the DOST shall
5. establish an independent Technical Ad Hoc Evaluation
6. Committee, herein known as the Committee, composed of a
7. representative each from the Senate, House of Representatives,
8. DOST and COMELEC. The Committee shall certify that the
9. System is operating properly and accurately. [and that the
10. machines have a demonstrable capacity to distinguish between
11. genuine and spurious ballots.]

12. “The Committee shall ensure that the testing procedure
13. shall be unbiased and effective in checking the [worthiness]
14. **INTEGRITY** of the System. Toward this end, the Committee shall
15. design and implement a reliability test procedure or a system
16. stress test.”

17. **SEC. 5.** Section 8 of Republic Act No. 8436 is hereby amended to read
18. as follows:

19. “**SEC. 8. Procurement of Equipment and Materials.** – The
20. Commission shall procure the [automated counting machines,
21. computer] equipment, devices and materials needed for ballot
22. printing and [devices] for voting, counting,
23. **CONSOLIDATING/CANVASSING** and **TRANSMISSION OF RESULTS**
24. [canvassing] from local or foreign sources free from taxes and
25. import duties, subject to accounting and auditing rules and
26. regulations **AND EXISTING LAWS ON GOVERNMENT**
27. **PROCUREMENT.**”

1 SEC. 6. Section 9 of Republic Act No. 8436 is hereby amended to read
2 as follows:

3 “SEC. 9. *Systems Breakdown in the VOTING, Counting OR*
4 *CANVASSING Center.* – In the event of a systems breakdown of
5 **THE EQUIPMENT OR DEVICES [all] assigned TO A PARTICULAR**
6 **VOTING, [machines in the] counting, AND/OR CANVASSING**
7 **center, the Commission shall use any available EQUIPMENT OR**
8 **DEVICE [machine] or any component thereof from another**
9 **VOTING, COUNTING AND/OR CANVASSING CENTER**
10 **[city/municipality] upon the approval of the Commission En**
11 **Banc [or any of its divisions].**

12 “The transfer of such [machines] **EQUIPMENT OR DEVICE**
13 **or any component thereof shall be undertaken in the presence of**
14 **representatives of political parties and citizens’ arm of the**
15 **Commission who shall be notified by the election officer of such**
16 **transfer.**

17 “**There is a systems breakdown in the VOTING, counting**
18 **AND/OR CANVASSING center when the [machine] EQUIPMENT**
19 **OR DEVICE fails to RECORD THE VOTES, read the ballots or fails**
20 **to store/save results or fails to print the results after it has read**
21 **the ballots; [or] when [the computer] IT fails to consolidate**
22 **election results/reports or fails to print election results/reports**
23 **after consolidation[.]; OR WHEN IT FAILS TO TRANSMIT SUCH**
24 **RESULTS/REPORT; OR OTHER ANALOGOUS CIRCUMSTANCES AS**
25 **THE COMMISSION MAY DETERMINE.**

26 “**IF A PAPER-BASED ELECTION SYSTEM IS IMPLEMENTED**
27 **AND THE MACHINE OR DEVICE FAILS TO READ THE VOTES**

1 ACCURATELY BECAUSE OF ERROR IN THE PRINTING OF
2 BALLOTS OR FOR ANY OTHER SIMILAR CAUSE, THE
3 COMMISSION SHALL REVERT TO MANUAL COUNT IN THE
4 AFFECTED AREA.”

5 SEC. 7. Section 10 of Republic Act No. 8436 is hereby amended to
6 read as follows:

7 “SEC. 10. *Examination and Testing of EQUIPMENT OR*
8 *DEVICES OF THE SYSTEM [Counting Machines].* – The
9 Commission shall, [on the date and time it shall set] NOT LATER
10 THAN FIVE (5) DAYS BEFORE THE ELECTION, and with proper
11 notices, allow the political parties and candidates or their
12 representatives, citizens’ arm or their representatives to examine
13 and test the EQUIPMENT OR DEVICE TO BE USED IN THE
14 VOTING, COUNTING, CONSOLIDATION/CANVASSING AND
15 TRANSMISSION OF RESULTS OF VOTE [machines] to ascertain
16 that the system is operating properly and accurately. Test ballots
17 and test forms shall be provided by the Commission.

