

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE
S. B. **1604**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Omnibus Election Code, Article 19, Section 231, as amended by Republic Act No. 7166, provides that the Certificate of Canvass (CoC) is an important election results document which is used in the canvassing of votes for the highest elective positions in the land. It contains *the summary of votes per province, city or municipality, for these candidates.*

Unfortunately, since the CoC does not contain precinct-level results, it has been easy to manipulate or alter its contents. This has been one of the mechanisms for wholesale electoral fraud or *Operasyon Dagdag-Bawas*. To minimize this type of fraudulent electoral practice, it is suggested that another election document be used for the canvassing of votes for candidates in both national and local elections.

The bill proposes to use the Election Returns, instead of the Certificates of Canvass, in the canvassing of votes for: (a) the elective provincial, city or municipal officials; (b) members of the House of Representatives and the Senate; and (c) Vice-President and President of the Republic of the Philippines.

This is the substitute form of a bill discussed in a series of public hearings conducted during the Tenth Congress.


MIRIAM DEFENSOR SANTIAGO

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AN ACT
PROVIDING FOR CANVASSING OF ELECTION RETURNS IN LIEU OF CERTIFICATES
OF CANVASS AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBERED
SEVENTY-ONE HUNDRED SIXTY SIX

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

SECTION 1. Section 28, 29 and 30 of Republic Act No. 7166, entitled "An Act Providing for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations Therefor, and for Other Purposes," [is] ARE hereby amended to read as follows:

"SEC. 28. Canvassing by Provincial, City, District and Municipal Boards of Canvassers FOR THE ELECTIVE PROVINCIAL, CITY OR MUNICIPAL OFFICIALS, AND THE MEMBERS OF THE HOUSE OF REPRESENTATIVES, AND CANVASSING BY THE COMMISSION ON ELECTIONS FOR THE MEMBERS OF THE SENATE. - (a) The city or municipal board of canvassers shall canvass the election returns for [President, Vice-President, Senators and Members of the House of Representatives and or elective provincial] city or municipal officials. Upon completion of the canvass, it shall [prepare the certificate of canvass for President, Vice-President, Senators and Members of the House of Representatives and elective provincial officials and thereafter] proclaim the elective city or municipal officials, as the case may be.

(b) The city of board of canvassers of cities comprising one or more legislative districts shall canvass the election returns for [President, Vice-President, Senators,] Members of the House Representatives and elective city officials. Upon completion of the canvass, the Board shall [prepare the certificate

of canvass for the President, Vice-President, and Senators and thereafter,] proclaim the elected Members of the House of Representatives and city officials.

(c) (1) In the Metro Manila Area, each municipality, comprising a legislative district shall have a district board of canvassers which shall canvass the election returns for [President, Vice-President, Senators,] Members of the House Representatives and elective municipal officials. Upon completion of the canvass, it shall [prepare the certificate of canvass for President, Vice-President, and Senators and thereafter,] proclaim the elected Members of the House Representatives and municipal officials.

(2) Each component municipality of legislative district in the Metro Manila Area shall have a municipal board of canvassers which shall canvass the election returns for [President, Vice-President, Senators, Members of the House of Representatives and] and elective officials. Upon completion of the canvass, each shall [prepare the certificate of canvass for President, Vice-President, Senators, Members of the House of Representatives and thereafter] proclaim the elected municipal officials.

(3) The district board of canvassers of each legislative district comprising two (2) municipalities in the Metro Manila Area shall canvass the ELECTION RETURNS [certificate of canvass] for [President, Vice-President, Senators and] Members of the House of Representatives submitted by the [municipal] board of [canvassers] ELECTION INSPECTORS of the component municipalities. Upon completion of the canvass, it shall [prepare a certificate of canvass for President, Vice-President and Senators and thereafter,] proclaim the elected Member of the House of Representatives in the legislative district.

