

SENATE  
S. B. No. 1272

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Introduced by Senator Miriam Defensor Santiago

#### EXPLANATORY NOTE

The accuracy, transparency, and accessibility of the results of vote-counting and canvassing procedures are essential to the conduct of fair, orderly, and honest elections. Thus, existing election laws provide for the distribution of election results documents containing the records of votes of candidates and political parties.

Two of such election results documents mentioned are the Election Returns (ERs) and the Certificates of Votes (CoV). Of the two, the ERs contain the more useful basic electoral data that can be used by candidates and political parties to detect fraud since these contain precinct-level breakdowns. Unfortunately, the present distribution scheme of the ERs makes this basic document inaccessible to all the candidates and political parties.

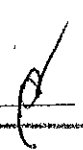
The bill seeks to make the basic electoral data more accessible. The suggested legal and administrative remedies consist of: (1) revision of the format of C.E. Form No. 13, otherwise known as the Certificate of Votes (CoV), to make it more comprehensive and similar to the ERs; (2) allowing the accredited party watchers to prepare the CoV in duplicate; and (3) authentication of the document by all the BEI members and at least three accredited party watchers as a necessary safeguard.

This bill is a product of several public hearings conducted last Congress.

  
MIRIAM DEFENSOR SANTIAGO

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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 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. [Certificate 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 candidates 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 OF VOTERS
- 8) NUMBER OF VOTERS WHO ACTUALLY VOTED
- 9) NUMBER OF VALID BALLOTS
- 10) NUMBER OF SPOILED BALLOTS
- 11) NAMES OF ALL THE CANDIDATES
- 12) TOTAL NUMBER OF VOTES OBTAINED BY ALL

CANDIDATES WRITTEN IN WORDS AND FIGURES

- 13) THE DATE AND TIME ISSUED
- 14) SIGNATURE AND THUMBMARK OF ALL THE  
MEMBERS OF THE BOARD OF ELECTION  
INSPECTORS
- 15) 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 POLL CLERK SHALL PROVIDE THE INFORMATION AND HELP THE ACCREDITED PARTY WATCHERS SHALL FILL UP THE SPACES

- 1) PROVINCE
- 2) LEGISLATIVE DISTRICT
- 3) CITY OR MUNICIPALITY
- 4) BARANGAY
- 5) PRECINCT NUMBER
- 6) NUMBER OF REGISTERED VOTERS
- 7) NAMES OF ALL THE CANDIDATES.

AFTER THE CLOSE OF VOTING, THE ACCREDITED PARTY WATCHERS WITH THE HELP OF THE POLL CLERK 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 VOTERS 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 SIGNATURES AND 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 WATCHERS WHO PREPARED THE CERTIFICATE. THE ABSENCE OF SIGNATURES AND THUMBMARKS OF THE MEMBERS OF THE BOARD OF ELECTION INSPECTORS AND AT LEAST THREE (3) OF THE ACCREDITED PARTY WATCHERS, INCLUDING THE WATCHERS WHO PREPARED THE CERTIFICATE, SHALL VOID THE CERTIFICATE OF VOTES.

THE CERTIFICATE OF VOTES SHALL BE PREPARED AND

THE WATCHER WHO PREPARED THE CERTIFICATE AND THE DUPLICATE SHALL BE RETAINED BY THE POLL CLERK OF THE BOARD OF ELECTION INSPECTORS. IT SHALL BE THE DUTY OF THE POLL CLERK TO MAKE SURE THAT THE INFORMATION CONTAINED IN THE CERTIFICATE OF VOTES ARE VALID AND CORRECT.

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

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

Section 4. Effectivity. This Act shall take effect fifteen (15) days after its publication in at least two (2) newspaper of general circulation.

Approved.