



4 **HOUSE OF REPRESENTATIVES**

5 **H. No. 5352**

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

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22 AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO.  
23 8436, ENTITLED "AN ACT AUTHORIZING THE COMMISSION  
24 ON ELECTIONS TO USE AN AUTOMATED ELECTION SYSTEM  
25 IN THE MAY 11, 1998 NATIONAL OR LOCAL ELECTIONS AND  
26 IN SUBSEQUENT NATIONAL AND LOCAL ELECTORAL  
27 EXERCISES, PROVIDING FUNDS THEREFOR AND FOR OTHER  
28 PURPOSES"

29 *Be it enacted by the Senate and House of Representatives of the Philippines in*  
30 *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**  
28 **DEFINE BALLOTS; TO CAST AND COUNT VOTES; TO**  
29 **CONSOLIDATE/CANVASS THE ELECTION RETURNS; TO REPORT,**

1 **DISPLAY AND/OR TRANSMIT RESULTS AND TO MAINTAIN AND**  
2 **PRODUCE ALL AUDIT TRAIL INFORMATION;**

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

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

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

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

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

24 7. *Board of Election Inspectors* – there shall be a Board  
25 of Election Inspectors in every precinct composed of three  
26 regular members who shall conduct the voting, counting and  
27 recording of votes in the polling place.

28 For the purpose of the May 11, 1998 elections, there shall  
29 be special members composed of a fourth member in each  
30 precinct and a COMELEC representative who is authorized to

1 operate the counting machine. Both shall conduct the counting  
2 and recording of votes of the national ballots in the designated  
3 counting centers;

4 **8. PAPER-BASED ELECTION SYSTEM – A TYPE OF**  
5 **AUTOMATED ELECTION SYSTEM THAT USES PAPER BALLOTS,**  
6 **RECORDS AND COUNTS VOTES, TABULATES, CONSOLIDATES/**  
7 **CANVASSES AND TRANSMITS ELECTRONICALLY THE RESULTS**  
8 **OF THE VOTE COUNT;**

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

17 **10. PRECINCT COUNT ELECTION SYSTEM – A SYSTEM**  
18 **THAT COUNTS AT THE POLLING PLACES VOTES CAST USING**  
19 **EITHER PAPER-BASED OR ELECTRONIC BALLOTS, PRINTS THE**  
20 **RESULTS AFTER THE CLOSE OF VOTING, STORES AND**  
21 **TRANSMITS THE RESULTS ELECTRONICALLY AND PRODUCES**  
22 **PRINTED REPORTS THEREOF;**

23 **11. COUNTING CENTER ELECTION SYSTEM – A SYSTEM**  
24 **THAT COUNTS AT A CENTRAL LOCATION VOTES FROM**  
25 **MULTIPLE PRECINCTS, STORES AND TRANSMITS THE RESULTS**  
26 **ELECTRONICALLY AND PRODUCES PRINTED REPORTS**  
27 **THEREOF;**

28 **12. ELECTRONIC TRANSMISSION – A MEANS OF**  
29 **TRANSFERRING VOTING RESULTS FROM ONE STATION TO**  
30 **ANOTHER USING TELEPHONE LINES, SATELLITE OR ANY**  
31 **OTHER SIMILAR OR APPROPRIATE COMMUNICATION**  
32 **TECHNOLOGY;**

1           **13. STATION** – REFERS TO A POLLING PLACE,  
 2 COUNTING CENTER, MUNICIPAL OR PROVINCIAL CANVASSING  
 3 CENTER;

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

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

22           **[9.] 16. Statement of votes** – a machine-generated  
 23 document containing the votes obtained by candidates in each  
 24 precinct in a city/municipality;

25           **[10.] 17. City/municipal/district/provincial certificate of**  
 26 *canvass [of votes]* – a [machine-generated] document IN  
 27 ELECTRONIC AND PRINTED FORM containing the total votes in  
 28 figures obtained by each candidate in a city/municipality/district/  
 29 province as the case may be[; and]. **THE ELECTRONIC**

1 CERTIFICATE OF CANVASS SHALL BE THE OFFICIAL CANVASS  
2 RESULTS IN EACH OF THE ABOVE-LISTED JURISDICTIONS; AND

3 [11.] 18. *Counting center* – a public place designated by  
4 the Commission where counting of votes and  
5 canvassing/consolidation of results shall be conducted.”