(d) The provincial board of canvassers shall canvass the [certificate of canvass] ELECTION RETURNS for [President, Vice-President, Senators,] Members of the House Representatives and elective provincial officials as well as plebiscite results, if any plebiscite is conducted simultaneously with the same election, as submitted by the [board] BOARDS of [canvassers] ELECTION

INSPECTORS of municipalities and component cities. Upon completion of the canvass, it shall [prepare the certificate of canvass for President, Vice-President, Senators and thereafter,] proclaim the elected Members of the House of Representatives and provincial officials as well as the plebiscite results, if any.

(E) THE COMMISSION ON ELECTIONS SHALL CANVASS THE ELECTION RETURNS FOR THE MEMBERS OF THE SENATE AND UPON COMPLETION OF THE CANVASS, SHALL PROCLAIM THE ELECTED SENATORS.

[SEC. 29. *Number of Copies of Certificate of Canvass and their Distribution.* — (a) The certificate of canvass for President, Vice-President, Senators, Members of the House of Representatives and elective provincial officials shall be prepared in seven (7) copies by the city or municipal board of canvassers and distributed as follows:

(1) The first copy shall be delivered to the provincial board of canvassers for use in the canvass of election returns for President, Vice-President, Senators, Members of the House of Representatives and elective provincial officials;

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

(3) The third copy shall be kept by the chairman of the board;

(4) The fourth copy shall be given to the citizens arm designated by the Commission to conduct a media-based unofficial count; and

(5) The fifth, sixth and seventh copies shall be given to the representatives of any three (3) of the six (6) major political parties in accordance with the voluntary agreement of the parties. If no such agreement is reached, the Commission shall decide on which parties shall receive the copies of the certificate of canvass on the basis of the criteria provided in Section 26 hereof. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.

(b) The certificates of canvass for President, Vice-President and Senators shall be prepared in seven (7) copies by the city boards of canvassers of cities

comprising one or more legislative districts, by provincial boards of canvassers and by district boards of canvassers in the Metro Manila Area, and distributed as follows:

(1) The first copy shall be sent to the Congress, directed to the President of the Senate for use in the canvass of election results for President and Vice-President.

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

(3) The third copy shall be kept by the chairman of the board;

(4) The fourth copy shall be given to the citizens arm designated by the Commission to conduct a media-based unofficial count; and

(5) The fifth, sixth and seventh copies of the certificate of canvass shall be given to any three (3) of the six (6) major political parties in accordance with the voluntary agreement of the parties. If no such agreement is reached, the Commission shall decide on which parties shall receive the copies of the certificate of canvass on the basis of the criteria provided in Section 26 hereof. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.

(c) The certificates of canvass prepared by the city or municipal boards of canvassers shall each be supported by a statement of votes by precinct signed and thumbmarked by the chairman and members of the board, and the principal watchers if available. Thereafter, it shall be sealed and placed inside an envelope, which shall likewise be properly sealed.

In the Metro Manila Area, the certificates of canvass prepared by the district board of canvassers of a legislative district comprising one (1) municipality shall be supported by a statement of votes by precinct. The certificate of canvass prepared by a district board of canvassers of a legislative district comprising two (2) municipalities shall be supported by a statement of votes by municipality.

The certificate of canvass prepared by the provincial board of canvassers shall be supported by a statement of votes by municipality, and the original copy thereof for the Congress shall, in addition, be supported by the statement of votes by precinct as submitted to the provincial board of canvassers by the city or municipal boards of canvassers. The same requirement shall apply in the case of the certificates of canvass of a district board of canvassers of a legislative district comprising two (2) municipalities in the Metro Manila Area.]

SEC. 29. SIGNATURES AND THUMBMARKS OF ACCREDITED POLITICAL PARTY [OFFICIAL] WATCHERS. - [OFFICIAL] ACCREDITED POLL WATCHERS OF EVERY REGISTERED POLITICAL PARTY SHALL SIGN AND THUMBMARK EACH COPY OF THE ELECTION RETURN. ABSENCE OF [SUCH] THE SIGNATURES AND THUMBMARKS OF [OFFICIAL] ACCREDITED [POLL] PARTY WATCHERS SHALL VOID THE ELECTION RETURN AND THE VOTES STATED THEREIN SHALL NOT BE COUNTED.

