

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Eighteenth Congress
First Regular Session

HOUSE BILL NO. 4643



Introduced by **Rep. Edgar Mary Sarmiento**

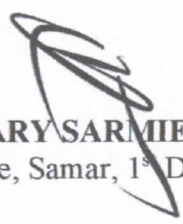
EXPLANATORY NOTE

The recent 2019 Midterm Elections was beset with problems. Among these problems are the technical glitches that occurred during voting itself, counting of the votes and the transmission of these votes. In fact, the Commission on Elections has admitted that the number of vote counting machines (VCM) which had issues tripled this year compared to the 2016 polls. There was also the technical issue which stopped data transmission of unofficial results to media organizations, watchdogs, and political parties for around seven hours.¹

The stoppage of the data dissemination makes the integrity of our elections questionable. The automated system was adopted in order for the elections to be more efficient and transparent. Instead, the system has cast doubts on the credibility of the results.

Through the passage of this bill, the country shall adopt a hybrid system of elections. The voting and counting shall be done manually while transmission shall be done electronically. This addresses the issues of a fully automated system. Transparency and credibility will be ensured through the safeguards placed in the bill.

In view of the foregoing, approval of the bill is earnestly sought


EDGAR MARY SARMIENTO
Representative, Samar, 1st District

¹ <https://www.rappler.com/nation/politics/elections/2019/230538-after-hours-long-glitch-comelec-transparency-server-sends-results-again>

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**AN ACT PROVIDING FOR THE CONDUCT OF HYBRID NATIONAL, LOCAL
AND ARMM ELECTIONS, THROUGH MANUAL VOTING AND COUNTING AT
THE PRECINT LEVEL, AND AUTOMATED TRANSMISSION AND 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 Act”.*

2
3 **SECTION 2. Coverage** – The coverage of the provisions of this Act shall be applicable to the
4 conduct of the election on May 2019 and all national and local elections thereafter.

5
6 **SECTION 3. Filing of Certificates of Candidacy** – The certificate of candidacy of any person
7 running for the office of President, Vice-President, Senator, member of the House of
8 Representatives, party-list representatives or any elective provincial, city or municipal official
9 shall be filed in five (5) legible copies with the offices of the Commission specified hereunder
10 not later than the day before the date legally fixed for the beginning of his campaign, to wit:

11
12 (1) For President, Vice-President, Senators and party-list representatives 90 days before
13 the day of elections; and

14
15 (2) For members of the House of Representatives, and elective provincial, city and
16 municipal officials 45 days before the day of elections.

17
18 (a) The certificate of candidacy for President, Vice-President, Senators and party-list
19 representatives shall be filed with the main office of the Commission in Manila;

1 (b) The certificate of candidacy for the members of the House of Representatives hall
2 be filed with the provincial election supervisor of the province concerned. Those
3 for legislative districts in the National Capital Region shall be filed with the
4 regional election director of said region and those for legislative districts in cities
5 outside the National Capital Region which comprise or more legislative districts
6 shall be filed with the city election registrar concerned;

7
8 (c) The certificate of candidacy for provincial offices shall be filed with the provincial
9 supervisor concerned; and

10
11 (d) The certificate of candidacy for city or municipal offices shall be filed with the city
12 or municipal election officer concerned.

13
14 Whenever practicable, the names of registered candidates for local positions shall be printed in
15 the election returns. Provided that, if a candidate has been disqualified or declared a nuisance
16 candidate, it shall be the duty of the Commission to instruct without delay the appropriate
17 election officials to delete the name of said candidate as printed in the election return.

18
19 The candidate shall file the certificate of candidacy personally or by his duly authorized
20 representatives. No certificate of candidacy shall be filed or accepted by mail, telegram, or
21 facsimile.

22
23 **SECTION 4. *Official Ballots.* -**

24
25 (a) Ballots for national and local elections, regular or special, plebiscites and referenda, shall
26 be of uniform size and shall be prescribed by the Commission, taking into consideration
27 environmental considerations, with a reasonable minimum paper size and using only
28 recycled paper. They shall be printed in black ink on security paper with distinctive, clear
29 and legible watermarks that will readily distinguish it from ordinary paper. Each ballot
30 shall be in the shape of a strip with stub and detachable coupon containing the serial
31 number both on the upper and lower detachable coupon of the ballot, and a space for the
32 thumbmark of the voter on the detachable coupon. It shall bear at the top of the middle
33 portion thereof the coat-of-arms of the Republic of the Philippines, the word ‘Official
34 Ballot’, the name of the city or the municipality and province in which the elections is to

1 be held, the date of the elections, and the following instruction in English: “Fill out this
2 ballot secretly inside the voting booth. DO not put any distinct mark on any part of this
3 ballot”.