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

8 “SEC. 6. *Authority to Use an Automated Election*  
9 *System.* – To carry out the above-stated policy, the Commission  
10 on Elections, herein referred to as the Commission, is hereby  
11 authorized to use an automated election system, **WHETHER**  
12 **PAPER-BASED OR ONE THAT DIRECTLY RECORDS VOTING**  
13 **DATA, AS IT MAY DEEM APPROPRIATE AND PRACTICAL** [herein  
14 referred to as the System,] for the process of voting, counting of  
15 votes and canvassing/consolidation **AND TRANSMITTAL** of  
16 results of **ELECTORAL EXERCISES: PROVIDED, THAT FOR THE**  
17 **REGULAR [the] national and local elections[:], WHICH SHALL**  
18 **BE HELD IMMEDIATELY AFTER THE PASSAGE OF THIS ACT,**  
19 **THE AUTOMATED ELECTION SYSTEM SHALL BE USED IN THE**  
20 **NATIONAL CAPITAL REGION, THE AUTONOMOUS REGION IN**  
21 **MUSLIM MINDANAO (ARMM) AND IN AT MOST THREE (3)**  
22 **OTHER REGIONS AS DETERMINED BY THE COMMISSION:**  
23 **PROVIDED, FURTHER, THAT FOR THE NEXT REGULAR**  
24 **NATIONAL OR LOCAL ELECTIONS, FULL AUTOMATION OF THE**  
25 **ELECTION SHALL BE IMPLEMENTED NATIONWIDE: [Provided,**  
26 *however,* That for the May 11, 1998 elections, the System shall  
27 be applicable in all areas within the country only for the  
28 positions of president, vice-president, senators and parties,  
29 organizations or coalitions participating under the party-list

1 system.] **PROVIDED, FINALLY, THAT IF, WITH REFERENCE TO**  
2 **THE 2007 NATIONAL AND LOCAL ELECTIONS, IT BECOMES**  
3 **EVIDENT SIX (6) MONTHS BEFORE SUCH ELECTIONS THAT THE**  
4 **ABOVEMENTIONED PILOTING OF THE AUTOMATED ELECTION**  
5 **SYSTEM CANNOT BE IMPLEMENTED, THE SAID ELECTIONS MAY**  
6 **BE DONE MANUALLY IN THE AFFECTED REGIONS.**

7 “To achieve the purpose of this Act, the Commission is  
8 authorized to procure, by purchase, lease or [otherwise any]  
9 **OTHER FORMS OF PROCUREMENT**, supplies, equipment,  
10 materials, **SOFTWARE, PROGRAMS** and services needed for the  
11 holding of the elections by an expedited process of public  
12 bidding **IN ACCORDANCE WITH EXISTING LAWS:** [of vendors,  
13 suppliers or lessors:] *Provided*, That the accredited political  
14 parties are duly notified of and allowed to observe but not to  
15 participate in the bidding. [If, inspite of its diligent efforts to  
16 implement this mandate in the exercise of this authority, it  
17 becomes evident by February 9, 1998 that the Commission  
18 cannot fully implement the automated election system for  
19 national positions in the May 11, 1998 elections, the elections  
20 for both national and local positions shall be done manually  
21 except in the Autonomous Region in Muslim Mindanao  
22 (ARMM) where the automated election system shall be used for  
23 all positions.]”

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

26 “SEC. 7. **MINIMUM SYSTEM CAPABILITIES.** [*Features of*  
27 *the System.* – The System shall utilize appropriate technology for  
28 voting, and electronic devices for counting of votes and  
29 canvassing of results. For this purpose, the Commission shall

1 acquire automated counting machines, computer equipment,  
2 devices and materials and adopt new forms and printing  
3 materials.

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

10 “In addition, the System shall as far as practicable have  
11 the following features:

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

14 2. The machine security must be built-in and multi-layer  
15 existent on hardware and software with minimum human  
16 intervention using latest technology like encrypted coding  
17 system;

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

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

23 5. The ballot paper for the OMR counting machine must  
24 be of the quality that passed the international standard like ISO-  
25 1831, JIS-X-9004 or its equivalent for optical character  
26 recognition;

27 6. The ballot feeder must be automatic;

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

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

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

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

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

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

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

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

20          15.        The machine must be temperature-resistant and  
21 rust-proof;

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

24          17.        The machine must not be capable of being  
25 connected to external computer peripherals for the process of  
26 vote consolidation;

27          18.        The machine must have an Uninterrupted  
28 Power Supply (UPS);

1           19.       The machine must be accompanied with  
2 operating manuals that will guide the personnel of the  
3 Commission the proper use and maintenance of the machine;

4           20.       It must be so designed and built that add-ons  
5 may immediately be incorporated into the System at minimum  
6 expense;

7           21.       It must provide the shortest time needed to  
8 complete the counting of votes and canvassing of the results of  
9 the election;

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

13          23.       The accuracy of the count must be guaranteed,  
14 the margin of error must be disclosed and backed by warranty  
15 under such terms and conditions as may be determined by the  
16 Commission.]