FAILURE ON THE PART OF THE [OFFICIAL POLL] ACCREDITED POLITICAL PARTY WATCHERS TO SIGN AND THUMBMARK THE ELECTION RETURNS, OR FOR ANY PERSON TO CAUSE SUCH FAILURE, SHALL BE CONSIDERED AN ELECTION OFFENSE PUNISHABLE UNDER SECTIONS 264 AND 265 OF BATAS PAMBANSA BLG. 881.

IN CASE THERE ARE NO ACCREDITED POLITICAL PARTY WATCHERS IN THE POLLING PLACE, THE SIGNATURES AND THUMBMARKS OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF ELECTION INSPECTORS SHALL SUFFICE PROVIDED, THAT THE CHAIRMAN PLACES THE CORRESPONDING REMARKS ON THE ELECTION RETURN AS ALSO REFLECTED IN THE MINUTES OF CANVASSING.

SEC. 30. Congress as the National Board of Canvassers of the Election of President and Vice-President: Determination of Authenticity and Due Execution of [Certificates of Canvass] ELECTION RETURNS. - Congress shall determine the authenticity and due execution of the [certificates of canvass for President and Vice-President] ELECTION RETURNS as accomplished and transmitted to it by the local boards of [canvassers] ELECTION INSPECTORS on a showing that: (1) each [certificate of canvass] ELECTION RETURN was DULY executed, signed and thumbmarked by the chairman and members of the board [canvassers] OF ELECTION INSPECTORS, ALSO DULY SIGNED AND THUMBMARKED BY THE ACCREDITED PARTY WATCHERS, and transmitted or caused to be transmitted to Congress by [them] THE FORMER; (2) each [certificate of canvass] ELECTION RETURN SHALL contain the TYPE OF ELECTION, THE DATE OF THE ELECTION, THE PROVINCE, THE CITY OR THE MUNICIPALITY, THE BARANGAY, THE PRECINCT NUMBER, THE NUMBER OF REGISTERED VOTERS, THE NUMBER OF VOTERS WHO ACTUALLY VOTED, THE NUMBER OF VALID BALLOTS, THE NUMBER OF SPOILED BALLOTS, THE names of all the candidates [for President and Vice-President] and their corresponding votes in words and figures, AND OTHER SUCH DATA DEEMED NECESSARY FOR INCLUSION BY CONGRESS OR THE COMMISSION; and (3) there exists no discrepancy in other authentic copies of the [certificate of canvass] ELECTION RETURN or discrepancy in the votes of any candidates in words and figures AMONG COPIES OF [in] the same [certificate] ELECTION RETURN.

When the [certificate of canvass] ELECTION RETURN, duly [certified] SIGNED AND THUMBMARKED by the board of [canvassers of each province, city or district] ELECTION INSPECTORS AND THE ACCREDITED PARTY WATCHERS, appears to be incomplete, the Senate President shall require the board of [canvassers] ELECTION INSPECTORS concerned, ACCOMPANIED BY THE CITY OR THE MUNICIPAL TREASURER OF THE LOCALITY, to

[transmit by personal delivery] DELIVER PERSONALLY, the [election returns] BALLOT BOXES FROM THE PRECINCT WHERE THE QUESTIONABLE ELECTION RETURN WAS BASED [from the polling places that were not included in the certificate of canvass and supporting statements]. Said [election returns] BALLOT BOXES shall be [transmitted by personal delivery] DELIVERED within two (2) days from receipt of notice.

When it appears that any [certificate of canvass or supporting statement of votes] ELECTION RETURN by precinct bears erasures or alterations, which cast doubt as to the varacity of the number of votes stated therein and may affect the result of the election, upon request of the Presidential of Vice-Presidential candidate concerned or his party, Congress shall, for the sole purpose of verifying the actual number of votes cast for President and Vice-President, count the votes [as they appear in the copies of the election returns] IN THE BALLOT BOXES submitted to it.

SECTION 2. *Repealing Clause.* - Republic Act No. 7166 and all other laws, orders, decrees, rules and regulations or other issuances, or any part thereof, inconsistent with the provisions of this Act are hereby amended or repealed accordingly.

SECTION 3. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from the date of its publication in at least two (2) national newspapers of general circulation.

Approved.