18 “After the examination and testing, the EQUIPMENT OR
19 DEVICE [machines] shall be locked and sealed by the election
20 officer or any authorized representative of the Commission in the
21 presence of the political parties and candidates or their
22 representatives, and accredited citizens’ arms. The EQUIPMENT
23 OR DEVICE [machines] shall be kept locked and sealed and shall
24 be opened again on election day before the VOTING STARTS
25 [counting of votes begins].

26 “Immediately after the examination and testing of the
27 EQUIPMENT OR DEVICE [machines], the parties and candidates

1 or their representatives, citizens' arms or their representatives,
2 may submit a written COMMENT [report] to the election officer
3 who shall immediately transmit it to the Commission for
4 appropriate action.

5 "THE ELECTION OFFICER OR THE AUTHORIZED
6 REPRESENTATIVE SHALL KEEP MINUTES OF THE TESTING, A
7 COPY OF WHICH SHALL BE SUBMITTED TO THE COMMISSION
8 WITHIN TEN (10) DAYS AFTER THE TESTING."

9 SEC. 8. Section 11 of Republic Act No. 8436 is hereby amended to
10 read as follows:

11 "SEC. 11. *Official Ballot.* - The Commission shall
12 prescribe the **FORMAT OF THE ELECTRONIC DISPLAY OR** size
13 and form of the official ballot which shall contain the titles of the
14 positions to be filled and/or the propositions to be voted upon in
15 an initiative, referendum or plebiscite. Under each position, the
16 names of candidates shall be arranged alphabetically by surname
17 and uniformly **INDICATED [printed]** using the same type size. **IN**
18 **CASE OF PAPER-BASED ELECTION SYSTEM, [A]** A fixed space
19 where the chairman of the Board of Election Inspectors shall
20 affix his/her signature to authenticate the official ballot shall be
21 provided.

22 "[Both sides of the ballots may be used when necessary.]

23 "For this purpose, the deadline for the filing of certificate
24 of candidacy/**NOMINATION**/petition for registration/manifestation
25 to participate in the election shall not be later than one hundred
26 **EIGHTY (180) [twenty (120)]** days before the elections:
27 *Provided, That, any elective official, whether national or local,*

1 running for any office other than the one which he/she is holding
2 in a permanent capacity, except for president and vice-president,
3 shall be deemed resigned only upon the start of the campaign
4 period corresponding to the position for which he/she is
5 running.[: *Provided, further, That, unlawful acts or omissions*
6 *applicable to a candidate shall take effect upon the start of the*
7 *aforesaid campaign period: Provided, finally, That, for purposes*
8 *of the May 11, 1998 elections, the deadline for filing of the*
9 *certificate of candidacy for the positions of President, Vice*
10 *President, Senators and candidates under the Party-List System*
11 *as well as petitions for registration and/or manifestation to*
12 *participate in the Party-List System shall be on February 9, 1998*
13 *while the deadline for the filing of certificate of candidacy for*
14 *other positions shall be on March 27, 1998.]*

15 **“POLITICAL PARTIES MAY HOLD POLITICAL**
16 **CONVENTIONS TO NOMINATE THEIR OFFICIAL CANDIDATES**
17 **WITHIN THIRTY (30) DAYS BEFORE THE START OF THE PERIOD**
18 **FOR FILING A CERTIFICATE OF CANDIDACY.**

19 **“WITH RESPECT TO PAPER-BASED ELECTION SYSTEM,**
20 **[T]The official ballots shall be printed by the National Printing**
21 **Office and/or the *Bangko Sentral ng Pilipinas* at the price**
22 **comparable with that of private printers under proper security**
23 **measures which the Commission shall adopt. The Commission**
24 **may contract the services of private printers upon certification by**
25 **the National Printing Office/*Bangko Sentral ng Pilipinas* that it**
26 **cannot meet the printing requirements. Accredited political**
27 **parties and deputized citizens’ arms of the Commission [may]**

1 SHALL assign watchers in the printing, storage and distribution of
2 official ballots.

3 "To prevent the use of fake ballots, the Commission
4 through the Committee shall ensure that the serial number on the
5 ballot stub shall be printed in magnetic ink that shall be easily
6 detectable by inexpensive hardware and shall be impossible to
7 reproduce on a photocopying machine, and that identification
8 marks, magnetic strips, bar codes and other technical and
9 security markings, are provided on the ballot.