4
5 (b) The official ballot shall be serially numbered and shall be delivered to and correspond to
6 specific precincts or cluster or precincts, as the case may be, which shall have
7 corresponding and exclusive ballot identification numbers separate from the serial number
8 of the individuals ballots. For purposes of transparency, the ballot ID and the serial number
9 of the ballots corresponding to each precinct or cluster or precincts, as the case may be,
10 shall be available for viewing by interested parties on the Commission’s official website
11 at least five (5) days before the elections.

12
13 (c) A digital image of a sample official ballot may be available for viewing and downloading
14 from the Commission’s website, minus the security features and actual bar codes for
15 authentication.

16
17 (d) The official ballot shall also contain the names of all the offices to be voted upon in the
18 election, allowing opposite the name of each office, sufficient space of spaces with
19 horizontal lines where the voter may write the name or names of the individual candidates
20 being voted upon, as provided in the list of candidates and the corresponding elective
21 positions, as pasted inside the inner flap of the ballot secrecy folder; *Provide*, that: any
22 defacement, vandalism, marking or writing on said list inside the ballot secrecy folder,
23 which shall in anyway suggest to the voter the candidate or candidates that he/she chooses
24 to vote, shall constitute an election offense, as provided in this Act.

25
26 (e) There shall not be anything printed or written on the back of the ballot except as provided
27 in Section [24] 5 of this Act.

28
29 (f) Official ballot for cities and municipalities where Arabic is of general use shall have each
30 of the titles of the offices to be voted for printed in Arabic in addition to and immediately
31 below the English title.

32
33 (g) The foregoing provisions notwithstanding, the Commission is hereby authorized to
34 prescribe a different form of official ballot on the same watermarked security paper to

1 facilitate voting by illiterate and especially abled voters only. The Commission should use
2 or adopt the latest technological and electronic devices in connection therewith, as to
3 enable such illiterate or especially abled voter to confirm that the accompanying person
4 truly adhered to the voter's choice of candidates, as provided under Section 52 (i) of the
5 Omnibus Election Code.

6
7 **SECTION 5. *Printing of Official Ballots.*** – The printing of official ballots shall be exclusively
8 done by the National Printing Office and shall not be contracted out or outsourced to any private
9 or public person, entity, or agency, despite claims of better or higher capacity to do so, not even
10 under a valid accreditation pursuant to any law, rules or regulation.

11
12 A violation of this Section shall constitute a *prima facie* evidence of electoral sabotage and a
13 conspiracy to commit massive electoral fraud.

14
15 **SECTION 6. *Authentication of Ballot and Signature of Chairman and Watchers at the Back***
16 ***of Every Ballot.*** – In every case before delivering an official ballot to the voter, the chairman
17 of the board of election inspectors, in the presence of the poll watchers and the voter, shall scan
18 the ballot under an official bar code scanner to authenticate the same. Thereafter, the chairman
19 and the watchers for the dominant majority party and dominant minority party shall affix their
20 signature at the back thereof. Failure to authenticate shall constitute an election offense
21 punishable under Section 263 and 264 of the Omnibus Election Code and shall be noted in the
22 minutes of the board of election inspectors. The same manner of authentication of the ballots
23 under the bar code scanner shall likewise be observed before reading the ballot during the
24 counting of votes after the closing of the polls.

25
26 **SECTION 7. *Manner of Counting Votes.*** – In addition to the requirement in the fourth
27 paragraph of Section 12 of the Republic Act No. 6646 and Section 210 of the Omnibus Election
28 Code, in reading the official ballots during the counting, the chairman, the poll clerk and the
29 third member shall position themselves in a manner that will provide the watchers and the
30 public, an unimpeded view of the ballot being read by the chairman, the election return, and
31 the tally board being simultaneously accomplished by the poll clerk and the third member
32 respectively, without touching any of these election documents. The table shall be cleared of
33 all unnecessary writing paraphernalia. Any violation of this requirement shall constitute an
34 election offense punishable under Section 263 and 264 the Omnibus Election Code.

Before the start of the counting, the chairman shall first ascertain whether the back of every ballot contains the signatures of the chairman and watchers as required by Section 5 hereof. Any ballot without the required signatures shall be rejected.

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

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

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

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

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

The Commission, in the interest of free, orderly, and honest election, may authorize the board of election inspectors to count the votes and to accomplish the election return and other forms prescribed under the code in any other place within a public building in the same municipality

1 or city on account of imminent danger of widespread violence or similar causes of comparable
2 magnitude: *Provided*, That the transfer shall been recommended in writing by the board of
3 election inspectors by unanimous vote and endorsed in writing by the majority of watchers
4 present: *Provided*, further, that the said public building shall not be located within the perimeter
5 of or inside a military or police camp, reservation, headquarters, detachment or field office nor
6 within the premises of a prison or detention bureau or any law enforcement or investigation
7 agency.

