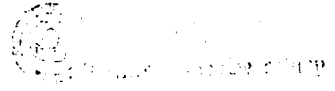


**SEVENTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
Third Regular Session }**



'18 JUN 28 P4:46

**SENATE
S.B. No. 1858**

INTRODUCED BY **SENATOR VICENTE C. SOTTO III**

**AN ACT
PROVIDING FOR THE CONDUCT OF HYBRID NATIONAL, LOCAL AND
ARMM ELECTIONS, THROUGH MANUAL VOTING AND COUNTING AT
THE PRECINCT LEVEL, AND AUTOMATED TRANSMISSION AND
CANVASSING, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The conduct of the past national and local elections was plague with numerous unresolved issues and irregularities. These problems allegedly altered the results of the 2016 election.

As what I have revealed during my privilege speech last March 6, 2018, in the 2016 elections, a series of early transmissions of votes can be seen from the logs of the COMELEC servers. These transmissions happened on May 8, 2016 and in the very early morning of May 9, 2016, prior to the official start of the elections. The transmissions were done to different municipal and provincial board of canvassers in Luzon, Visayas and Mindanao. There is no way that these are only testing transmissions for the reason that the testing period already ended on April 23, 2016.

According to the NAMFREL Report for the 2016 National and Local elections, the integrity of our Automated Election System was undermined. This is due to an intrusion of an unauthorized transparency queue server while the system is actively receiving data.

This bill aims to address the issues of a fully automated election system. In having a manual voting and counting, the public will have an unimpeded view of the real time input of votes. Also, the total number of valid ballots used as well as the results will reflect both in a manual and digital election returns. In case of a discrepancy between the manual and digital election returns, the former shall prevail. In addition, the digital election return will be projected while the entries are being recorded in real time for the benefit of the viewing public. In this way, the voters will be able to ascertain the accuracy between the actual casted votes and those being transmitted electronically.

This mode will strengthen the integrity of the elections and forego with the issues like early and inaccurate transmission of votes. With this hybrid system of manual voting and counting at the precinct level and automated transmission and canvassing, the 2019 and all subsequent elections will surely be accurate and transparent. Hence, the passage of this bill is earnestly sought.


VICENTE C. SOTTO III

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CANVASSING, AND FOR OTHER PURPOSES

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

- 1 **SECTION 1. Title.** - This Act shall be known as the "***The Hybrid Election***
2 ***Act of 2018***".
3
4 **SECTION 2. Coverage.** - The coverage of the provisions of this Act shall be
5 applicable to the conduct of the election on May 2019 and all national and
6 local elections thereafter.
7
8 **SECTION 3. Filing of Certificates of Candidacy.** - The certificate of
9 candidacy of any person running for the office of President, Vice-President,
10 Senator, member of the House of Representatives, party-list representatives
11 or any elective provincial, city or municipal official shall be filed in five (5)
12 legible copies with the offices of the Commission specified hereunder not

1 later than the day before the date legally fixed for the beginning of his
2 campaign period, to wit:

3
4 (1) For President, Vice-President, Senators and party-list representatives 90
5 days before the day of elections; and

6
7 (2) For members of the House of Representatives, and elective provincial,
8 city, and municipal officials 45 days before the day of elections.

9
10 (a) The certificate of candidacy for President, Vice-President, Senators
11 and party-list representatives shall be filed with the main office of the
12 Commission in Manila;

13
14 (b) The certificate of candidacy for the members of the House of
15 Representatives shall be filed with the provincial election supervisor of
16 the province concerned. Those for legislative districts in the National
17 Capital Region shall be filed with the regional election director of said
18 region and those for legislative districts in cities outside the National
19 Capital Region which comprise one or more legislative districts shall
20 be filed with the city election registrar concerned;

21
22 (c) The certificate of candidacy for provincial offices shall be filed with the
23 provincial supervisor concerned; and

24
25 (d) The certificate of candidacy for city or municipal offices shall be filed
26 with the city or municipal election officer concerned.

27
28 Whenever practicable, the names of registered candidates for local positions
29 shall be printed in the election returns: Provided that, if a candidate has
30 been disqualified or declared a nuisance candidate, it shall be the duty of
31 the Commission to instruct without delay the appropriate election officials to
32 delete the name of said candidate as printed in the election return.

1 The candidate shall file the certificate of candidacy personally or by his duly
2 authorized representative. No certificate of candidacy shall be filed or
3 accepted by mail, telegram or facsimile.
4

5 **SECTION 4. Official Ballots.-**
6

7 (a) Ballots for national and local elections, regular or special, plebiscites and
8 referenda, shall be of uniform size and shall be prescribed by the
9 Commission, taking into consideration environmental considerations,
10 with a reasonable minimum paper size and using only recycled paper.
11 They shall be printed in black ink on security paper with distinctive,
12 clear and legible watermarks that will readily distinguish it from ordinary
13 paper. Each ballot shall be in the shape of a strip with stub and
14 detachable coupon containing the serial number both on the upper and
15 lower detachable coupon of the ballot, and a space for the thumbmark of
16 the voter on the detachable coupon. It shall bear at the top of the middle
17 portion thereof the coat-of-arms of the Republic of the Philippines, the
18 word "Official Ballot," the name of the city or the municipality and
19 province in which the election is to be held, the date of the election, and
20 the following instruction in English: "Fill out this ballot secretly inside
21 the voting booth. Do not put any distinct mark on any part of this ballot."
22