10 "The official ballots shall be printed and distributed to
11 each city/municipality at the rate of one (1) ballot for every
12 registered voter with a provision of additional [four (4)] THREE
13 (3) ballots per precinct."

14 SEC. 9. Section 12 of Republic Act No. 8436 is hereby amended to
15 read as follows:

16 "SEC 12. *Substitution of Candidates.* – SUBSTITUTION
17 OF CANDIDATES SHALL BE ALLOWED ONLY IF AN OFFICIAL
18 CANDIDATE OF A REGISTERED OR ACCREDITED POLITICAL
19 PARTY DIES OR IS PERMANENTLY INCAPACITATED AFTER THE
20 LAST DAY FOR FILING OF A CERTIFICATE OF CANDIDACY.

21 "THE SUBSTITUTE CANDIDATE NOMINATED BY THE
22 POLITICAL PARTY CONCERNED SHALL FILE HIS CERTIFICATE
23 OF CANDIDACY NOT LATER THAN MID-DAY OF ELECTION DAY.

24 "In case of valid substitutions after the official ballots
25 have been APPROVED AND printed OR THE ELECTRONIC
26 BALLOTS HAVE BEEN FINALIZED, the votes cast for the
27 substituted candidates shall be considered votes for the
28 substitutes.

1 SEC. 10. Section 14 of Republic Act No. 8436 is hereby amended to
2 read as follows:

3 “SEC. 14. *Procedure in Voting.* – [The voter shall be
4 given a ballot by the chairman of the Board of Election
5 Inspectors. The voter shall then proceed to a voting booth to
6 accomplish his/her ballot.

7 “If a voter spoils his/her ballot, he/she may be issued
8 another ballot subject to Section 11 of this Act. No voter may be
9 allowed to change his/her ballot more than once.

10 “After the voter has voted, he/she shall affix his/her
11 thumbmark on the corresponding space in the voting record. The
12 chairman shall apply indelible ink on the voter’s right forefinger
13 and affix his/her signature in the space provided for such purpose
14 in the ballot. The voter shall then personally drop his/her ballot
15 on the ballot box.

16 “For the purpose of the May 11, 1998 elections, each
17 voter shall be given one (1) national and one (1) local ballot by
18 the Chairperson. The voter shall, after casting his/her vote,
19 personally drop the ballots in their respective ballot boxes.] **THE**
20 **COMMISSION, DEPENDING ON THE TYPE OF AUTOMATED**
21 **ELECTION SYSTEM CHOSEN, SHALL PRESCRIBE THE MANNER**
22 **AND PROCEDURE OF VOTING, WHICH CAN BE EASILY**
23 **UNDERSTOOD AND FOLLOWED BY THE VOTERS, TAKING INTO**
24 **CONSIDERATION, AMONG OTHERS, THE SECRECY OF THE**
25 **VOTING PROCESS AND ACCESSIBILITY FOR ILLITERATES AND**
26 **DIFFERENTLY-ABLED VOTERS.”**

1 SEC. 11. Section 15 of Republic Act No. 8436 is
2 hereby amended to read as follows:

3 “SEC. 15. *Closing of Polls.* – [After the close of voting,
4 the board shall enter in the minutes the number of registered
5 voters who actually voted, the number and serial number of
6 unused and spoiled ballots, the serial number of the self-locking
7 metal seal to be used in sealing the ballot box. The board shall
8 then place the minutes inside the ballot box and thereafter close,
9 lock and seal the same with padlocks, self-locking metal seals or
10 any other safety devices that the Commission may authorize.
11 The chairman of the Board of Election Inspectors shall publicly
12 announce that the votes shall be counted at a designated counting
13 center where the board shall transport the ballot box containing
14 the ballots and other election documents and paraphernalia.

