

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P1:57

SENATE

S.B. NO. 103

RECEIVED BY: 

Introduced by **Senator LUISA "LOI" P. EJERCITO ESTRADA**

EXPLANATORY NOTE

Essential to the conduct of fair and honest elections is the vote-counting and canvassing process. This entails transparency and accessibility of election results documents containing the records of votes of candidates to all parties and candidates.

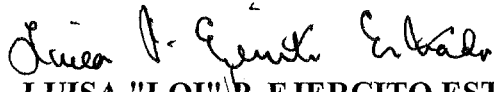
Under existing laws, counting starts at the precinct level wherein the Board of Election Inspectors (BEI) conduct a physical counting of ballots, the results of which are tallied in the election return (ER). The election return then becomes the primary source document used to compute the total number of votes for the city or municipality.

The present contribution of the six (6) to seven (7) copies of the ERs make the basic document inaccessible to all the candidates. Based on past experiences, this has been identified as one of the vicious problems that makes the process of consolidation of votes at higher levels prone to tampering. Without the complete record of precinct-level breakdowns, parties and candidates, who suspect of mistakes and fraud, have no way to detect them, much less present concrete evidence to prove fraud.

This bill offers a simple and practical solution to the technical and procedural constraints usually cited to justify the limited number of copies of ERs and their distribution. The suggested legal and administrative remedies consist of: (1) revision of the format of C.E. Form No. 13, otherwise known as the Certificate of Votes (CoV) to make it more comprehensive as a basis of evidence in accordance with R.A. 6646. Section 17; (2) allowing the party watchers to prepare the CoV in duplicate, one copy for the watcher who prepares it and another copy for the BEI for record purposes; and (3) authentication of the document by all the BEI members as a necessary safeguard.

To illustrate the legislative intent of this Act, attached herewith is the proposed Revised C.E. Form No. 13.

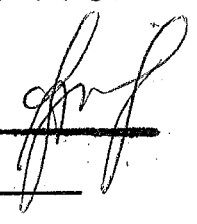
Immediate approval of this bill is earnestly sought.


LUISA "LOI" P. EJERCITO ESTRADA
Senator

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AN ACT
REQUIRING THE PREPARATION AND ISSUANCE OF THE CERTIFICATE OF
VOTES AS REPLICA OF THE ELECTION RETURNS AND PRESCRIBING A
REVISED C.E. FORM NO. 13, AMENDING FOR THAT PURPOSE SECTION 215 OF
THE OMNIBUS ELECTION CODE, AS AMENDED BY R.A. NO. 6646, SECTION 16

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

Section 1. Section 215 of Batas Pambansa Bilang 881, which reads:

"Section 215. [Board of Election Inspectors to issue a certificate of
the number of votes polled by the candidates for an office to the watchers.-
After the announcement of the results of the election and before leaving
the polling place, it shall be the duty of the board of election inspectors to
issue a certificate of the number of votes received by a candidate upon
request of the watchers. All the members of the board of election
inspectors shall sign the certificate.]" as amended by Republic Act No.
6646 Section 16, which reads:

Section 16. [Certification of Votes. - After the counting of the
votes cast in the precinct and announcement of the results of the election,
and before leaving the polling place, the board of election inspectors shall
issue a certificate of votes upon request of the duly accredited watchers.
The certificate shall contain the number of votes obtained by each
candidate written in words and figures, the number of the precinct, the
name of the city or municipality and province, the total number of voters
who voted in the precinct, and the date and time issued, and shall be
signed and thumbmarked by each member of the board.]; are hereby
amended to read as follows:

"CERTIFICATE OF VOTES. - BEFORE THE START OF THE VOTING, THE
BOARD OF ELECTION INSPECTORS SHALL ISSUE BLANK FORMS OF

CERTIFICATE OF VOTES TO ALL THE DULY ACCREDITED WATCHERS OF CANDIDATES/PARTIES. THE CERTIFICATE OF VOTES SHALL CONTAIN:

