



**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, 2022 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. - On the part of the Senate, the President of the Senate shall open and preside over the joint public session.

SEC. 3. The House of Representatives. - On the part of the House of Representatives, the Speaker shall open and preside over the joint public session.

RULE III

QUORUM

SEC. 4. Quorum. - A majority of each House shall constitute a quorum. In the absence of quorum either 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 Duly Elected President and Vice-President 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 electronically transmitted Certificates of Canvass (CoCs) in the Consolidation and Canvassing System (CCS) and all manually counted and physically delivered CoCs not electronically transmitted in the CCS.

RULE VI
JOINT COMMITTEE

SEC. 8. 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. 9. Referral to the Joint Committee. - After the creation of the Joint Committee, the CoCs and supporting documents, if any, shall be referred 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; introduces any manufactured, spurious, altered, or tampered CoC; or refuses without reasonable cause to obey any order issued by the Joint Committee.

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. The Joint Committee 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 electronically transmitted CoCs in the CCS and all 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. For Electronically Transmitted Certificates of Canvass from the Provincial Boards of Canvassers (PBOC) and City Boards of Canvassers (CBOC):

- (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 PBOCs and CBOCs 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 and CBOC; (b) the electronically transmitted CoC contains the names of all the candidates for President and Vice-President and their corresponding votes in figures; and (c) 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 defer the canvass of the CoC and require the PBOC or CBOC concerned to appear before it within twenty-four (24) hours and explain the discrepancy.

If personal appearance is not practicable, the PBOC or CBOC concerned may be required to appear 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 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. For 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) the electronically transmitted CoC contains the names of all the candidates for President and Vice-President and their corresponding votes in figures; and (c) 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 defer the canvass of the CoC and require the SBOC concerned to explain the discrepancy. In lieu of personal appearance, the SBOC of a particular country, territory, or post may be compelled to appear under oath 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. For 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) 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) 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 defer the canvass of the CoC and 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, or post may be compelled to appear under oath 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 with any other authentic copy of the CoC or the SoVs, or both.

D. For Manually Counted and Physically Delivered Certificates of Canvass from the Special Board of Canvassers for Local Absentee Voting, Detainee Voting, and Voting in the 63 BARMM Barangays in North Cotabato 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) it contains the names of all the candidates for President and Vice- President and their corresponding votes in words and in figures; and (c) 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 defer the canvass of the CoC and require the appearance of the SBOC for Local Absentee Voting (LAV), Detainee Voting (DV), and Voting in the 63 BARMM Barangays in North Cotabato within twenty-four (24) hours to explain the discrepancy, incompleteness, erasure or alteration.

If personal appearance is not practicable, the SBOC may be required to appear 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 physically delivered CoCs with the COMELEC's copy of the CoCs or the SoVs or both.

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 or post may be compelled to appear under oath 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 the 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 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, and 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 is 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 Chairpersons of the Joint Committee shall present and sponsor the Joint Committee Report and the accompanying Resolution of Both Houses declaring the results of the canvass and proclaiming the duly elected President and Vice-President, for the approval of the Joint Public Session. Each sponsor may speak for not more than fifteen (15) minutes on the report of the Joint Committee. A Member may be designated by those against the report, who may also speak for not more than fifteen (15) 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 Duly Elected President and Vice-President. – Upon adoption of the Resolution of Both Houses, the President of the Senate and the Speaker of the House of Representatives shall proclaim the duly elected President and Vice-President.

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 acts of taking of pictures and recording of the proceedings with the use of any electronic devices are 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 person who acts in a disorderly manner. The Sergeant-at-Arms of both Houses shall carry out all orders and instructions issued 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 must 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. 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 of 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 duly elected President and Vice-President 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

HEALTH AND SAFETY PROTOCOLS

SEC. 30. Health And Safety Protocols. – For the health and safety of those who will be physically present in the plenary, the President of the Senate and the Speaker of the House of Representatives may limit the number of attendees without compromising the transparency of the proceedings.

The Joint Committee may issue health and safety protocols and other Covid-19 preventive measures which shall be observed at all times during the canvassing. Those who will not be compliant in any of the protocols shall not be allowed to enter the canvassing venue and shall be referred to the medical personnel for proper medical advice.

RULE XV

SUPPLEMENTARY RULES

SEC. 31. 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 XVI

EFFECTIVITY

SEC. 32. 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.