15 “For the purpose of the May 11, 1998 elections, the
16 chairman of the Board of Election Inspectors shall publicly
17 announce that the votes for president, vice-president, senators
18 and parties, organizations or coalitions participating in the party-
19 list system shall be counted at a designated counting center.
20 During the transport of the ballot box containing the national
21 ballots and other documents, the fourth member of the board
22 shall be escorted by representatives from the Armed Forces of
23 the Philippines or from the Philippine National Police, citizens’
24 arm, and if available, representatives of political parties and
25 candidates.] **THE COMMISSION, DEPENDING ON THE TYPE OF
26 AUTOMATED ELECTION SYSTEM CHOSEN, SHALL PRESCRIBE
27 THE MANNER AND PROCEDURE OF CLOSING THE POLLS AND
28 UNDERTAKING OF THE SUBSEQUENT STEPS, TAKING INTO**

1 CONSIDERATION AMONG OTHERS, THE PROPER REPORTING OF
2 NUMBER OF VOTES CAST AND THE PROPER CONDUCT OF
3 VOTING.”

4 SEC. 12. Section 16 of Republic Act No. 8436 is hereby amended to
5 read as follows:

6 “SEC. 16. *Designation of Counting Centers.* – IN CASE
7 OF COUNTING CENTER ELECTION SYSTEM, [T]The Commission
8 shall designate counting center(s) which shall be a public place
9 within the city/municipality or in such other places as may be
10 designated by the Commission when [peace and order
11 conditions] THE CIRCUMSTANCES so require, where the official
12 ballots cast in various precincts of the city/municipality shall be
13 counted. The election officer shall post prominently in his/her
14 office, in the bulletin boards at the city/municipal hall and in
15 three (3) other conspicuous places in the city/municipality, the
16 notice on the designated counting center(s) for at least fifteen
17 (15) days prior to election day.

18 “IF A PRECINCT COUNT VOTING SYSTEM IS USED, IN
19 WHICH CASE THE VOTING CENTER SHALL ALSO BE THE
20 COUNTING CENTER, SUCH INFORMATION SHOULD BE
21 CONTAINED IN THE NOTICE REQUIRED IN THE IMMEDIATELY
22 PRECEDING PARAGRAPH.

23 “[For the purpose of the May 11, 1998 elections, the
24 Commission shall designate a central counting center(s) which
25 shall be a public place within the city or municipality, as in the
26 case of the National Capital Region and in highly urbanized
27 areas. The Commission may designate other counting center(s)
28 where the national ballots cast from various precincts of different

1 municipalities shall be counted using the automated system. The
2 Commission shall post prominently a notice thereof, for at least
3 fifteen (15) days prior to election day, in the office of the
4 election officer, on the bulletin boards at the municipal hall and
5 in three (3) other conspicuous places in the municipality.]”

6 SEC. 13. Section 17 of Republic Act No. 8436 is hereby amended to
7 read as follows:

8 “SEC. 17. *Counting Procedure.* – (a) **THE COMMISSION,**
9 **DEPENDING ON THE TYPE OF AUTOMATED ELECTION SYSTEM,**
10 **SHALL PRESCRIBE THE MANNER AND PROCEDURE OF**
11 **COUNTING THE VOTES: *PROVIDED,* THAT IT SHALL BE MADE IN**
12 **PUBLIC AND CONDUCTED IN THE DESIGNATED PRECINCTS OR**
13 **COUNTING CENTER(S); *PROVIDED, FURTHER,* THAT APART**
14 **FROM THE RESULTS ELECTRONICALLY STORED AND**
15 **TRANSMITTED, A PRINTED RESULT OF THE COUNTING PER**
16 **PRECINCT, CALLED ELECTION RETURN, IS GENERATED IN**
17 **SEVEN (7) COPIES. [The counting of votes shall be public and**
18 **conducted in the designated counting center(s).**

19 (b) The ballots shall be counted by the machine by
20 precinct in the order of their arrival at the counting center. The
21 election officer or his/her representative shall log the sequence of
22 arrival of the ballot boxes and indicate their condition.
23 Thereafter, the board shall, in the presence of the watchers and
24 representatives of accredited citizens’ arm, political
25 parties/candidates, open the ballot box, retrieve the ballots and
26 minutes of voting. It shall verify whether the number of ballots
27 tallies with the data in the minutes. If there are excess ballots,
28 the poll clerk, without looking at the ballots, shall publicly draw

1 out at random ballots equal to the excess and without looking at
2 the contents thereof, place them in an envelope which shall be
3 marked "excess ballots". The envelope shall be sealed and
4 signed by the members of the board and placed in the
5 *compartment for spoiled ballots*.