23 (b) The official ballot shall be serially numbered and shall be delivered to and
24 correspond to specific precincts or cluster or precincts, as the case may
25 be, which shall have corresponding and exclusive ballot identification
26 numbers separate from the serial number of the individual ballots. For
27 purposes of transparency, the ballot ID and the serial number of the
28 ballots corresponding to each precinct or cluster or precincts, as the case
29 may be, shall be available for viewing by interested parties on the
30 Commission's official website at least five (5) days before the elections.
31

- 1 (c) A digital image of a sample official ballot may be available for viewing and
2 downloading from the Commission's website, minus the security features
3 and actual bar codes for authentication.
4
- 5 (d) The official ballot shall also contain the names of all the offices to be
6 voted upon in the election, allowing opposite the name of each office,
7 sufficient space of spaces with horizontal lines where the voter may write
8 the name or names of the individual candidates being voted upon, as
9 provided in the list of candidates and the corresponding elective
10 positions, as pasted inside the inner flap of the ballot secrecy folder;
11 *Provided*, that: any defacement, vandalism, marking or writing on said
12 list inside the ballot secrecy folder, which shall in anyway suggest to the
13 voter the candidate or candidates to be voted upon, or shall deprive said
14 voter of his right to vote the candidates that he/she chooses to vote, shall
15 constitute an election offense, as provided in this Act.
16
- 17 (e) There shall not be anything printed or written on the back of the ballot
18 except as provided in Section [24] 5 of this Act.
19
- 20 (f) Official ballot for cities and municipalities where Arabic is of general use
21 shall have each of the titles of the offices to be voted for printed in Arabic
22 in addition to and immediately below the English title.
23
- 24 (g) The foregoing provisions notwithstanding, the Commission is hereby
25 authorized to prescribe a different form of official ballot on the same
26 watermarked security paper to facilitate voting by illiterate and specially
27 abled voters only. The Commission should use or adopt the latest
28 technological and electronic devices in connection therewith, as to enable
29 such illiterate or specially abled voter to confirm that the accompanying
30 person truly adhered to the voter's choice of candidates, as provided
31 under Section 52(i) of the Omnibus Election Code.
32

1 **SECTION 5. *Printing of Official Ballots.***- The printing of official ballots
2 shall be exclusively done by the National Printing Office and shall not be
3 contracted out or outsourced to any private or public person, entity, or
4 agency, despite claims of better or higher capacity to do so, not even under a
5 valid accreditation pursuant to any law, rules or regulation.

6
7 A violation of this Section shall constitute a *prima facie* evidence of electoral
8 sabotage and a conspiracy to commit massive electoral fraud.

9
10 **SECTION 6. *Authentication of Ballot and Signature of Chairman and***
11 ***Watchers at the Back of Every Ballot.***- In every case before delivering an

12 official ballot to the voter, the chairman of the board of election inspectors,
13 in the presence of the poll watchers and the voter, shall scan the ballot
14 under an official bar code scanner to authenticate the same. Thereafter, the
15 chairman and the watchers for the dominant majority party and dominant
16 minority party shall affix their signatures at the back thereof. Failure to
17 authenticate shall constitute an election offense punishable under Section
18 263 and 264 of the Omnibus Election Code and shall be noted in the
19 minutes of the board of election inspectors. The same manner of
20 authentication of the ballots under the bar code scanner shall likewise be
21 observed before reading the ballot during the counting of votes after the
22 closing of the polls.

23
24 **SECTION 7. *Manner of Counting votes.***- In addition to the requirement in
25 the fourth paragraph of Section 12 of the Republic Act No. 6646 and Section
26 210 of the Omnibus Election Code, in reading the official ballots during the
27 counting, the chairman, the poll clerk and the third member shall position
28 themselves in a manner that will provide the watchers and the public, an
29 unimpeded view of the ballot being read by the chairman, the election
30 return, and the tally board being simultaneously accomplished by the poll
31 clerk and the third member respectively, without touching any of these
32 election documents. The table shall be cleared of all unnecessary writing
33 paraphernalia. Any violation of this requirement shall constitute an election

1 offense punishable under Section 263 and 264 the Omnibus Election Code.
2 Before the start of the counting, the chairman shall first ascertain whether
3 the back of every ballot contains the signatures of the chairman and
4 watchers as required by Section 5 hereof. Any ballot without the required
5 signatures shall be rejected.

6
7 a. The chairman shall first read the votes for national positions and
8 party list choices, and the necessary election returns shall be filled
9 out for such positions only, thereby reducing the time for counting, as
10 well as the size of paper to be utilized for the election returns.
11 Thereafter, the members of the Board shall terminate the counting
12 and prepare the election returns as they await distribution to the
13 authorized watchers, as provided under Section 8 hereof.

14
15 b. After the reading of the votes for the national positions and the party
16 list, the chairman shall then proceed with the reading of the votes for
17 the local positions and the corresponding election return shall be filled
18 out and prepared and distributed as provided in Section 8 hereof.

19
20 Any violation of this Section, or any of its pertinent portions, shall constitute
21 an election offense and shall be penalized in accordance with Batas
22 Pambansa Blg. 881.