17           **“THE AUTOMATED ELECTION SYSTEM MUST AT LEAST**  
18 **HAVE THE FOLLOWING FUNCTIONAL CAPABILITIES: (A)**  
19 **ADEQUATE SECURITY AGAINST UNAUTHORIZED ACCESS; (B)**  
20 **ACCURACY IN RECORDING AND READING OF VOTES AS WELL**  
21 **AS IN THE TABULATION, CONSOLIDATION/CANVASSING AND**  
22 **TRANSMISSION OF RESULTS; (C) ERROR RECOVERY IN CASE OF**  
23 **NON-CATASTROPHIC FAILURE OF DEVICE; (D) SYSTEM**  
24 **INTEGRITY WHICH ENSURES PHYSICAL STABILITY AND**  
25 **FUNCTIONING OF THE VOTE RECORDING AND COUNTING**  
26 **PROCESS; (E) PROVISION FOR VOTER VERIFIED PAPER AUDIT**  
27 **TRAIL; (F) SYSTEM AUDITABILITY WHICH PROVIDES**  
28 **SUPPORTING DOCUMENTATION FOR VERIFYING THE**  
29 **CORRECTNESS OF REPORTED ELECTION RESULTS; (G) AN**  
30 **ELECTION MANAGEMENT SYSTEM FOR PREPARING BALLOTS**  
31 **AND PROGRAMS FOR USE IN THE CASTING AND COUNTING OF**

1 VOTES AND TO CONSOLIDATE, REPORT AND DISPLAY ELECTION  
2 RESULTS IN THE SHORTEST TIME POSSIBLE; (H) ACCESSIBILITY  
3 TO ILLITERATES AND DIFFERENTLY-ABLED VOTERS; (I) VOTE  
4 TABULATING PROGRAM FOR ELECTION, REFERENDUM OR  
5 PLEBISCITE; (J) ACCURATE BALLOT COUNTERS; AND (K) DATA  
6 RETENTION PROVISION.

7 “In the procurement of this system, the Commission shall  
8 DEVELOP AND adopt an EVALUATION [equitable] system of  
9 deductions or demerits for deviations or deficiencies in meeting  
10 all the above stated features and standards.

11 “THIS EVALUATION SYSTEM SHALL BE DEVELOPED  
12 WITH THE ASSISTANCE OF AN ADVISORY COUNCIL, CREATED  
13 BY THE COMMISSION, WITH THE FOLLOWING MEMBERSHIP:

14 1. ONE MEMBER REPRESENTING THE DEPARTMENT OF  
15 SCIENCE AND TECHNOLOGY (DOST);

16 2. ONE MEMBER REPRESENTING THE UNIVERSITY OF  
17 THE PHILIPPINES;

18 3. ONE MEMBER REPRESENTING THE COMMISSION ON  
19 INFORMATION AND COMMUNICATIONS TECHNOLOGY (CICT);

20 4. ONE MEMBER REPRESENTING THE INFORMATION  
21 TECHNOLOGY FOUNDATION OF THE PHILIPPINES (ITFP);

22 5. ONE MEMBER REPRESENTING THE PRIVATE SECTOR,  
23 RECOMMENDED BY THE PHILIPPINE COMPUTER SOCIETY  
24 (PCS);

25 6. THE CHAIRMAN OF THE HOUSE COMMITTEE ON  
26 SUFFRAGE AND ELECTORAL REFORMS; AND

27 7. THE CHAIRMAN OF THE SENATE COMMITTEE ON  
28 SUFFRAGE AND ELECTORAL REFORMS.

29 “[For this purpose, the Commission shall create an  
30 Advisory Council to be composed of technical experts from the

1 Department of Science and Technology (DOST), the Information  
2 Technology Foundation of the Philippines (ITFP), the University  
3 of the Philippines (UP), and two (2) representatives from the  
4 private sector recommended by the Philippine Computer Society  
5 (PCS).] **THE MEMBERS OF THE ADVISORY COUNCIL MUST BE**  
6 **CONVENED BY THE COMMISSION THIRTY (30) DAYS PRIOR TO**  
7 **ANY SUCH ACTIVITY PERTAINING TO THEIR FUNCTIONS AND**  
8 **RESPONSIBILITIES AS MEMBERS THEREOF.** The Council may  
9 avail itself of the expertise and services of resource persons of  
10 known competence and probity.