6 (c) The election officer or any authorized official or any
7 member of the board shall feed the valid ballots into the machine
8 without interruption until all the ballots for the precincts are
9 counted.

10 (d) The board shall remain at the counting center until all
11 the official ballots for the precinct are counted and all reports are
12 properly accomplished.

13 For the purpose of the May 11, 1998 elections, the ballots
14 shall be counted by precinct by the special members of the board
15 in the manner provided in paragraph (b) hereof.]"

16 SEC. 14. Section 18 of Republic Act No. 8436 is hereby amended to
17 read as follows:

18 "SEC. 18. *Election Returns*. – [After the ballots of the
19 precincts have been counted, the election officer or any official
20 authorized by the Commission shall, in the presence of watchers
21 and representatives of the accredited citizens' arm, political
22 parties/candidates, if any, store the results in a data storage
23 device and print copies of the election returns of each precinct.]

24 ALL COPIES OF [T]The printed election returns shall be signed
25 and thumbmarked by ALL THE MEMBERS OF THE BOARD OF
26 ELECTION INSPECTORS AND THE WATCHERS PRESENT. [the
27 fourth member and COMELEC authorized representative and

1 attested to by the election officer or authorized representative.]

2 The Chairman of the Board shall then publicly read and
3 announce the total number of votes obtained by each candidate
4 based on the election returns. Thereafter, the copies of the
5 election returns shall be sealed and placed in the proper
6 envelopes for distribution as follows:

7 A. In the election of president, vice-president, senators
8 and party-list system:

9 (1) The first copy shall be delivered to the city or
10 municipal board of canvassers;

11 (2) The second copy, to the Congress, directed to the
12 President of the Senate;

13 (3) The third copy, to the Commission;

14 (4) The fourth copy, to the citizens' arm authorized by
15 the Commission to conduct an unofficial count. In the conduct of
16 the unofficial quick count by any accredited citizens' arm, the
17 Commission shall promulgate rules and regulations to ensure,
18 among others, that said citizens' arm releases in the order of their
19 arrival one hundred percent (100%) results of a precinct
20 indicating the precinct, municipality or city, province and region:
21 *Provided, however,* That, the count shall continue until all
22 precincts shall have been reported.

23 (5) The fifth copy, to the dominant majority party as
24 determined by the Commission in accordance with law;

25 (6) The sixth copy, to the dominant minority party as
26 determined by the Commission in accordance with law; and

27 (7) The seventh copy shall be deposited inside the
28 compartment of the ballot box for valid ballots.

1 The citizens' arm shall provide copies of the election
2 returns at the expense of the requesting party.

3 [For the purpose of the May 11, 1998 elections, after the
4 national ballots have been counted, the COMELEC authorized
5 representative shall implement the provisions of paragraph A
6 hereof.]

7 B. In the election of the local officials and members of
8 the House of Representatives:

9 (1) The first copy shall be delivered to the city or
10 municipal board of canvassers;

11 (2) The second copy, to the Commission;

12 (3) The third copy, to the provincial board of canvassers;

13 (4) The fourth copy, to the citizens' arm authorized by
14 the Commission to conduct an unofficial count. In the conduct
15 of the unofficial quick count by any accredited citizens' arm, the
16 Commission shall promulgate rules and regulations to ensure,
17 among others, that said citizens' arm releases in the order of their
18 arrival one hundred percent (100%) results of a precinct
19 indicating the precinct, municipality or city, province and region:
20 *Provided, however,* That, the count shall continue until all
21 precincts shall have been reported;

22 (5) The fifth copy, to the dominant majority party as
23 determined by the Commission in accordance with law;

24 (6) The sixth copy, to the dominant minority party as
25 determined by the Commission in accordance with law; and

26 (7) The seventh copy shall be deposited inside the
27 compartment of the ballot box for valid ballots.

1 “The citizens’ arm shall provide copies of election returns
2 at the expense of the requesting party.

3 “After the votes from all precincts have been counted, a
4 consolidated report of votes for each candidate shall be printed.