23
24 **SECTION 8. Counting of Votes to be Public.**- As soon as the voting is
25 finished, the board of election inspectors shall publicly count in the polling
26 place the votes cast and ascertain the results. The board may rearrange the
27 physical set up of the polling place for the counting or perform any other
28 activity with respect to the transition from vote counting. However, it may do
29 so only in the presence of the watchers and within close view of the public.
30 At all times, the ballot boxes and all election documents and paraphernalia
31 shall be within close view of the watchers and the public.

32

1 The board of election inspectors shall not adjourn or postpone or delay the
2 counting until it has been fully completed, unless otherwise ordered by the
3 Commission.

4
5 The Commission, in the interest of free, orderly, and honest election, may
6 authorize the board of election inspectors to count the votes and to
7 accomplish the election return and other forms prescribed under the code in
8 any other place within a public building in the same municipality or city on
9 account of imminent danger of widespread violence or similar causes of
10 comparable magnitude: *Provided*, That the transfer shall been recommended
11 in writing by the board of election inspectors by unanimous vote and
12 endorsed in writing by the majority of watchers present: *Provided, further*,
13 that the said public building shall not be located within the perimeter of or
14 inside a military or police camp, reservation, headquarters, detachment or
15 field office nor within the premises of a prison or detention bureau or any
16 law enforcement or investigation agency.

17
18 Any violation of this section, or any of its pertinent portions, shall constitute
19 an election offense and shall be penalized in accordance with Batas
20 Pambansa Blg. 881.

21
22 **SECTION 9. Election Returns.** - The board of election inspectors shall
23 prepare the election returns simultaneously with the counting of votes in the
24 polling places as prescribe in Section 210 OF Batas Pambansa Blg. 881. The
25 recording of vote shall be made as prescribed in the said section. The entry
26 of votes in words and figures for each candidate shall be closed with the
27 signature and the clear imprint of the thumbmark of the right hand of all
28 the members, likewise to be affixed in full view of the public, immediately
29 after the last vote recorded or immediately after the name of the candidate
30 who did not receive any vote.

31
32 The returns shall also show the date of the election, the polling place, the
33 barangay and the city or municipality in which it was held, the total number

1 of ballots found in the compartment for valid ballots, the total number of
2 valid ballots withdrawn from the compartment for spoiled ballots which were
3 erroneously placed therein, the total number of excess ballots, the total
4 number of marked or void ballots, and the total numbers of votes obtained
5 by each candidate. These pieces of information that shall be written in
6 words and in figures and, at the end thereof, the board of election inspectors
7 shall certify that the contents are correct. The returns for national positions
8 and party list shall be accomplished in a single sheet of paper, in such
9 cases, additional sheets may be used which shall be prepared in the same
10 manner as the first sheet and likewise certified by the board of election
11 inspectors.

12
13 The Commission shall take steps so that the entries on the first copy of the
14 election returns are clearly reproduced on the second, third, fourth, fifth,
15 and sixth copies thereof, and for that purpose, the Commission shall use a
16 special kind of paper.

17
18 **SECTION 10. Digital Election Returns.** - Simultaneous to the counting of
19 the votes and the filling out of the election returns, there shall be an
20 independent technician who shall enter the votes, as they are counted, into
21 a digital spread sheet, which shall serve as the Digital Election Return, in a
22 laptop provided for the purpose, which spread sheet shall also be projected
23 on a screen while the entries are recorded in real time for the watchers to
24 validate and the public to see.

25
26 The Digital Election Return shall be equipped with such encryption and
27 programs to ensure that the technician, or any person, cannot make
28 alterations in any of the entries therein, or the results of the counting,
29 except in case of discrepancy with the manual election return as provided
30 below. Likewise, the laptop shall be configured to confine its operation only
31 for this purpose and to transmit the results of the counting to a secure
32 server as hereinafter prescribed.

1 Immediately upon the accomplishment of the manual election return for
2 national positions, the poll clerk shall announce the posting of the second
3 copy of the election return on a wall with sufficient lighting within the
4 premises of the polling place or counting center. He shall then proceed to do
5 the same in the presence of the other members of the Board, the watchers
6 and those present in the polling place or counting center. Without delay
7 and, when feasible, he shall secure an image of the election return using a
8 secured data capturing device and immediately thereafter, while in the
9 premises of the polling place or counting center, directly print thirty (30)
10 copies of the manual election return.

11
12 Likewise, the independent technician, without turning off the projected
13 results on the screen, shall print out one copy of the digital election return
14 as filled out, and the members of the board and the poll watchers shall be
15 asked to authenticate the same by comparing the results as printed with the
16 second copy of the manual election return as posted and announced.
17 Should the results of the digital election return be found to be the same as
18 that of the manual, the members of the board and the poll watchers shall
19 affix their signatures and thumb prints in the spaces provided and the same
20 shall be placed in the compartment for valid ballots in the ballot box.

21
22 Should there be any discrepancy between the digital and the manual
23 election returns, the results in the manual election return shall prevail.
24 However, for purposes of electronic transmission, the chairman, the poll
25 clerk and the third member shall encode their digital signatures into the
26 laptop to allow the necessary corrections in the digital election return to
27 conform to the results as reflected in the manual election return. The
28 erroneous digital return shall be torn by half lengthwise and placed inside
29 the compartment for spoiled ballots inside the ballot box.

30
31 Thereafter, the technician shall print another copy of the digital election
32 return and shall allow the board and the poll watchers to scrutinize and
33 authenticate the same as prescribed above. When there is no more

1 discrepancy in the results, the board and the poll watchers shall affix their
2 signatures and thumb prints, and the correct digital election return shall be
3 placed in the compartment for valid ballots inside the ballot box.