11 “**ADDITIONAL RESPONSIBILITIES OF THE ADVISORY**  
12 **COUNCIL:**

13 (A) **THE EXPERTISE OF THE ADVISORY COUNCIL**  
14 **SHALL BE AVAILED FROM THE PRE-BIDDING ACTIVITIES SUCH**  
15 **AS, BUT NOT LIMITED TO, RECOMMENDING CONDITIONS ON**  
16 **THE TERMS OF REFERENCE PRIOR TO THE INVITATION TO BID,**  
17 **UP TO THE SELECTION AND THE IMPLEMENTATION OF THE**  
18 **TARGET SYSTEM.**

19 (B) **A POST SYSTEM IMPLEMENTATION REVIEW**  
20 **SHALL BE CONSTITUTED BY THE ADVISORY COUNCIL IN**  
21 **ASSESSMENT OF THE PERFORMANCE OF THE AUTOMATED**  
22 **VOTING, COUNTING AND CANVASSING, TRANSMITTING**  
23 **FUNCTIONS DONE BY THE MECHANICAL AND/OR THE MANUAL**  
24 **PROCEDURE IN CONJUNCTION WITH FUNCTIONS EXECUTED BY**  
25 **DEPUTIZED ELECTION PERSONNEL. A REPORT ON THEIR**  
26 **FINDINGS AND ANALYSES INCLUDING RECOMMENDATIONS FOR**  
27 **IMPROVEMENT SHALL BE SUBMITTED TO THE COMMISSION EN**  
28 **BANC FOR THEIR EVALUATION AND APPROPRIATE ACTION.**

29 (C) **THE ADVISORY COUNCIL SHALL BE**  
30 **ENTITLED TO A JUST AND REASONABLE AMOUNT OF *PER DIEM***  
31 **ALLOWANCES AND/OR HONORARIA TO COVER THE EXPENSES**

1 **OF THE SERVICES RENDERED CHARGEABLE AGAINST THE**  
2 **BUDGET OF THE COMMISSION.**

3 **“ANY MEMBER OF THE ADVISORY COUNCIL IS**  
4 **PROHIBITED FROM ENGAGING, DIRECTLY OR INDIRECTLY,**  
5 **WITH ANY ENTITY THAT ADVOCATES, MARKETS, IMPORTS,**  
6 **PRODUCES OR ANY SUCH ACTIVITY SOFTWARE, HARDWARE OR**  
7 **ANY EQUIPMENT THAT MAY BE USED FOR ELECTION PURPOSES**  
8 **FOR PERSONAL GAIN. VIOLATION OF THIS PROVISION SHALL**  
9 **DISQUALIFY SAID MEMBER FROM THE ADVISORY COUNCIL**  
10 **AND WILL BE PENALIZED IN ACCORDANCE WITH THE ANTI-**  
11 **GRAFT AND CORRUPT PRACTICES ACT AND OTHER RELATED**  
12 **LAWS.**

13 “The Commission in collaboration with the DOST shall  
14 establish an independent Technical Ad Hoc Evaluation  
15 Committee, herein known as the Committee, composed of a  
16 representative each from the Senate, House of Representatives,  
17 DOST and COMELEC. The Committee shall certify that the  
18 System is operating properly and accurately. [and that the  
19 machines have a demonstrable capacity to distinguish between  
20 genuine and spurious ballots.]

21 “The Committee shall ensure that the testing procedure  
22 shall be unbiased and effective in checking the [worthiness]  
23 **INTEGRITY** of the System. Toward this end, the Committee shall  
24 design and implement a reliability test procedure or a system  
25 stress test.”

26 SEC. 5. Section 8 of Republic Act No. 8436 is hereby amended to read  
27 as follows:

28 “SEC. 8. *Procurement of Equipment and Materials.* – The  
29 Commission shall procure the [automated counting machines,

1 computer] equipment, devices and materials needed for ballot  
 2 printing and [devices] for voting, counting,  
 3 **CONSOLIDATING/CANVASSING** and **TRANSMISSION OF RESULTS**  
 4 [canvassing] from local or foreign sources free from taxes and  
 5 import duties, subject to accounting and auditing rules and  
 6 regulations **AND EXISTING LAWS ON GOVERNMENT**  
 7 **PROCUREMENT.**”

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

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

19 “The transfer of such [machines] **EQUIPMENT OR DEVICE**  
 20 or any component thereof shall be undertaken in the presence of  
 21 representatives of political parties and citizens’ arm of the  
 22 Commission who shall be notified by the election officer of such  
 23 transfer.

24 “There is a systems breakdown in the **VOTING, counting**  
 25 **AND/OR CANVASSING** center when the [machine] **EQUIPMENT**  
 26 **OR DEVICE** fails to **RECORD THE VOTES**, read the ballots or fails  
 27 to store/save results or fails to print the results after it has read  
 28 the ballots; [or] when [the computer] **IT** fails to consolidate

1 election results/reports or fails to print election results/reports  
2 after consolidation[.]; OR WHEN IT FAILS TO TRANSMIT SUCH  
3 RESULTS/REPORT; OR OTHER ANALOGOUS CIRCUMSTANCES AS  
4 THE COMMISSION MAY DETERMINE.