5 “**WITHIN ONE (1) HOUR, [A]After the printing of the**
6 **election returns, the [ballots shall be returned to the ballot box,**
7 **which shall be locked, sealed and delivered to the city/municipal**
8 **treasurer for safekeeping. The treasurer shall immediately**
9 **provide the Commission and the election officer with a record of**
10 **the serial numbers of the ballot boxes and the corresponding**
11 **metal seals.] CHAIRMAN OF THE BOARD OF ELECTION**
12 **INSPECTORS OR ANY OFFICIAL AUTHORIZED BY THE**
13 **COMMISSION SHALL, IN THE PRESENCE OF WATCHERS AND**
14 **REPRESENTATIVES OF THE ACCREDITED CITIZENS’ ARM,**
15 **POLITICAL PARTIES/CANDIDATES, IF ANY, TRANSMIT THE**
16 **PRECINCT RESULTS ELECTRONICALLY TO THE**
17 **CITY/MUNICIPAL AND CENTRAL CONSOLIDATION CENTERS.**
18 **HOWEVER, IN CASE OF CITIES AND MUNICIPALITIES WHERE**
19 **THE COUNTING AND CONSOLIDATING EQUIPMENT ARE**
20 **LOCATED IN THE SAME CENTER, PRECINCT RESULTS NEED NOT**
21 **BE TRANSMITTED ELECTRONICALLY, EXCEPT TO THE**
22 **CENTRAL CONSOLIDATION CENTERS AND TO THE ACCREDITED**
23 **CITIZENS ARM(S) AUTHORIZED TO CONDUCT AN UNOFFICIAL**
24 **QUICK COUNT, IF ANY.**

25 “**THE ELECTION RESULTS AT THE CITY/MUNICIPALITY**
26 **CONSOLIDATING CENTERS SHALL BE TRANSMITTED IN THE**
27 **SAME MANNER BY THE ELECTION OFFICER OR ANY OFFICIAL**
28 **AUTHORIZED BY THE COMMISSION TO THE DISTRICT OR**
29 **PROVINCIAL CONSOLIDATION CENTERS AND TO THE**

1 ACCREDITED CITIZENS ARM(S) AUTHORIZED TO CONDUCT AN
2 UNOFFICIAL QUICK COUNT, IF ANY.

3 "THE CERTIFICATES OF CANVASS TRANSMITTED
4 ELECTRONICALLY SHALL BE CONSIDERED AS OFFICIAL
5 ELECTION RESULTS AND SHALL BE USED AS THE BASIS FOR THE
6 CANVASSING OF VOTES AND THE PROCLAMATION OF A
7 CANDIDATE."

8 SEC. 15. Section 21 of Republic Act No. 8436 is hereby amended to
9 read as follows:

10 "SEC. 21. *Canvassing by Provincial, City, District and*
11 *Municipal Boards of Canvassers.* - The city or municipal board
12 of canvassers shall canvass the votes for the president, vice-
13 president, senators, and parties, organizations or coalitions
14 participating under the party-list system by consolidating the
15 ELECTRONIC RESULTS TRANSMITTED EITHER DIRECTLY FROM
16 THE PRECINCTS OR FROM THE CITY/MUNICIPALITY COUNTING
17 CENTERS OR THE results contained in the data storage devices
18 used in the printing of the election returns. Upon completion of
19 the canvass, it shall print the certificate of canvass of votes for
20 president, vice-president, senators and members of the House of
21 Representatives and elective provincial officials and thereafter,
22 proclaim the elected city or municipal officials, as the case may
23 be.

24 "The city board of canvassers of cities comprising one (1)
25 or more legislative districts shall canvass the votes for president,
26 vice-president, senators, members of the House of
27 Representatives and elective city officials by consolidating the
28 ELECTRONIC RESULTS TRANSMITTED EITHER DIRECTLY FROM
29 THE PRECINCTS OR FROM THE CITY/MUNICIPALITY COUNTING
30 CENTERS OR THE results contained in the data storage devices

1 used in the printing of election returns. Upon completion of the
2 canvass, the board shall print the canvass of votes for president,
3 vice-president, and senators and thereafter, proclaim the elected
4 *members of the House of Representatives and city officials.*

5 “In the Metro Manila area, each municipality comprising a
6 legislative district shall have a district board of canvassers which
7 shall canvass the votes for president, vice-president, senators,
8 members of the House of Representatives and *elective municipal*
9 *officials* by consolidating the **ELECTRONIC RESULTS**
10 **TRANSMITTED EITHER DIRECTLY FROM THE PRECINCTS OR**
11 **FROM THE CITY/MUNICIPALITY COUNTING CENTERS OR THE**
12 results contained in the data storage devices used in the printing
13 of the election returns. Upon completion of the canvass, it shall
14 print the certificate of canvass of votes for president, vice-
15 president, and senators and thereafter, proclaim the elected
16 members of the House of Representatives and municipal
17 officials.