4
5 Finally, the board shall again enter their respective digital signatures to
6 write-protect the memory card containing the digital election return and the
7 image of the manual election return, and authorize the electronic
8 transmission of the results to the various secure servers as prescribed
9 herein.

10
11 Once the printouts for the image of the manual election return have been
12 produced, the poll clerk shall call the other members of the board to
13 authenticate each print copy by closely comparing the same with the
14 election return posted on the wall in the presence of the watchers and
15 within view of the public. If the board finds each print a faithful
16 reproduction of the election return, all members thereof shall annotate and
17 sign a certification to that effect on the bottom front of the print.

18
19 Each certified printed copy shall be placed in an envelope and distributed as
20 herein provided. Designated recipients of the certified print copies may
21 receive their copies at the polling place or counting center.

22
23 Immediately upon the accomplishment of the election returns for local
24 position, the second copy of the same shall be posted on a wall with
25 sufficient lighting within the premises of the polling place.

26
27 The digital election return shall be printed out and authenticated as
28 prescribed above for the national positions.

29
30 The other copies of election returns for both national and local position shall
31 be sealed in the presence of the watchers and the public, and placed in the
32 proper envelope, which shall likewise be sealed and distributed as herein
33 provided.

1 Any election return with a separately printed serial number or which bears a
2 different serial number from that assigned to the particular polling place
3 concerned shall not be canvassed and shall be declared as spurious and
4 fake, and shall be a ground for a pre-proclamation controversy. This is to be
5 determined by the board of canvassers prior to its canvassing on the basis of
6 the certification of the provincial, city or municipal treasurer as to the serial
7 number of the election return assigned to said voting precinct, unless the
8 Commission shall order in writing for its canvassing, stating the reason for
9 the variance in serial numbers.

10

11 If the signatures and/or thumbmarks of the members of the board of
12 election inspectors or some of them as required in this provision are missing
13 in the election returns, the board of canvassers may summon the members
14 of the board of election inspectors concerned to complete the returns.

15

16 The citizen's arm is mandated to present for perusal its copy of the election
17 return to the board of election canvassers upon the request of any interested
18 candidate.

19

20 Any violation of this election or its pertinent portion, shall constitute an
21 election offense and shall be penalized in accordance with Batas Pambansa
22 Blg. 881

23

24 **SECTION 11. *Number of Copies of Election Returns and their***
25 ***Distribution.*** - The board of election inspectors shall prepare in handwriting
26 the election returns in their respective polling place, in the number of copies
27 herein provided and in the form to be prescribed and provided by the
28 Commission.

29

30 The chairman of the board of election inspectors shall distribute the copies
31 of election returns as follows:

32

1 (a) In the election of president, vice-president, senators and members of the
2 House of Representatives including the party-list representatives:

3
4 (1) The digital election return shall be electronically transmitted to the
5 secure servers and the first copy of the manual election return, as
6 digitally captured and printed, shall be delivered to city or municipal
7 board of canvassers immediately after the closing of the polls;

8
9 (2) The second copy to be posted on a wall within the premises of the
10 polling place;

11
12 (3) The third copy, to the congress, directed to the President of the
13 Senate;

14
15 (4) The fourth copy, to the Commission;

16
17 (5) The fifth copy, to the dominant majority party as determined by the
18 Commission in accordance with law;

19
20 (6) The sixth copy, to the dominant minority party as determined by the
21 Commission in accordance with law;

22
23 (7) The seventh copy, to a citizens' authorized by the Commission to
24 conduct an unofficial count: *Provided, however,* That the accreditation
25 of the citizens' arm shall be subject to the provision of Section 52(k) of
26 Batas Pambansa Bldg. 881; and

27
28 (8) The eighth copy shall be deposited inside the compartment of the
29 ballot box for valid ballots; and

30
31 (b) In the election of local officials;

32

- 1 (1) The digital election return shall be electronically transmitted to the
2 secure servers and the first copy of the manual election return, as
3 digitally captured and printed, shall be delivered to city or municipal
4 board of canvassers immediately after the closing of the polls;
5
- 6 (2) The second copy to be posted on a wall within the premises of the
7 polling place;
8
- 9 (3) The third copy, to the Commission;
10
- 11 (4) The fourth copy, to the provincial board of canvassers;
12
- 13 (5) The fifth copy, to the dominant majority party as determined by the
14 Commission in accordance with law;
15
- 16 (6) The sixth copy, to the dominant minority party as determined by the
17 Commission in accordance with law;
18
- 19 (7) The seventh copy, to a citizens' authorized by the Commission to
20 conduct an unofficial count: *Provided, however,* That the accreditation
21 of the citizens' arm shall be subject to the provisions of Section 52(k)
22 of Batas Pambansa Bldg. 881; and
23
- 24 (8) The eighth copy shall be deposited inside the compartment of the
25 ballot box for valid votes.
26

27 The copy of the election return posted on the wall shall be open for public
28 viewing at any time of the day for forty-eight (48) hours following its posting.
29 Any person may view or capture an image of the election return by means of
30 any data capturing device such as, but not limited to, cameras at any time
31 of the day for forty-eight (48) hours following its posting. After the prescribed
32 period for posting, the chairman of the board of election inspectors shall
33 collect the posted election returns and keep the same in his custody to be

1 produced for image or data capturing as may be requested by any voter or
2 any lawful purpose as may be ordered by competent authority.

