

**RULES OF THE JOINT PUBLIC SESSION OF CONGRESS  
FOR THE CANVASSING OF THE VOTES FOR THE  
PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES  
IN THE MAY 9, 2016 ELECTIONS**

**RULE I  
JOINT PUBLIC SESSION**

**SEC. 1. *Session.*** – Pursuant to Article VII, Section 4 of the Constitution, the Senate and the House of Representatives shall meet in Joint Public Session not later than thirty (30) days after the election to canvass the votes for President and Vice President of the Philippines. The Joint Public Session shall be held at the Plenary Hall of the House of Representatives on the date and time set forth in a concurrent resolution approved by both Houses.

**RULE II  
PRESIDING OFFICERS**

**SEC. 2. *The Senate.*** - The President of the Senate shall open and preside over the Joint Public Session on the part of the Senate.

**SEC. 3. *The House of Representatives.*** - The Speaker of the House of Representatives shall open and preside over the Joint Public Session on the part of the House of Representatives.

**RULE III  
QUORUM**

**SEC. 4. *Quorum.*** - A majority of each House shall constitute a quorum and in its absence, in the Senate or in the House of Representatives, a smaller number may adjourn from day to day and the House affected may compel the attendance of absent members in accordance with its Rules.

**SEC. 5. *Question of Quorum.***- Should the question of quorum be raised, the Presiding Officer of the House to which the Member raising the question belongs shall, without debate, cause the reading of the roll of Members of the Senate or the House of Representatives, as the case may be, and the President of the Senate or the Speaker of the House of Representatives shall forthwith announce the results.

**RULE IV  
ORDER OF BUSINESS**

**SEC. 6. *Order of Business.*** - The Order of Business of the Joint Public Session shall be as follows:

- (a) National Anthem;
- (b) Invocation;
- (c) Roll Call;

- (d) Adoption of the Rules of the Joint Public Session;
- (e) Creation of a Joint Committee to Canvass the Votes for President and Vice President;
- (f) Reference of Business:
  - (1) Message from the Commission on Elections;
  - (2) Other Messages; and
  - (3) Communications;
- (g) Opening of Certificates of Canvass;
- (h) Canvassing of Votes by the Joint Committee;
- (i) Consideration and Approval of the Joint Committee Report and the Adoption of the Resolution of Both Houses Proclaiming the Duly Elected President and Vice President of the Republic of the Philippines;
- (j) Proclamation of the President-elect and the Vice President-elect by the President of the Senate and the Speaker of the House of Representatives; and
- (k) Approval of the Journal of the Joint Public Session.

## RULE V OPENING OF CERTIFICATES OF CANVASS

**SEC. 7. *Opening of Certificates of Canvass in Joint Public Session.*** - In the presence of the members of the Senate and House of Representatives in joint public session, the President of the Senate shall open, in the order they were received, all: (a) electronically transmitted Certificates of Canvass (CoCs) in the Consolidation and Canvassing System (CCS); and (b) manually counted and physically delivered CoCs not electronically transmitted in the CCS.

The President of the Senate may delegate the opening of the CoCs to the Secretary of the Senate or to the Secretary of the House of Representatives and the same shall be undertaken in joint public session. They shall record the condition of the ballot box, the special diplomatic electoral pouch and the envelope containing the CoC.

**SEC. 8. *Referral and Transfer to the Joint Committee.*** - After the functions in the preceding section are accomplished, the CoCs and supporting documents, if any, shall be referred and transferred to the Joint Committee.

## RULE VI JOINT COMMITTEE

**SEC. 9. *Creation and Membership.*** -A Joint Committee is hereby created, composed of seven (7) Members to be appointed by the President of the Senate and seven (7) Members to be appointed by the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives shall designate the Chairperson of each panel.

The President of the Senate and the Speaker of the House of Representatives shall also appoint not more than four (4) alternate Members in case of the absence or unavailability of the Members of the Joint Committee.