18 “Each component municipality in a legislative district in
19 the *Metro Manila area* shall have a municipal board of
20 canvassers which shall canvass the votes for president, vice-
21 president, senators, members of the House of Representatives
22 and *elective municipal officials* by consolidating the
23 **ELECTRONIC RESULTS TRANSMITTED EITHER DIRECTLY FROM**
24 **THE PRECINCTS OR FROM THE CITY/MUNICIPALITY COUNTING**
25 **CENTERS OR THE** results contained in the data storage devices
26 used in the printing of the election returns. Upon completion of
27 the canvass, it shall prepare the certificate of canvass of votes for
28 president, vice-president, senators, members of the House of

1 Representatives and thereafter, proclaim the elected municipal
2 officials.

3 "The district board of canvassers of each legislative
4 district comprising [two (2) municipalities] **ONE (1) CITY AND**
5 **ONE (1) MUNICIPALITY** in the Metro Manila area shall canvass
6 the votes for president, vice-president, senators and members of
7 the House of Representatives by consolidating the
8 **CERTIFICATES OF CANVASS ELECTRONICALLY TRANSMITTED**
9 **FROM THE CITY/MUNICIPALITY CONSOLIDATING CENTERS OR**
10 **THE** results contained in the data storage devices submitted by
11 the municipal board of canvassers of the component
12 municipalities. Upon completion of the canvass, it shall print a
13 *certificate of canvass of votes for president, vice-president and,*
14 *senators and thereafter, proclaim the elected members of the*
15 *House of Representatives in the legislative district.*

16 "The district/provincial board of canvassers shall canvass
17 the votes for president, vice-president, senators, members of the
18 House of Representatives and elective provincial officials by
19 consolidating the **CERTIFICATES OF CANVASS**
20 **ELECTRONICALLY TRANSMITTED FROM THE**
21 **CITY/MUNICIPALITY CONSOLIDATING CENTERS OR THE** results
22 contained in the data storage devices submitted by the board of
23 canvassers of the municipalities and component cities. Upon
24 completion of the canvass, it shall print the certificate of canvass
25 of votes for president, vice-president and senators and thereafter,
26 proclaim the elected members of the *House of Representatives*
27 and the provincial officials.

1 “AFTER THE CANVASSING, THE CHAIRMAN OF THE
2 DISTRICT OR PROVINCIAL BOARD OF CANVASSERS OR THE
3 CITY BOARD OF CANVASSERS OF THOSE CITIES WHICH
4 COMPRISE ONE (1) OR MORE LEGISLATIVE DISTRICTS SHALL
5 TRANSMIT THE CERTIFICATES OF CANVASS ELECTRONICALLY
6 TO THE NATIONAL CONSOLIDATION CENTERS, WHICH ARE THE
7 COMMISSION SITTING AS THE NATIONAL BOARD OF
8 CANVASSERS FOR SENATORS AND PARTY-LIST
9 REPRESENTATIVES AND CONGRESS AS THE NATIONAL BOARD
10 OF CANVASSERS FOR THE PRESIDENT AND VICE-PRESIDENT.

11 [The municipal, city, district and provincial certificates of
12 canvass of votes shall each be supported by a statement of
13 votes.]

14 “The Commission shall adopt adequate and effective
15 measures to preserve the integrity of the CERTIFICATES OF
16 CANVASS TRANSMITTED ELECTRONICALLY AND THE RESULTS
17 IN THE data storage devices at the various levels of the boards of
18 canvassers.”