3
4 Except for those copies that are required to be delivered, copies of election
5 returns may be claimed at the polling place. Any unclaimed copy shall be
6 brought by the chairman of the board of election inspectors to the
7 canvassing center where the recipients or their representatives may claim
8 them. Copies still unclaimed at the canvassing center shall be deemed
9 placed in the custody of the chairman of the board of election inspectors,
10 who shall produce them when requested by the recipient or when ordered by
11 a competent authority.

12
13 The Thirty (30) certified print copies of the election return for national
14 positions shall be distributed as follows:

15
16 (a) The first fourteen (14) copies shall be given to the fourteen (14) accredited
17 major national parties in accordance with a voluntary agreement among
18 them. If no such agreement is reached, the Commission shall decide
19 which parties shall receive the copies on the basis of the criteria provided
20 in Section 26 of Republic Act 7166.

21
22 (b) The next three copies shall be given to the three accredited major local
23 parties in accordance with a voluntary agreement among them. If no
24 such agreement is reached, the Commission shall decide which parties
25 shall receive the copies on the basis of criteria analogous to that provided
26 in Section 26 of Republic Act 7166.

27
28 (c) The next five copies shall be given to national broadcast or print media
29 entities as may be equitably determined by the Commission in view of
30 propagating the copies to the widest extent possible;

1 (d) The next two copies shall be given to local broadcast or print media
2 entities as may be equitably determined by the Commission in view of
3 propagating the copies to the widest extent possible;

4
5 (e) The next four copies to the major citizens' arms, including the accredited
6 citizens' arms and other non-partisan groups or organizations enlisted by
7 the Commission pursuant to Section 52(k) of Batas Pambansa Blg. 881;

8
9 (f) The next copy to be placed inside the compartment of the ballot box for
10 valid ballots; and

11
12 (g) The last copy to the provincial board of canvassers.

13
14 The certified print copies may be claimed at the polling place. Any
15 unclaimed copy shall be brought by the chairman of the board of election
16 inspectors to the canvassing center where the recipients or representatives
17 may claim them. Copies still unclaimed at the canvassing center shall be
18 placed in the custody of the chairman of the board election inspectors, who
19 shall produce them when requested by the recipient or when ordered by a
20 competent authority.

21
22 Any provision of law to the contrary notwithstanding, any of the recipients of
23 the print or digital copies of the election return may conduct an unofficial
24 consolidation of votes and may announce the result to the public.

25
26 The Commission shall post its digital files in its website for the public to
27 view or download at any time of the day. The Commission shall maintain the
28 files at least three years from the date of posting.

29
30 Any violation of this section, or its pertinent portion, shall constitute an
31 election offense and shall be penalized in accordance with Batas Pambansa
32 Blg. 881;

33

1 **SECTION 12. *The Use of a Tally Board Not Allowed.*** - The use of a tally
2 board, commonly used by Boards of Election Inspectors at the precinct level
3 is no longer allowed and shall be replaced by the projected real-time input of
4 results in the digital election return, as provided above.

5
6 **SECTION 13. *Canvassing by Provincial City, District, and Municipal***
7 ***Board of Canvassers.*** - a) The city or municipal board of canvassers shall

8 canvass the electronically transmitted election return for President, Vice-
9 President, Senator, party-list representatives and Members of the House of
10 Representatives and for elective provincial and city or municipal officials:
11 *Provided*, That the returns for national positions shall be canvassed first.
12 Upon completion of the canvass, it shall prepare the certificate of canvass
13 for Representatives and elective provincial officials, announce the results of
14 the election for national positions in the city or municipality and, thereafter,
15 proclaim the elected city or municipal officials, as the case may be.

16
17 b) The city board of canvassers of cities comprising one or more legislative
18 districts shall canvass the electronically transmitted election returns for
19 President, Vice-President, Senator, party-list representatives, Members of
20 the House of Representatives and elective city officials: *Provided* that the
21 returns for national positions shall be canvassed first. Upon completion of
22 the canvass, the board shall prepare the certificate of canvass, of President,
23 Vice-President, Senator and party-list representatives, announce the results
24 of the election for national positions in the city and, thereafter, proclaim the
25 elected members of the House of Representatives and city officials.

26
27 c) (1) In the Metro Manila Area such municipality comprising a legislative
28 district shall have district board of canvassers which shall canvass the
29 electronically transmitted election return for President, Vice-Presidents,
30 Senator, party-list representatives, Members for the House of
31 Representatives and elective municipal officials: *Provided*, That the return
32 for national positions shall be canvassed first. Upon completion of the
33 canvass, it shall prepare the certificate of canvass for President, Vice-

1 Presidents, Senators, and party-list representatives, announce the results of
2 the election for national position in the municipality, and thereafter,
3 proclaim the elected member of the House of the Representatives and city
4 officials.

5
6 (2) Each component municipality in a legislative district in the Metro Manila
7 Area shall have a municipal board of canvassers which shall canvass the
8 electronically transmitted election returns for President, Vice-President,
9 Senator, party-list representatives, Members of the House of Representatives
10 and elective municipal officials: *Provided* that the returns for national
11 positions shall be canvassed first. Upon completion of the canvass, it shall
12 prepare the certificate of canvass for Presidents, Vice-Presidents, Senators,
13 party-list representatives and Members of the House of the Representatives,
14 announce the results of the election for national position in the
15 municipality, and thereafter, proclaim the elected municipal officials.

