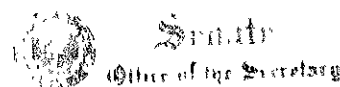


SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )



15 SEP 17 A4:24

SENATE  
S. No. 2957

RECEIVED BY: *[Signature]*

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
AMENDING REPUBLIC ACT NO. 8436, SECTION 6 ALSO KNOWN AS "AN ACT  
AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN AUTOMATED  
ELECTION SYSTEM IN THE MAY 11, 1998 NATIONAL OR LOCAL ELECTIONS  
AND IN SUBSEQUENT NATIONAL AND LOCAL ELECTORAL EXERCISES," AS  
AMENDED BY REPUBLIC ACT NO. 9369, ON THE MINIMUM SYSTEM  
CAPABILITIES OF THE AUTOMATED ELECTION SYSTEM

EXPLANATORY NOTE

The Constitution, Article 5, Section 2, paragraph (1) provides:

The Congress shall provide a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad.

The May 2010 Presidential Elections cannot be considered a perfectly executed implementation of the automated election law. Critics point out the lapses in the way the Commission on Elections (Comelec) carried out the last national elections, such as the absence of digital signatures and a weak verification system of the installed software.

At present, there is no feature that allows for the verification of the software installed in the PCOS and CCS machines and all other components of the AES system. The Hash Code extracted by the Forensic Team from the PCOS machines used in Antipolo is not the same as the one published on the COMELEC website. The Hash Code of the software in the PCOS machine is there to ensure that the same copy of the reviewed software and stored in escrow at the Bangko Sentral ng Pilipinas is the same as those installed in more than 76,000 PCOS machines.

There is therefore a need to amend the automated election law to safeguard the integrity of the electoral process. While the last election may have been considered acceptable, there is still a large room for improvement. These proposed amendments were submitted by the Center for People Empowerment and Governance to the Joint Congressional Oversight Committee on the Automated Election System.<sup>1</sup>

  
MIRIAM DEFENSOR SANTIAGO  
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<sup>1</sup> This bill was filed during the Fifteenth Congress, First Regular Session. This bill was based on the Legislative Proposals to Improve and Enhance the Automated Elections Law (R.A. No. 9369) by the Center for People Empowerment in Governance (CENPEG).



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SENATE  
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OFFICE OF THE SECRETARY  
*[Signature]*

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CAPABILITIES OF THE AUTOMATED ELECTION SYSTEM

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

1 SECTION 1. Republic Act No. 8436, Section 6, as amended by Republic Act No.  
2 9369, is hereby amended to read as follows:

3 SEC. 6. *Minimum System Capabilities.* – The automated election  
4 system must at least have the following functional capabilities:

- 5 (a) Adequate security against unauthorized access;
- 6 (b) Accuracy in recording and reading of votes as well as in  
7 the tabulation, consolidation, canvassing, electronic transmission, and  
8 storage of results;
- 9 (c) Error recovery in case of non-catastrophic failure of device;
- 10 (d) System integrity which ensures physical stability and  
11 functioning of the vote recording and counting process;
- 12 (e) ~~Provision for voter verified paper audit trail~~ **PROVIDE**  
13 **THE VOTER A SYSTEM OF VERIFICATION TO FIND OUT**  
14 **WHETHER OR NOT THE MACHINE HAS REGISTERED HIS**  
15 **CHOICE USING ONE OR MORE OF THE FOLLOWING**  
16 **ESTABLISHED VOTER VERIFICATION PROCEDURES:**
  - 17 (i) **VOTER VERIFIED PAPER AUDIT TRAIL (VVPAT)**
  - 18 (ii) **VOTER VERIFIED VIDEO AUDIT TRAIL (VVVAT)**

1 (iii) VOTER VERIFIED AUDIO AUDIT TRAIL (VVAAT)

2 (iv) VOTER VERIFIED BRAILLE AUDIT TRAIL

3 (f) System auditability which provides supporting documentation for  
4 verifying the correctness of reported election results;

5 (g) An election management system for preparing ballots and  
6 programs for use in the casting and counting of votes and to consolidate,  
7 report and display election result in the shortest possible time;

8 (h) Accessibility to illiterates and ~~disabled~~ DIFFERENTLY-  
9 ABLED voters;

10 (i) Vote tabulating program for election, referendum or plebiscite;

11 (g) Accurate ballot counter;

12 (k) Data retention provision;

13 (l) Provide for the safekeeping, storing and archiving of physical or  
14 paper resource used in the election process;

15 (m) Utilize or generate official ballots as herein defined;

16 (n) Provide the voter a system of verification to find out whether or  
17 not the machine has registered his choice; and

18 (o) Configure access control for sensitive system data and function;

19 (P) PROVIDE A FEATURE THAT WILL ALLOW  
20 VERIFICATION IF THE SOFTWARE INSTALLED IN ANY  
21 COMPONENT OF THE AES IS ONE AND THE SAME AS THAT  
22 HELD IN ESCROW WITH THE BANGKO SENTRAL NG  
23 PILIPINAS. THE VERIFICATION CODE SHALL BE PRINTED  
24 OUT AND COPIES OF THE PRINTOUT SHALL BE POSTED ON  
25 THE DOOR AND WALL OF THE PRECINCT/ CANVASSING  
26 CENTER. THE VERIFICATION SHOULD BE PART OF THE  
27 INITIALIZATION PROCEDURE EXECUTED BY THE BEI OR  
28 BOC;

29 (Q) PROVIDE THE CAPABILITY OF DIGITAL SIGNING OF  
30 ALL SOPTCOPY DOCUMENTS (ER, COC, SOV, ETC.) USING  
31 COMPUTER-INDUSTRY-STANDARD SECURE PRIVATE-PUBLIC  
32 KEY CRYPTOSYSTEM THAT UTILIZES ESTABLISHED

1 CERTIFICATE AUTHORITIES OR DTI-ACCREDITED  
2 CERTIFICATE AUTHORITY; AND

3 (R) PROVIDE THE CAPABILITY OF DIGITAL SIGNING  
4 OF ALL SOFTCOPY DOCUMENTS USING SIGNING HARDWARE  
5 THAT DOES NOT COMPROMISE THE PRIVATE KEY OF THE  
6 SIGNER, SUCH AS BY EMPLOYING PROCESSOR SMART  
7 CARDS FOR REACH SIGNER AND PROCESSOR SMART CARD  
8 READERS FOR EACH COMPUTER EQUIPMENT.

9 In the procurement of this system, the Commission shall develop and  
10 adopt an evaluation system to ascertain that the above minimum system  
11 capabilities are met. This evaluation system shall be developed with the  
12 assistance of an advisory council. **THE COMMISSION IS REQUIRED**  
13 **TO PROCURE COMPUTER HARDWARE AND SOFTWARE**  
14 **SYSTEMS THAT INCLUDE ALL OF THESE CAPABILITIES.**

15 SECTION 2. *Repealing Clause.* – All laws, decrees, orders, and issuances, or  
16 portions thereof, which are inconsistent with the provisions of this Act, are hereby  
17 repealed, amended or modified accordingly.

18 SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after  
19 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/dpm10Sept2015