A Member of Congress who is a candidate for President or Vice President shall not be eligible for appointment to the Joint Committee.

**SEC. 10. Voting.** - The Joint Committee shall decide all questions and issues raised involving the CoCs by a majority vote of its Members, each panel voting separately. In case the two panels disagree, the decision of the Chairpersons shall prevail. In case of a deadlock, the matter shall be resolved by the President of the Senate and the Speaker of the House of Representatives.

**SEC. 11. Contempt Power.**- The Joint Committee shall have the power to punish for contempt any person who commits disorderly behavior during its meetings.

In the same manner, they shall also punish for contempt any member of the Board of Canvassers (BOC) or any person who refuses without reasonable cause to obey any order issued by them, or any party who introduces any manufactured, spurious, altered or tampered CoC.

**SEC. 12. Request for Technical and Other Assistance.**- The Joint Committee may request technical and other assistance from the Commission on Elections (COMELEC) and government, private or independent information technology experts for purposes of the canvassing of votes.

The Joint Committee shall direct the COMELEC to submit the list of names, specimen signatures and thumbmarks of the Chairpersons and Members of the BOCs for the determination of the authenticity and due execution of the manually counted and physically delivered CoCs. They shall also require that, in addition to the CoCs, Statement of Votes (SoVs), and printed election returns delivered to Congress, the back-up memory cards containing the election returns as electronically transmitted to the BOCs and other related data sources be delivered to Congress.

## **RULE VII CANVASS OF VOTES**

**SEC. 13. Order of Canvassing .-** The Joint Committee shall canvass, in the order they were received, all: (a) electronically transmitted Certificates of Canvass (CoCs) in the Consolidation and Canvassing System (CCS); and (b) manually counted and physically delivered CoCs not electronically transmitted in the CCS.

**SEC.14. Canvassing Procedures.**-The following procedures shall be observed in the canvassing of votes for President and Vice President:

### **A. Electronically Transmitted Certificates of Canvass from the Provincial Boards of Canvassers, City Boards of Canvassers and District Boards of Canvassers**

(i) The Joint Committee shall generate and print a copy of the electronically transmitted CoC from the CCS.

(ii) The Joint Committee shall compare the printed copy of the electronically transmitted CoC with the printed copy of the CoC physically delivered by the Provincial Boards of Canvassers (PBOCs), City Boards of Canvassers (CBOCs) and District Boards of Canvassers (DBOCs) to Congress.

(iii) The Joint Committee shall then ascertain that the number of votes cast for each Presidential and Vice Presidential candidate in the electronically transmitted CoCs and in the physically delivered CoCs are identical.

(iv) The Joint Committee shall satisfy itself that (a) the physically delivered CoC was duly executed, signed and thumbmarked by the Chairperson and Members of the

PBOC/CBOC/DBOC; (b) that the electronically transmitted CoC contains the names of all the candidates for President and Vice President and their corresponding votes in figures; and (c) that there exists no discrepancy between the electronically transmitted CoC and physically delivered CoC as to votes cast for any candidate for President or Vice-President in figures.

(v) Should there exist any discrepancy between the electronically transmitted CoC and physically delivered CoC as to the number of votes cast for any Presidential or Vice-Presidential candidate, the Joint Committee shall require the PBOC/CBOC/DBOC concerned to personally appear before it within twenty-four (24) hours and explain the discrepancy.

The Joint Committee may, if it deems it warranted, order the production, examination and comparison of the Compact Disc/s (CD), the Secure Digital (SD) cards (both the memory and/or the back-up cards) from the Vote Counting Machine/s and/or CCS Machine, the audit logs and/or the printed or generated SoVs.