5 “IF A PAPER-BASED ELECTION SYSTEM IS IMPLEMENTED  
6 AND THE MACHINE OR DEVICE FAILS TO READ THE VOTES  
7 ACCURATELY BECAUSE OF ERROR IN THE PRINTING OF  
8 BALLOTS OR FOR ANY OTHER SIMILAR CAUSE, THE  
9 COMMISSION SHALL REVERT TO MANUAL COUNT IN THE  
10 AFFECTED AREA.”

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

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

24 “After the examination and testing, the EQUIPMENT OR  
25 DEVICE [machines] shall be locked and sealed by the election  
26 officer or any authorized representative of the Commission in the  
27 presence of the political parties and candidates or their  
28 representatives, and accredited citizens’ arms. The EQUIPMENT  
29 OR DEVICE [machines] shall be kept locked and sealed and shall

1 be opened again on election day before the **VOTING STARTS**  
2 **[counting of votes begins]**.

3 “Immediately after the examination and testing of the  
4 **EQUIPMENT OR DEVICE [machines]**, the parties and candidates  
5 or their representatives, citizens’ arms or their representatives,  
6 may submit a written **COMMENT [report]** to the election officer  
7 who shall immediately transmit it to the Commission for  
8 appropriate action.

9 “**THE ELECTION OFFICER OR THE AUTHORIZED**  
10 **REPRESENTATIVE SHALL KEEP MINUTES OF THE TESTING, A**  
11 **COPY OF WHICH SHALL BE SUBMITTED TO THE COMMISSION**  
12 **WITHIN TEN (10) DAYS AFTER THE TESTING.**”

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

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

26 “[Both sides of the ballots may be used when necessary.]

27 “For this purpose, the deadline for the filing of certificate  
28 of candidacy/**NOMINATION**/petition for registration/manifestation  
29 to participate in the election shall not be later than one hundred

1 EIGHTY (180) [twenty (120)] days before the elections:  
2 *Provided*, That, any elective official, whether national or local,  
3 running for any office other than the one which he/she is holding  
4 in a permanent capacity, except for president and vice-president,  
5 shall be deemed resigned only upon the start of the campaign  
6 period corresponding to the position for which he/she is  
7 running.[: *Provided, further*, That, unlawful acts or omissions  
8 applicable to a candidate shall take effect upon the start of the  
9 aforesaid campaign period: *Provided, finally*, That, for purposes  
10 of the May 11, 1998 elections, the deadline for filing of the  
11 certificate of candidacy for the positions of President, Vice  
12 President, Senators and candidates under the Party-List System  
13 as well as petitions for registration and/or manifestation to  
14 participate in the Party-List System shall be on February 9, 1998  
15 while the deadline for the filing of certificate of candidacy for  
16 other positions shall be on March 27, 1998.]

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

21 **“WITH RESPECT TO PAPER-BASED ELECTION SYSTEM,**  
22 **[T]The official ballots shall be printed by the National Printing**  
23 **Office and/or the *Bangko Sentral ng Pilipinas* at the price**  
24 **comparable with that of private printers under proper security**  
25 **measures which the Commission shall adopt. The Commission**  
26 **may contract the services of private printers upon certification by**  
27 **the National Printing Office/*Bangko Sentral ng Pilipinas* that it**  
28 **cannot meet the printing requirements. Accredited political**  
29 **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.

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

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

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

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

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

1           SEC. 11. Section 15 of Republic Act No. 8436 is hereby  
2 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  
29 CONSIDERATION AMONG OTHERS, THE PROPER REPORTING OF**

1       **NUMBER OF VOTES CAST AND THE PROPER CONDUCT OF**  
2       **VOTING.”**

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

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

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

22               “[For the purpose of the May 11, 1998 elections, the  
23       Commission shall designate a central counting center(s) which  
24       shall be a public place within the city or municipality, as in the  
25       case of the National Capital Region and in highly urbanized  
26       areas. The Commission may designate other counting center(s)  
27       where the national ballots cast from various precincts of different  
28       municipalities shall be counted using the automated system. The  
29       Commission shall post prominently a notice thereof, for at least  
30       fifteen (15) days prior to election day, in the office of the

1 election officer, on the bulletin boards at the municipal hall and  
2 in three (3) other conspicuous places in the municipality.]”