- (1) THE NAME OF THE PROVINCE
- (2) LEGISLATIVE DISTRICT
- (3) CITY OR MUNICIPALITY
- (4) BARANGAY
- (5) PRECINCT NUMBER
- (6) ELECTION RETURNS NUMBER
- (7) NUMBER OF REGISTERED VOTERS
- (8) NUMBER OF VOTERS WHO ACTUALLY VOTED
- (9) SERIAL NUMBER OF BALLOTS
- (10) NUMBER OF VALID BALLOTS
- (11) NUMBER OF SPOILED BALLOTS
- (12) NAMES OF ALL THE CANDIDATES
- (13) TOTAL NUMBER OF VOTES OBTAINED BY ALL CANDIDATES WRITTEN IN WORDS AND FIGURES
- (14) THE DATE AND TIME ISSUED
- (15) SIGNATURE AND THUMBMARK OF ALL THE MEMBERS OF THE BOARD OF ELECTION INSPECTORS
- (16) SIGNATURE AND THUMBMARK OF AT LEAST THREE (3) OF THE ACCREDITED PARTY WATCHERS, INCLUDING THE WATCHER WHO PREPARED THE CERTIFICATE.

IMMEDIATELY UPON RECEIPT OF THE BLANK FORMS OF THE CERTIFICATE AND BEFORE THE START OF VOTING, THE ACCREDITED PARTY WATCHERS SHALL FILL UP THE SPACES FOR:

- (1) PROVINCE
- (2) LEGISLATIVE DISTRICT
- (3) CITY OR MUNICIPALITY

- (4) BARANGAY
- (5) PRECINCT NUMBER
- (6) NUMBER OF REGISTERED VOTERS
- (7) SERIAL NUMBER OF BALLOTS
- (8) NAMES OF ALL THE CANDIDATES.

AFTER THE CLOSE OF VOTING, THE ACCREDITED PARTY WATCHERS SHALL FILL UP THE SPACES FOR:

- (1) NUMBER OF VOTERS WHO ACTUALLY VOTED
- (2) NUMBER OF USED, SPOILED AND UNUSED BALLOTS.

IMMEDIATELY AFTER THE COUNTING OF VOTES, THE ACCREDITED PARTY WATCHERS SHALL FILL UP THE SPACES FOR THE TOTAL NUMBER OF VOTES FOR EACH OF THE CANDIDATES, WRITTEN IN WORDS AND FIGURES, FROM THE TALLY BOARD AFTER COMPARISON WITH THE FIGURES WRITTEN IN THE ELECTION RETURNS.

BEFORE LEAVING THE POLLING PLACE, THE POLL CLERK SHALL COMPARE THE FIGURES THAT APPEAR IN THE CERTIFICATES OF VOTES AS AGAINST THOSE IN THE ELECTION RETURNS. AS PROOF OF AUTHENTICATION, THE BOARD OF ELECTION INSPECTORS SHALL AFFIX THEIR THUMBMARKS ON THE SPACES PROVIDED THEREIN. THE CERTIFICATE SHALL ALSO BE SIGNED AND THUMBMARKED BY AT LEAST THREE (3) OF THE ACCREDITED PARTY WATCHERS, INCLUDING THE WATCHER WHO PREPARED THE CERTIFICATE.

THE CERTIFICATE OF VOTES SHALL BE PREPARED AND ACCOMPLISHED IN DUPLICATE. THE ORIGINAL COPY SHALL BE KEPT BY THE WATCHER WHO PREPARED THE CERTIFICATE AND THE DUPLICATE SHALL BE RETAINED BY THE POLL CLERK OF THE BOARD OF ELECTION INSPECTORS."

Sec. 2. **Separability Clause.** - If any provision or part hereof is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain valid and subsisting.

Sec. 3. **Repealing Clause.** - Any law, presidential decree or issuance, executive order, letter of instruction, administrative rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

Sec. 4. **Effectivity Clause.** - This Act shall take effect fifteen (15) days from the date of its publication in at least two (2) newspapers of general circulation.

Approved,