16
17 (3) The district board of canvassers of each legislative district comprising two
18 municipalities in Metro Manila area shall canvass the certificate of canvass
19 for President, Vice-President, Senator, party-list representatives and
20 Members of the House of Representatives submitted by the municipal board
21 of canvassers of the component municipalities. Upon completion of the
22 canvass, it shall prepare a certificate of canvass for President, Vice
23 President, Senator, and party-list representatives, announce the results of
24 the election for national positions in the district, and thereafter, proclaim
25 the elected Member of the House of the Representatives in the legislative
26 district.

27
28 (d) The provincial board of canvassers shall canvass the electronically
29 transmitted certificate of canvass for President, Vice-President, Senators,
30 party-list representatives, members of the House of Representatives and
31 elective provincial officials as well as plebiscite results, if any plebiscite is
32 conducted simultaneously with the same election, as submitted by the
33 board of canvassers of municipalities and component cities: *Provided*, That

1 the certificates of canvass for national position shall be canvassed first.
2 Upon completion of the canvass, it shall prepare the certificate of canvass
3 for President, Vice-President, Senators and party-list representatives,
4 announce the results of the election for national position in the province,
5 and proclaim the elected members of the House of Representatives and
6 provincial officials as well as the plebiscite results, if any.

7
8 In conducting the canvass of election returns or certificates of canvass, as
9 the case may be, the board of canvassers in a municipality, city, district or
10 province shall project each election return or certificate of canvass on a wall
11 from which its contents shall be read in order that those present in the
12 canvassing center may follow the progress of the canvassing process from
13 beginning to end. The Commission may utilize the appropriate projection
14 equipment for this purpose.

15
16 Immediately after the certificate of canvass for national positions is
17 accomplished, the chairman of the board of canvassers shall announce the
18 posting of the second copy thereof and its supporting statement of votes on
19 a wall with sufficient lighting within the premises of the canvassing center.
20 He shall then proceed to do the same in the present in the canvassing
21 center. Without delay and when feasible, he shall capture images of the
22 certificate of canvass and supporting statements of votes using a secured
23 data capturing device and thereafter, while in the premises of the
24 canvassing center, immediately print the data so captured in thirty (30)
25 copies. The board of canvassers shall then authenticate each printed copy,
26 in the presence of watchers and within public view, by closely comparing the
27 same with the certificate of canvass or statement of votes, as the case may
28 be, posted on of the wall. If the board finds each printed copy a faithful
29 reproduction of the certificate of canvass or statement of votes, all members
30 thereof shall annotate and sign a certification to that effect on the bottom
31 front of the printed copy.

32

1 Each certified printed copy shall be placed in an envelope and distributed as
2 herein provided. Designated recipients of the certified printed copies may
3 receive their copies at the canvassing center.

4
5 The chairman of the board shall transmit the digital files with digital
6 encryptions for security reasons of the certificate of canvass and its
7 supporting statement of votes using a secured transmission device with
8 authentication features to the secured tabulation system of the Commission
9 and to the systems of the other designated recipients as herein provided.

10
11 Any provision of law to the contrary notwithstanding, any of the recipients of
12 the print or digital copies of the certificate of canvass and the supporting
13 statements of votes may conduct an unofficial consolidation of votes and
14 may announce the result thereof to the public.

15
16 Any violation of this section, or its pertinent portion, shall constitute an
17 election offence and shall be penalized in accordance with Batas Pambansa
18 Blg. 881.

19
20 **SECTION 14. *Number of Copies of Certificate of Canvass and their***
21 ***Distribution.*** - a) the certificate of canvass for president, vice-president,
22 senator and member of the house of Representatives and elective provincial
23 official shall be prepared in seven copies by the city or municipal board of
24 canvassers and distributed as follows:

25
26 (1) The first copy shall be delivered to the provincial board of canvassers for
27 use in the canvass election results for President, Vice-President, Senator
28 and Member of the House of Representatives and elective provincial officials:

29
30 (2) The second copy shall be sent to the Commission;

31
32 (3) The third copy shall be posted on a wall within the premises of the
33 canvassing center;

1 (4) The fourth copy shall be kept by the chairman of the board: and

2
3 (5) The fifth copy shall be given the citizens' arm designated by the
4 Commission to conduct a media-based unofficial count, and the sixth and
5 seventh copies shall be given to the citizen's arm designated by the
6 Commission to conduct a media - based unofficial count, and the sixth and
7 seventh copies shall be given to the representatives of two of the six major
8 political parties in accordance with the voluntary agreement of the parties. If
9 no such agreement is reached, the commission shall decide which parties
10 shall receive the copies of the certificate of the canvass on the basis of the
11 criteria provided in Section 26 hereof. The parties receiving the certificate
12 shall have obligation to furnish the other parties with authentic copies
13 thereof with the at least possible delay.