(vi) The Joint Committee may likewise satisfy itself on the authenticity and due execution of the electronically transmitted CoCs, which procedure shall conform to the provisions of Republic Act No. 7166 (*Synchronized National and Local Elections of 1991*), as supplemented and modified by Republic Act No. 8436 (*Authorizing COMELEC to Use an Automated Election System in the 11 May 1998 National and Local Elections and in Subsequent National and Local Electoral Exercises*) and Republic Act No. 9369 (*Automated Election System Act of 2007*), by applicable authentication and certification procedures for electronic data, electronic documents and electronic signatures as provided under Republic Act No. 8792 (*Electronic Commerce Act*), the *Supreme Court Rules on Electronic Evidence*, and by rulings of the Supreme Court in relevant decided cases.

#### ***B. Electronically Transmitted Certificates of Canvass from the Special Boards of Canvassers for Overseas Absentee Voting***

(i) The Joint Committee shall generate and print a copy of the electronically transmitted CoC from the CCS.

(ii) The Joint Committee shall compare the printed copy of the electronically transmitted CoC with the printed copy of the CoC contained in the special diplomatic electoral pouch physically delivered to the Senate.

(iii) The Joint Committee shall then ascertain that the number of votes cast for each Presidential and Vice Presidential candidate in the electronically transmitted CoC and in the physically delivered CoC are identical.

(iv) The Joint Committee shall satisfy itself that (a) the physically delivered CoC was duly executed, signed and thumbmarked by the Chairperson and Members of the Special Boards of Canvassers (SBOCs) for Overseas Absentee Voting (OAV); (b) that the electronically transmitted CoC contains the names of all the candidates for President and Vice President and their corresponding votes in figures; and (c) that there exists no discrepancy between the electronically transmitted CoC and the physically delivered CoC as to votes cast for any candidate for President or Vice-President in figures.

(v) Should there exist any discrepancy between the physically delivered CoC and the electronically transmitted CoC as to the number of votes cast for any Presidential or Vice-Presidential candidate, the Joint Committee shall require the SBOC concerned to explain the discrepancy. In lieu of personal appearance, the SBOC of a particular country/territory/post may be contacted through any form or means of communication deemed safe and reliable by the Joint Committee.

The Joint Committee may, if it deems it warranted, order the production, examination and comparison of the Compact Disc/s (CD), the Secure Digital (SD) cards (both the main

memory and/or back-up cards) from the Vote Counting Machine/s and/or CCS Machine, the audit logs and/or the printed or generated SoVs.–

(vi) The Joint Committee may likewise satisfy itself on the authenticity and due execution of the electronically transmitted CoCs, which procedure shall conform to the provisions of Republic Act No. 7166 (*Synchronized National and Local Elections of 1991*), as supplemented and modified by Republic Act No. 8436 (*Authorizing COMELEC to Use an Automated Election System in the 11 May 1998 National and Local Elections and in Subsequent National and Local Electoral Exercises*) and Republic Act No. 9369 (*Automated Election System Act of 2007*), by applicable authentication and certification procedures for electronic data, electronic documents and electronic signatures as provided under Republic Act No. 8792 (*Electronic Commerce Act*), the *Supreme Court Rules on Electronic Evidence*, and by rulings of the Supreme Court in relevant decided cases.

***C. Manually Counted and Physically Delivered Certificates of Canvass from the Special Boards of Canvassers for Overseas Absentee Voting for President and Vice President***

(i) The Joint Committee shall satisfy itself that (a) the printed CoC contained in the special diplomatic electoral pouch physically delivered and addressed to the President of the Senate for OAV was duly executed, signed and thumbmarked by the Chairperson and Members of the SBOC for OAV; (b) that the physically delivered CoC contains the names of all the candidates for President and Vice President and their corresponding votes in words and in figures; and (c) that there exists no discrepancy between the votes cast for any candidate for President or Vice-President in words and in figures.

(ii) In case of discrepancy, incompleteness, erasure or alteration in the CoC, the Joint Committee shall require the SBOC concerned to explain the discrepancy, incompleteness, erasure or alteration in the physically delivered CoC. In lieu of personal appearance, the SBOC of a particular country/territory/post may be contacted through any form or means of communication deemed safe and reliable by the Joint Committee.

The Joint Committee may, if it deems it warranted, order the production, examination and comparison any other authentic copy of the CoC and/or the SoVs.