19 SEC. 16. Section 23 of Republic Act No. 8436 is hereby amended to
20 read as follows:

21 “SEC. 23. *National Board of Canvassers for Senators*
22 *AND PARTY-LIST.* -- The chairman and members of the
23 Commission on Elections sitting *en banc*, shall compose the
24 national board of canvassers for senators AND PARTY-LIST. It
25 shall canvass the results for senators AND PARTY-LIST by
26 consolidating THE CERTIFICATES OF CANVASS
27 ELECTRONICALLY TRANSMITTED OR the results contained in
28 the data storage devices submitted by the district, provincial and
29 city boards of canvassers of those cities which comprise one or

1 more legislative districts. Thereafter, the national board shall
2 proclaim the winning candidates for senators **AND PARTY-LIST.**"

3 **SEC. 17.** Section 24 of Republic Act No. 8436 is hereby amended to
4 read as follows:

5 "SEC. 24. *Congress as the National Board of Canvassers*
6 *for President and Vice-President.* – The Senate and the House of
7 Representatives [in joint public session] shall compose the
8 national board of canvassers for president and vice-president.
9 [The returns of every election for president and vice-president
10 duly certified by the board of canvassers of each province or
11 city, shall be transmitted to the Congress, directed to the
12 president of the Senate.] Upon receipt of the certificates of
13 canvass, **DULY CERTIFIED AND TRANSMITTED BY THE BOARD**
14 **OF CANVASSERS OF EACH PROVINCE OR CITY**, the president of
15 the Senate shall, not later than (30) days after the day of the
16 election, open all the certificates in the presence of the Senate
17 and the House of Representatives in joint public session, and the
18 Congress upon determination of the authenticity and the due
19 execution thereof [in the manner provided by law], canvass all
20 the results for president and vice-president [by consolidating the
21 results contained in the data storage devices submitted by the
22 district, provincial and city boards of canvassers] and thereafter,
23 proclaim the winning candidates [for president and vice-
24 president].

25 "THE MANNER OF DETERMINING THE AUTHENTICITY
26 AND DUE EXECUTION OF THE CERTIFICATES SHALL CONFORM
27 WITH THE PROVISIONS OF REPUBLIC ACT NO. 7166 AS MAY BE

1 SUPPLEMENTED OR MODIFIED BY THE PROVISIONS OF THIS
2 ACT, WHERE APPLICABLE, BY APPROPRIATE AUTHENTICATION
3 AND CERTIFICATION PROCEDURES FOR ELECTRONIC DATA,
4 ELECTRONIC DOCUMENTS AND ELECTRONIC SIGNATURES AS
5 PROVIDED IN REPUBLIC ACT NO. 8792 AS WELL AS THE RULES
6 PROMULGATED BY THE SUPREME COURT PURSUANT
7 THERETO.”

8 SEC. 18. Section 31 of Republic Act No. 8436 is hereby amended to
9 read as follows:

10 “SEC. 31. *Rules and Regulations.* – The Commission
11 shall promulgate rules and regulations for the implementation
12 and enforcement of this Act. [including such measures that will
13 address possible difficulties and confusions brought about by the
14 two-ballot system. The Commission may consult its accredited
15 citizens’ arm for this purpose.]

16 “NOTWITHSTANDING THE FOREGOING CANVASSING
17 PROCEDURE, THE COMMISSION IS AUTHORIZED TO PRESCRIBE
18 OTHER MANNER OF PROCEDURE FOR THE CANVASSING AND
19 CONSOLIDATION OF VOTES AS TECHNOLOGY ADVANCES,
20 SUBJECT TO THE PROVISIONS OF SECTION 4 HEREOF ON THE
21 MINIMUM CAPABILITIES OF THE SYSTEM AND OTHER
22 PERTINENT LAWS.”

23 SEC. 19. *Repealing Clause.* – Sections 1, 2, 6, 7, 8, 9, 10, 11, 12, 14,
24 15, 16, 17, 18, 21, 23, 24 and 31 of Republic Act No. 8436 and other laws,
25 decrees, orders, rules and regulations or parts thereof insofar as they are
26 inconsistent with this Act are hereby amended or modified accordingly.

27 SEC. 20. *Separability Clause.* – If, for any reason, any section or
28 provision of this Act or any part thereof, or the application of such section,

1 provision or portion is declared invalid or unconstitutional, the remainder
2 thereof shall not be affected by such declaration.

3 SEC. 21. *Effectivity Clause.* – This Act shall take effect fifteen (15)
4 days after its publication in a newspaper of general circulation.

Approved,