14
15 b) The certificates of canvass for president, vice president, senators shall be
16 prepared in seven (7) copies by the city boards of canvassers of cities
17 comprising one or more legislative districts, by provincial boards of
18 canvassers in the Metro Manila Area, and distributed as follows:

19
20 (1) The first copy shall be sent to the Congress directed to the President of
21 the Senate for use in the canvass of election results for President and Vice-
22 President;

23
24 (2) The second copy shall be sent to the Commission for use in the canvass
25 of the election results for Senators;

26
27 (3) The third copy shall be posted on a wall within the premises of the
28 canvassing center;

29
30 (4) The fourth copy shall be kept by the chairman of the board; and

31
32 (5) The fifth copy shall be given to the citizens' arm designated by the
33 Commission to conduct a media -based unofficial count, and the sixth and

1 seventh copies shall be given to the representatives of two of the six major
2 political parties. If no such agreement is reached, the commission shall
3 decide which parties shall receive the copies of the certificate of canvass on
4 the basis of the criteria provided in Section 26 hereof. The parties receiving
5 the certificates shall have the obligation to furnish the other parties with
6 authentic copies thereof with the least possible delay.

7

8 The of the certificate of canvass posted on the wall shall be open for public
9 viewing at any time of the day for forty-eight (48) hours following its posting.
10 Any person may view or capture an image of the certificate of canvass. After
11 the prescribed period for posting, the chairman of the board of canvassers
12 shall collect the posted certificate of canvass and keep the same in his
13 custody to be produced for image or data capturing as may be requested by
14 any voter or for any lawful purpose as may be ordered competent authority.

15

16 Except for those copies that are required to be delivered, copies of
17 certificates of canvass may be claimed at the canvassing center. Any
18 unclaimed copy shall be deemed placed in the custody of the chairman of
19 the board of canvassers, who shall produce them requested by the recipient
20 or when ordered by a competent authority.

21

22 The thirty (30) certified print copies of the certificate canvass for national
23 positions shall be distributed as follows:

24

25 (a) The first fourteen (14) copies shall be given to the fourteen (14) accredited
26 major national parties in accordance with a voluntary agreement among
27 them. If no such agreement is reached, the commission shall decide which
28 parties shall receive the copies on the basis of the criteria provided in
29 Section 26 hereof;

30

31 (b) The next three copies shall be given to the three accredited major local
32 parties in accordance with a voluntary agreement among them. If no such
33 agreement is reached, the Commission shall decide which parties shall

1 receive the copies in the basis of criteria analogous to the provided in
2 Section 26 hereof;

3
4 (c) The next five copies shall be given to national broadcast or print media
5 entities as may be equitably determined by the commission in view of
6 propagating the copies to the widest extent possible;

7
8 (d) The next two copies shall be given to local broadcast or print media
9 entities as may be equitably determined by the Commission in view
10 propagating the copies to the widest extent possible;

11
12 (e) The next four copies to the major citizen's arms, including accredited
13 citizen' arm, and other non -partisan groups or organizations enlisted by the
14 commission pursuant to section 52(K) of Batas Pambansa Blg. 881; and

15
16 (f) The last two copies to be kept in file by the chairman of the board of
17 canvassers to be subsequently distributed as the national board of
18 canvassers may direct.

19
20 The certified print copies may be claimed at the canvassing center. Any
21 unclaimed copy shall be deemed place in the custody of the chairman of the
22 board of canvassers, who shall produce them when requested by the
23 recipient or when ordered by a competent authority.

24
25 The commission shall post its digital files in its website for the public to view
26 or download at any time of the day. The commission shall maintain the files
27 for at least three years from the date of posting.

28
29 Any violation of this section, or its pertinent portion, shall constitute an
30 election offense and shall be penalized in accordance with Batas Pambansa
31 Blg. 881.

1 **SECTION 15. Congress as the National Board of Canvassers for the**
2 **Election of President and Vice President: The Commission en banc as**
3 **the National Board of Canvassers for the election of senators:**
4 **Determination of Authenticity and Due Execution of Certificates of**

5 **Canvass.** - Congress and the Commission *en banc* shall determine the
6 authenticity and due execution of the electronically transmitted certificates
7 for President and Vice-President and Senators, respectively, as
8 accomplished and transmitted to it by the local boards of canvassers, on a
9 showing that: (1) each certificate of canvass was executed, signed and
10 thumb marked by the chairman and member of the board of canvassers and
11 transmitted or caused to be transmitted to Congress by them; (2) each
12 certificate of canvass contains the names of all of the candidates for
13 President and Vice-President or Senator, as the case may be, and their
14 corresponding votes in words and their corresponding votes in words and in
15 figures; (3) there exist no discrepancy in other authentic copies of the
16 document such as statement of votes of any of its supporting document
17 such as statement of votes by city or municipality or by precinct or
18 discrepancy in the votes of any candidate in words and figures in the
19 certificate; and (4) there exist no discrepancy in the votes of any candidate
20 in words and figures in the certificates of canvass against the aggregate
21 number of votes appearing in the election returns of precincts covered by
22 the certificate of canvass: *Provided*, That certified print copies of election
23 returns or certificates of canvass may be used for the purpose of verifying
24 the existence of the discrepancy.

25
26 When the certificate of canvass, duly certified by the board of canvassers of
27 each province, city or district, appears to be incomplete, the Senate
28 President or the chairman of the Commission, as the case may be, shall
29 require the board of canvassers concerned to transmit by personal delivery,
30 the election returns form polling places that were not included in the
31 certificate of canvass and supporting statements. Said election returns shall
32 be submitted by personal delivery within two (2) days from receipt of notice.

