

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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Senate
Office of the Secretary

'19 JUL -3 P7:05

SENATE

RECEIVED BY

S.B. NO. 221

Introduced by SENATOR IMEE R. MARCOS

**AN ACT
TO AMEND SECTION 12 OF REPUBLIC ACT NO. 8436, AS
AMENDED BY REPUBLIC ACT NO. 9369 ENTITLED "AN ACT
AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN
AUTOMATED ELECTION SYSTEM IN THE MAY 11, 1998 NATIONAL
AND LOCAL ELECTORAL EXERCISES", AND FOR OTHER
PURPOSES**

EXPLANATORY NOTE

The existing law on automated elections require specific pre-conditions on the automated election system (AES) the Commission on Elections (COMELEC) is authorized to use.

Republic Act No. 9369, which amends Republic Act No. 8436, requires that the AES should have "demonstrated the capability and had been successfully used in a prior electoral exercise here or abroad." In effect, this is a pre-condition before an automated elections system can be considered for use by the COMELEC. By requiring the successful use of an AES in a prior electoral exercise here or abroad, the options of the COMELEC are reduced to only one AES - that which is provided by *Smartmatic*, thereby, negating all other technical requirements.

Amending the law by deleting this provision will pave the way for more options in the selection of AES and AES system providers since other service providers that can meet all the other requirements and pre-conditions shall have equal opportunity to be considered and eventually chosen by the COMELEC.

Under the premises, the approval of this bill is highly recommended.

A handwritten signature in black ink, appearing to read "Imee R. Marcos", is written over a horizontal line.

IMEE R. MARCOS

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

1 Section 1. Section 12 of Republic Act No. 8436, as amended by
2 Republic Act No. 9369, is hereby further amended to read as follows:

3 "Sec.12. *Procurement of Equipment and Materials.* - To achieve the
4 purpose of this Act, the Commission is authorized to procure, in
5 accordance with existing laws, by purchase, lease, rent or other forms of
6 acquisition, supplies, equipment, materials, software, facilities, and other
7 service, from local or foreign sources free from taxes and import duties,
8 subject to accounting and auditing rules and regulation. With respect to
9 the May 10, 2010 election and succeeding electoral exercises, the system
10 procured must have demonstrated capability. ~~[and been successfully used~~
11 ~~in a prior electoral exercise here or abroad.]~~ Participation in the 2007 pilot
12 exercise shall not be conclusive of the system's fitness.

13 xxx

1 Sec. 2. *Repealing Clause.* - All other laws, acts, presidential decrees,
2 executive orders, issuances, presidential proclamations, rules and
3 regulations or parts thereof, which are contrary to and inconsistent with
4 any provision of this Act, are hereby repealed, amended, or modified
5 accordingly.

6 Sec. 3. *Effectivity.* - This Act Shall take effect fifteen (15) days after
7 its publication in a newspaper of general circulation.

Approved,