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

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

16 (b) The ballots shall be counted by the machine by  
17 precinct in the order of their arrival at the counting center. The  
18 election officer or his/her representative shall log the sequence of  
19 arrival of the ballot boxes and indicate their condition.  
20 Thereafter, the board shall, in the presence of the watchers and  
21 representatives of accredited citizens’ arm, political  
22 parties/candidates, open the ballot box, retrieve the ballots and  
23 minutes of voting. It shall verify whether the number of ballots  
24 tallies with the data in the minutes. If there are excess ballots,  
25 the poll clerk, without looking at the ballots, shall publicly draw  
26 out at random ballots equal to the excess and without looking at  
27 the contents thereof, place them in an envelope which shall be  
28 marked “excess ballots”. The envelope shall be sealed and  
29 signed by the members of the board and placed in the  
30 compartment for spoiled ballots.

1           (c)           The election officer or any authorized official  
 2 or any member of the board shall feed the valid ballots into the  
 3 machine without interruption until all the ballots for the precincts  
 4 are counted.

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

8           For the purpose of the May 11, 1998 elections, the ballots  
 9 shall be counted by precinct by the special members of the board  
 10 in the manner provided in paragraph (b) hereof.]”

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

13           “SEC. 18. *Election Returns.* – [After the ballots of the  
 14 precincts have been counted, the election officer or any official  
 15 authorized by the Commission shall, in the presence of watchers  
 16 and representatives of the accredited citizens’ arm, political  
 17 parties/candidates, if any, store the results in a data storage  
 18 device and print copies of the election returns of each precinct.]

19       **ALL COPIES OF [T]The printed election returns shall be signed**  
 20 **and thumbmarked by ALL THE MEMBERS OF THE BOARD OF**  
 21 **ELECTION INSPECTORS AND THE WATCHERS PRESENT. [the**  
 22 **fourth member and COMELEC authorized representative and**  
 23 **attested to by the election officer or authorized representative.]**

24       The Chairman of the Board shall then publicly read and  
 25 announce the total number of votes obtained by each candidate  
 26 based on the election returns. Thereafter, the copies of the  
 27 election returns shall be sealed and placed in the proper  
 28 envelopes for distribution as follows:

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

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

5           (2) The second copy, to the Congress, directed to the  
6 President of the Senate;

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

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

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

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

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

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

25           [For the purpose of the May 11, 1998 elections, after the  
26 national ballots have been counted, the COMELEC authorized  
27 representative shall implement the provisions of paragraph A  
28 hereof.]

1 B. In the election of the local officials and members of  
2 the House of Representatives:

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

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

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

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

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

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

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

22 "The citizens' arm shall provide copies of election returns  
23 at the expense of the requesting party.

24 "After the votes from all precincts have been counted, a  
25 consolidated report of votes for each candidate shall be printed.

26 "**WITHIN ONE (1) HOUR, [A]**After the printing of the  
27 election returns, the [ballots shall be returned to the ballot box,  
28 which shall be locked, sealed and delivered to the city/municipal  
29 treasurer for safekeeping. The treasurer shall immediately  
30 provide the Commission and the election officer with a record of

1 the serial numbers of the ballot boxes and the corresponding  
 2 metal seals.] **CHAIRMAN OF THE BOARD OF ELECTION**  
 3 **INSPECTORS OR ANY OFFICIAL AUTHORIZED BY THE**  
 4 **COMMISSION SHALL, IN THE PRESENCE OF WATCHERS AND**  
 5 **REPRESENTATIVES OF THE ACCREDITED CITIZENS' ARM,**  
 6 **POLITICAL PARTIES/CANDIDATES, IF ANY, TRANSMIT THE**  
 7 **PRECINCT RESULTS ELECTRONICALLY TO THE**  
 8 **CITY/MUNICIPAL AND CENTRAL CONSOLIDATION CENTERS.**  
 9 **HOWEVER, IN CASE OF CITIES AND MUNICIPALITIES WHERE**  
 10 **THE COUNTING AND CONSOLIDATING EQUIPMENT ARE**  
 11 **LOCATED IN THE SAME CENTER, PRECINCT RESULTS NEED NOT**  
 12 **BE TRANSMITTED ELECTRONICALLY, EXCEPT TO THE**  
 13 **CENTRAL CONSOLIDATION CENTERS AND TO THE ACCREDITED**  
 14 **CITIZENS ARM(S) AUTHORIZED TO CONDUCT AN UNOFFICIAL**  
 15 **QUICK COUNT, IF ANY.**

16 "THE ELECTION RESULTS AT THE CITY/MUNICIPALITY  
 17 CONSOLIDATING CENTERS SHALL BE TRANSMITTED IN THE  
 18 SAME MANNER BY THE ELECTION OFFICER OR ANY OFFICIAL  
 19 AUTHORIZED BY THE COMMISSION TO THE DISTRICT OR  
 20 PROVINCIAL CONSOLIDATION CENTERS AND TO THE  
 21 ACCREDITED CITIZENS ARM(S) AUTHORIZED TO CONDUCT AN  
 22 UNOFFICIAL QUICK COUNT, IF ANY.