1 When it appears that any certificate of canvass or supporting statement of
2 votes of each province, city or district, appears to be incomplete, the Senate
3 President or the chairman of the Commission, as the case may be, shall
4 require the board of canvassers concerned to transmit by personal delivery,
5 the election returns from polling places that were not included in the
6 certificate of canvass and supporting statements. Said election returns shall
7 be submitted by personal delivery within two (2) days from receipt of notice.
8

9 When it appears that any certificate of canvass including other duly certified
10 printed copies thereof or supporting statement of votes by city or
11 municipality or by precinct bears erasures or alteration which may cast
12 doubt as to the veracity of the number of votes stated herein and may affect
13 the result of the election, upon requested of the presidential, vice-
14 presidential or senatorial candidate concerned or his party, Congress or the
15 Commission en banc, as the case may be shall, for the sole purpose of
16 verifying the actual the votes as they appear in the copies if the election
17 returns submitted to it.
18

19 Any person who present in evidence a simulated copy of an election return,
20 certificate of canvass or statement of votes, or a printed copy of an election
21 return, certificate of canvass or statement of votes bearing a simulated
22 certification or a simulated image, shall be guilty of an election offense shall
23 be penalized in accordance with Batas Pambansa Blg. 881.
24

25 **SECTION 16. *Communication Channels for Electronic Transmissions.***-

26 Electronic transmission which is defined under R.A. 9369 as conveying data
27 in electronic form from one location to another shall be guided by the
28 following: all electronic transmissions of the election returns, certificates of
29 canvass and other related documents shall utilize secure transmission
30 channels as recommended by the Department of Science and Technology
31 and the National Telecommunications Commission to ensure authentication
32 and integrity of transmission.
33

1 The Commission is hereby authorized to procure the necessary equipment,
2 facilities and services for putting up the electronic transmission system in
3 order to effectively implement the provisions of this act.
4

5 Electronic transmission of the election returns and such other related
6 documents from the precinct level shall be forwarded to the COMELEC office
7 and to the national broadcast or print media entities as may be equitably be
8 determined by the COMELEC.
9

10 **SECTION 17. *Pre-proclamation controversy.***- In case of any discrepancy,
11 incompleteness, erasure or alteration as mentioned above, the procedure on
12 pre-proclamation controversies shall be adopted and applied as provided in
13 Sections 17,18,19 and 20 of Republic Act No. 7166.
14

15 **SECTION 18. *Election Offenses under this Act.***- In addition to the
16 violations of the pertinent provisions of this Act, the following shall also
17 constitute election offenses:
18

- 19 (a) Any person who removes the election return that is posted on the wall,
20 whether within or after the prescribed forty-eight (48) hours of posting, or
21 defaces the same in any manner;
22
- 23 (b) Any person who simulates an actual election return, or a print or digital
24 copy thereof;
25
- 26 (c) Any person who simulates the certification in a print of an election
27 return;
28
- 29 (d) The chairman or any member of the board of election inspectors who,
30 during the prescribe period of posting, removes the election return from
31 the wall on which it had been posted other than for the purpose of
32 immediately transferring it to a more suitable place;

- 1 (e) The chairman or any member of the board of election inspectors who
2 signs or authenticates a print of the election return outside of the polling
3 place; and
4
- 5 (f) The chairman or any member of the board of election inspectors who
6 signs or authenticates a print which bears an image different from the
7 election return produced after counting and posted on the wall.
8
- 9 (g) Any person who remove the certificate of canvass posted on the wall,
10 whether within or after the prescribed forty-eight (48) hours of posting,
11 or defaces the same in any manner;
12
- 13 (h) Any person who simulates an actual certificates of canvass or statement
14 of votes, or a print or digital copy thereof;
15
- 16 (i) Any person who simulates the certification of a certificate of canvass or
17 statement of votes;
18
- 19 (j) The chairman or any member of the board of canvassers who, during the
20 prescribed period of posting, remove the certificate of canvass or its
21 supporting statement of votes from the wall on which they have been
22 posted other than for the purpose of immediately transferring them to a
23 more suitable place;
24
- 25 (k) The chairman of any member of the board of canvassers who sign or
26 authenticates a print of the certificate of canvass or its supporting
27 statement of votes outside of the polling place: and
28
- 29 (l) The chairman or any member of the board of canvassers who sign or
30 authenticate a print that bears an image different from the certificate of
31 canvass or statement of votes produced after counting and posted on the
32 wall.
33

1 **SECTION 19. *Implementing Rules and Regulations and Bidding.***-

2 Immediately upon the approval of this Act, the Commission shall formulate
3 such rules and regulations that will effectively implement this Act for
4 purposes of the 2019 national, local and ARMM elections and all
5 subsequent elections thereafter. In addition, the Commission shall prescribe
6 the technical specifications for the electronic devices and computer
7 programs to be used for implementing of this Act, with an aim to ensure fair,
8 honest, and orderly elections and prompt determination of the true results
9 thereof.

10

11 **SECTION 20. *Appropriations.***- Congress shall provide the necessary
12 appropriation in a supplemental budget or general appropriations act, as the
13 case may be, without delay and for purposes of the 2019 national, local and
14 ARMM elections.

15

16 **SECTION 21. *Repealing Clause.***- All laws, decrees, executive orders,
17 resolutions, revenue regulations, ordinances or circulars inconsistent with
18 the provisions of this Act are hereby repealed or modified accordingly or
19 declared null and void and inoperative.

20

21 *Approved,*