***D. Manually Counted and Physically Delivered Certificates of Canvass from the Special Board of Canvasser for Local Absentee Voting and Detainee Voting for President and Vice President***

(i) The Joint Committee shall satisfy itself that (a) the physically delivered CoC was duly executed, signed and thumbmarked by the Chairperson and Members of the SBOC; (b) that it contains the names of all the candidates for President and Vice President and their corresponding votes in words and in figures; and (c) that there exists no discrepancy between the votes cast for any candidate for President or Vice-President in words and in figures.

(ii) In case of any discrepancy, incompleteness, erasure or alteration in the physically delivered CoC, the Joint Committee shall require the personal appearance of the SBOC for Local Absentee Voting (LAV) and Detainee Voting (DV) within twenty-four (24) hours to explain the discrepancy, incompleteness, erasure or alteration.

The Joint Committee may, if it deems it warranted, order the production, examination and comparison of the of the physically delivered CoCs with the SoVs.

***SEC. 15. Malfunction of the CCS during Canvassing.*** - In case the CCS machine malfunctions prior to or during the canvassing proceedings and cannot be repaired or made to work despite technical assistance from the COMELEC, the Joint Committee shall canvass the votes based solely on the printed CoCs physically delivered by the BOC to Congress.

**SEC. 16. Statements and Observations on the Condition of the Certificates of Canvass.** - Statements and observations by the members of the Joint Committee on the condition of the electronically transmitted CoCs, the manually counted and physically delivered CoCs, the envelope/s, individual seal/s and serial number/s of the CoCs shall be entered in the Journal of the proceedings.

**SEC. 17. Delayed, Lost, Destroyed or Unavailable Certificates of Canvass.** - If any ballot box purportedly containing a copy of a CoC has not been delivered to Congress at the time of the opening of the CoCs in the Joint Public Session by the President of the Senate and Speaker of the House of Representatives, the subject CoC shall be considered delayed. In this case, the Joint Committee shall order the BoC concerned to deliver the said CoC within twenty-four (24) hours. In case of OAV, in lieu of personal appearance, the SBOC of a particular country/territory/post may be contacted by the Joint Committee, through any form or means of communication deemed safe and reliable by the Joint Committee, in order to determine the cause of the delay.

In case the CoC has been lost, destroyed or is otherwise unavailable, the Joint Committee shall immediately order the COMELEC to submit its authentic copy of said CoC within twenty-four (24) hours.

**SEC. 18. Disposition of Deferred and Contested Certificates of Canvass.**- After canvassing all uncontested CoCs, the Joint Committee shall resolve the questions and/or objections on the deferred CoCs by a majority vote of its members, each panel voting separately.

#### **RULE VIII ATTORNEYS AND WATCHERS**

**SEC. 19. Attorneys.** - Each candidate shall be entitled to attorneys, whose names shall be submitted to the Joint Committee Secretariat for registration. The attorneys shall file their formal entry of appearance before the Joint Committee, and serve during the entire canvassing proceedings. *Provided*, That only two (2) registered attorneys for each candidate shall sit at any given time in a place designated for them; *Provided further*, That only one (1) registered attorney for every candidate may speak before the Joint Committee for not more than three (3) minutes which may be extended for a similar period by the President of the Senate or the Speaker of the House of Representatives when warranted.

Objection by counsels to the canvass of any CoC shall be raised at the time the CoC is being considered. Such objection may be submitted in writing. All objections shall be entered in the journal of the proceedings.

**SEC. 20. Watchers.**- Each candidate shall be entitled to watchers, who shall register their attendance with the joint committee secretariat. Only two (2) registered watchers for each candidate shall sit at a designated place with a clear view of the entire canvassing proceedings.

#### **RULE IX REPORT OF THE JOINT COMMITTEE**

**SEC. 21. Preparation of the Report.** - The Joint Committee shall prepare a report on the canvass for submission to the Joint Public Session.