23 "THE CERTIFICATES OF CANVASS TRANSMITTED  
 24 ELECTRONICALLY SHALL BE CONSIDERED AS OFFICIAL  
 25 ELECTION RESULTS AND SHALL BE USED AS THE BASIS FOR THE  
 26 CANVASSING OF VOTES AND THE PROCLAMATION OF A  
 27 CANDIDATE."

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

30 "SEC. 21. *Canvassing by Provincial, City, District and*  
 31 *Municipal Boards of Canvassers.* – The city or municipal board  
 32 of canvassers shall canvass the votes for the president, vice-

1 president, senators, and parties, organizations or coalitions  
2 participating under the party-list system by consolidating the  
3 **ELECTRONIC RESULTS TRANSMITTED EITHER DIRECTLY FROM**  
4 **THE PRECINCTS OR FROM THE CITY/MUNICIPALITY COUNTING**  
5 **CENTERS OR THE** results contained in the data storage devices  
6 used in the printing of the election returns. Upon completion of  
7 the canvass, it shall print the certificate of canvass of votes for  
8 president, vice-president, senators and members of the House of  
9 Representatives and elective provincial officials and thereafter,  
10 proclaim the elected city or municipal officials, as the case may  
11 be.

12 “The city board of canvassers of cities comprising one (1)  
13 or more legislative districts shall canvass the votes for president,  
14 vice-president, senators, members of the House of  
15 Representatives and elective city officials by consolidating the  
16 **ELECTRONIC RESULTS TRANSMITTED EITHER DIRECTLY FROM**  
17 **THE PRECINCTS OR FROM THE CITY/MUNICIPALITY COUNTING**  
18 **CENTERS OR THE** results contained in the data storage devices  
19 used in the printing of election returns. Upon completion of the  
20 canvass, the board shall print the canvass of votes for president,  
21 vice-president, and senators and thereafter, proclaim the elected  
22 members of the House of Representatives and city officials.

23 “In the Metro Manila area, each municipality comprising  
24 a legislative district shall have a district board of canvassers  
25 which shall canvass the votes for president, vice-president,  
26 senators, members of the House of Representatives and elective  
27 municipal officials by consolidating the **ELECTRONIC RESULTS**  
28 **TRANSMITTED EITHER DIRECTLY FROM THE PRECINCTS OR**  
29 **FROM THE CITY/MUNICIPALITY COUNTING CENTERS OR THE**  
30 results contained in the data storage devices used in the printing

1 of the election returns. Upon completion of the canvass, it shall  
2 print the certificate of canvass of votes for president, vice-  
3 president, and senators and thereafter, proclaim the elected  
4 members of the House of Representatives and municipal  
5 officials.

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

19 “The district board of canvassers of each legislative  
20 district comprising **[two (2) municipalities] ONE (1) CITY AND**  
21 **ONE (1) MUNICIPALITY** in the Metro Manila area shall canvass  
22 the votes for president, vice-president, senators and members of  
23 the House of Representatives by consolidating the  
24 **CERTIFICATES OF CANVASS ELECTRONICALLY TRANSMITTED**  
25 **FROM THE CITY/MUNICIPALITY CONSOLIDATING CENTERS OR**  
26 **THE** results contained in the data storage devices submitted by  
27 the municipal board of canvassers of the component  
28 municipalities. Upon completion of the canvass, it shall print a  
29 certificate of canvass of votes for president, vice-president and

1 senators and thereafter, proclaim the elected members of the  
2 House of Representatives in the legislative district.

3 “The district/provincial board of canvassers shall canvass  
4 the votes for president, vice-president, senators, members of the  
5 House of Representatives and elective provincial officials by  
6 consolidating the **CERTIFICATES OF CANVASS**  
7 **ELECTRONICALLY TRANSMITTED FROM THE**  
8 **CITY/MUNICIPALITY CONSOLIDATING CENTERS OR THE** results  
9 contained in the data storage devices submitted by the board of  
10 canvassers of the municipalities and component cities. Upon  
11 completion of the canvass, it shall print the certificate of canvass  
12 of votes for president, vice-president and senators and thereafter,  
13 proclaim the elected members of the House of Representatives  
14 and the provincial officials.

15 **“AFTER THE CANVASSING, THE CHAIRMAN OF THE**  
16 **DISTRICT OR PROVINCIAL BOARD OF CANVASSERS OR THE**  
17 **CITY BOARD OF CANVASSERS OF THOSE CITIES WHICH**  
18 **COMPRISE ONE (1) OR MORE LEGISLATIVE DISTRICTS SHALL**  
19 **TRANSMIT THE CERTIFICATES OF CANVASS ELECTRONICALLY**  
20 **TO THE NATIONAL CONSOLIDATION CENTERS, WHICH ARE THE**  
21 **COMMISSION SITTING AS THE NATIONAL BOARD OF**  
22 **CANVASSERS FOR SENATORS AND PARTY-LIST**  
23 **REPRESENTATIVES AND CONGRESS AS THE NATIONAL BOARD**  
24 **OF CANVASSERS FOR THE PRESIDENT AND VICE-PRESIDENT.**

25 [The municipal, city, district and provincial certificates of  
26 canvass of votes shall each be supported by a statement of  
27 votes.]

28 “The Commission shall adopt adequate and effective  
29 measures to preserve the integrity of the **CERTIFICATES OF**  
30 **CANVASS TRANSMITTED ELECTRONICALLY AND THE RESULTS**

1 IN THE data storage devices at the various levels of the boards of  
2 canvassers.”

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

5 “SEC. 23. *National Board of Canvassers for Senators*  
6 *AND PARTY-LIST.* – The chairman and members of the  
7 Commission on Elections sitting *en banc*, shall compose the  
8 national board of canvassers for senators **AND PARTY-LIST**. It  
9 shall canvass the results for senators **AND PARTY-LIST** by  
10 consolidating **THE CERTIFICATES OF CANVASS**  
11 **ELECTRONICALLY TRANSMITTED OR** the results contained in  
12 the data storage devices submitted by the district, provincial and  
13 city boards of canvassers of those cities which comprise one or  
14 more legislative districts. Thereafter, the national board shall  
15 proclaim the winning candidates for senators **AND PARTY-LIST**.”

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

18 “SEC. 24. *Congress as the National Board of Canvassers*  
19 *for President and Vice-President.* – The Senate and the House of  
20 Representatives [in joint public session] shall compose the  
21 national board of canvassers for president and vice-president.  
22 [The returns of every election for president and vice-president  
23 duly certified by the board of canvassers of each province or  
24 city, shall be transmitted to the Congress, directed to the  
25 president of the Senate.] Upon receipt of the certificates of  
26 canvass, **DULY CERTIFIED AND TRANSMITTED BY THE BOARD**  
27 **OF CANVASSERS OF EACH PROVINCE OR CITY**, the president of  
28 the Senate shall, not later than (30) days after the day of the  
29 election, open all the certificates in the presence of the Senate

1 and the House of Representatives in joint public session, and the  
 2 Congress upon determination of the authenticity and the due  
 3 execution thereof [in the manner provided by law], canvass all  
 4 the results for president and vice-president [by consolidating the  
 5 results contained in the data storage devices submitted by the  
 6 district, provincial and city boards of canvassers] and thereafter,  
 7 proclaim the winning candidates [for president and vice-  
 8 president].

9           **“THE MANNER OF DETERMINING THE AUTHENTICITY**  
 10 **AND DUE EXECUTION OF THE CERTIFICATES SHALL CONFORM**  
 11 **WITH THE PROVISIONS OF REPUBLIC ACT NO. 7166 AS MAY BE**  
 12 **SUPPLEMENTED OR MODIFIED BY THE PROVISIONS OF THIS**  
 13 **ACT, WHERE APPLICABLE, BY APPROPRIATE AUTHENTICATION**  
 14 **AND CERTIFICATION PROCEDURES FOR ELECTRONIC DATA,**  
 15 **ELECTRONIC DOCUMENTS AND ELECTRONIC SIGNATURES AS**  
 16 **PROVIDED IN REPUBLIC ACT NO. 8792 AS WELL AS THE RULES**  
 17 **PROMULGATED BY THE SUPREME COURT PURSUANT**  
 18 **THERE TO.”**

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

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

27           **“NOTWITHSTANDING THE FOREGOING CANVASSING**  
 28 **PROCEDURE, THE COMMISSION IS AUTHORIZED TO PRESCRIBE**  
 29 **OTHER MANNER OF PROCEDURE FOR THE CANVASSING AND**

1       **CONSOLIDATION OF VOTES AS TECHNOLOGY ADVANCES,**  
2       **SUBJECT TO THE PROVISIONS OF SECTION 4 HEREOF ON THE**  
3       **MINIMUM CAPABILITIES OF THE SYSTEM AND OTHER**  
4       **PERTINENT LAWS.”**

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

9       SEC. 20. *Separability Clause.* – If, for any reason, any section or  
10 provision of this Act or any part thereof, or the application of such section,  
11 provision or portion is declared invalid or unconstitutional, the remainder  
12 thereof shall not be affected by such declaration.

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

15       Approved,