**SEC. 22. Approval of the Report by the Joint Committee.** - The Joint Committee Report shall be approved by a majority vote of all its Members, each panel voting separately. The committee report shall be signed by the majority of the Members of each panel.

Any Member may submit comments and recommendations for inclusion in the records of the

Joint Public Session.

**RULE X  
CONSIDERATION AND APPROVAL OF THE REPORT  
OF THE JOINT COMMITTEE AND  
ADOPTION OF THE RESOLUTION OF BOTH HOUSES**

**SEC. 23. *Consideration of the Joint Committee Report.*** –The Joint Committee Report shall be presented to the Joint Public Session for its approval. The Member designated by the Joint Committee to present the report may speak for not more than thirty (30) minutes on the report of the Joint Committee and the accompanying Resolution of Both Houses, declaring the results of the canvass and proclaiming the President-Elect and Vice President-Elect. The Member designated by those against the report shall also speak for not more than thirty (30) minutes.

A speaker for each candidate shall be given the opportunity to speak for not more than five (5) minutes.

**SEC. 24. *Approval of the Joint Committee Report and Adoption of the Resolution of Both Houses.***– A majority of the Senators and a majority of the Members of the House of Representatives, voting separately, shall approve the Joint Committee Report and adopt the Resolution of Both Houses proclaiming the duly elected President and Vice President.

**RULE XI  
PROCLAMATION**

**SEC. 25. *Proclamation of the President-Elect and Vice President-Elect.*** - Upon adoption of the Resolution of Both Houses, the President of the Senate and the Speaker of the House of Representatives shall proclaim the President-elect and the Vice President-elect.

**RULE XII  
CONDUCT AND DECORUM**

**SEC. 26. *Conduct and Decorum during the Joint Committee Meetings/Canvassing Proceedings.*** - Everyone attending the proceedings shall wear appropriate attire and observe proper decorum. The taking of pictures and recording of the proceedings with the use of any electronic devices is prohibited so as not to disrupt the proceedings. Cellular phones and other similar electronic devices shall be put in silent mode or turned off.

The Joint Committee shall order the removal from the Plenary Hall of any individual who conducts himself/herself in a disorderly manner. The Sergeant-at-Arms of both Houses shall carry out all orders and instructions given by the Joint Committee, and enforce the observance of the rules and guidelines on conduct and decorum.

**RULE XIII  
GENERAL PROVISIONS**

**SEC. 27. *Journal and Record.*** - Congress shall keep a Journal of its Joint Public Session and the proceedings of the Joint Committee, which shall contain a succinct and accurate account of what has taken place in every session and in the meetings of the Joint Committee.

Congress shall also keep a Record of the proceedings of the Joint Public Session.

The preparation of the Journal and the Record shall be under the joint supervision of the

Secretary of the Senate and the Secretary General of the House of Representatives and the Senate and the House of Representatives shall jointly undertake the printing thereof.

**SEC. 28. Archival of the Records of Proceedings.** - All records of the canvass shall be transmitted to the Archives of the Senate and the House of Representatives.

**SEC. 29. Return of the ballot boxes to the Commission on Elections** Upon completion of the canvass of votes, and proclamation of the President-elect and Vice-President-elect by the Joint Public Session, the ballot boxes deposited in the Plenary Hall of the House of Representatives shall be returned to the COMELEC.

#### **RULE XIV SUPPLEMENTARY RULES**

**SEC. 30. Supplementary Rules.**- The Rules of the Senate, the Rules of the House of Representatives and the Rules of Court shall be supplementary to these Rules insofar as they are not inconsistent herewith.

#### **RULE XV EFFECTIVITY**

**SEC. 31. Effectivity.**- These Rules shall take effect on the date of their adoption. After adoption, these Rules shall be posted at the websites of both the Senate and the House of Representatives. Copies of these Rules shall be furnished by the Joint Committee Secretariat to all candidates for President and Vice-President, their political parties and accredited citizens' arms of the COMELEC.