8
9 Any violation of this section, or any of its pertinent portions, shall constitute an election offense
10 and shall be penalized in accordance with Batas Pambansa Blg. 881.

11
12 **SECTION 9. *Election Returns.*** – The board of election inspectors shall prepare the election
13 returns simultaneously with the counting of votes in the polling places as prescribe in Section
14 210 of Batas Pambansa Blg. 881. The recording of vote shall be made as prescribed in the said
15 section. The entry of votes in words and figures for each candidate shall be closed with the
16 signature and the clear imprint of the thumbmark of the right hand of all the members, likewise
17 to be affixed in full view of the public, immediately after the last vote recorded or immediately
18 after the name of the candidate who did not receive any vote.

19
20 The returns shall also show the date of the election, the polling place, the barangay and the city
21 or municipality in which it was held, the total number of ballots found in the compartment for
22 valid ballots, the total number of valid ballots, withdrawn from the compartment for spoiled
23 ballots which were erroneously placed therein, the total number of excess ballots, the total
24 number of marked or void ballots, and the total numbers of votes obtained by each candidate.
25 These pieces of information that shall be written in words and in figures and, at the end thereof,
26 the board of election inspectors shall certify that the content are correct. The returns for national
27 positions and party list shall be accomplished in a single sheet of paper, in such cases, additional
28 sheets may be used which shall be prepared in the same manner as the first sheet and likewise
29 certified by the board of election inspectors.

30
31 The Commission shall take steps so that the entries on the first copy of the election returns are
32 clearly reproduced on the second, third, fourth, fifth, and sixth copies thereof, and for that
33 purpose, the Commission shall use a special kind of paper.

1 **SECTION 10. *Digital Election Returns.*** – Simultaneously to the counting of the votes and the
2 filling out of the election returns, there shall be independent technician who shall enter the
3 votes, as they are countered, into a digital spread sheet, which shall serve, as the Digital
4 Election Return, in a laptop provided for the purpose, which spread sheet shall also be projected
5 on a screen while the entries are recorded in real time for the watchers to validate and the public
6 to see.

7
8 The Digital Election Return shall be equipped with such encryption and programs to ensure
9 that the technician, or any person, cannot make alterations in any of the entries therein, or the
10 results of the counting, except in case of discrepancy with the manual election return as
11 provided below. Likewise, the laptop shall be configured to confine its operation only for this
12 purpose and to transmit the results of the counting to a secure server as hereinafter prescribed.

13
14 Immediately upon the accomplishment of the manual election return for national positions, the
15 poll clerk shall announce the posting of the second copy of the election return on a wall with
16 sufficient lighting within the premises of the polling place or counting center. He shall then
17 proceed to do the same in the presence of the other members of the Board, the watchers and
18 those present in the polling place or counting center. Without delay and, when feasible, he shall
19 secure an image of the election return using a secured data capturing device and immediately
20 thereafter, while in the premises of the polling place or counting center, directly print thirty (30)
21 copies of the manual election return.

22
23 Likewise, the independent technician, without turning off the projected results on the screen,
24 shall print out one copy of the digital election return as filled out, and the members of the
25 boards and the poll watchers shall be asked to authenticate the same by comparing the results
26 as printed with the second copy of the manual election return as posted and announced. Should
27 the results of the digital election return be found to be the same as that of the manual, the
28 members of the boards, and the poll watchers shall affix their signatures and thumb prints in
29 the spaces provided and the same shall be placed in the compartment for valid ballots in the
30 ballot box.

31 Should there be any discrepancy between the digital and the manual election returns, the results
32 in the manual election return shall prevail. However, for purposes of electronic transmission,
33 the chairman, the poll clerk and the third member shall encode their digital signatures into the
34 laptop to allow the necessary corrections in the digital election return to conform to the results

1 as reflected in the manual election return. The erroneous digital return shall be torn by half
2 lengthwise and placed inside the compartment for spoiled ballots inside the ballot box.

3
4 Thereafter, the technician shall print another copy of the digital election return and shall allow
5 the board and the poll watchers to scrutinize and authenticate the same as prescribed above.
6 When there is no more discrepancy in the results, the board and the poll watchers shall affix
7 their signatures and thumb prints, and the correct digital election return shall be placed in the
8 compartment for valid ballots inside the ballot box.

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

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

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

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

29
30 The digital election return shall be printed out and authenticated as prescribed above for the
31 national positions.

1 The other copies of election returns for both national and local positions shall be sealed in the
2 presence of the watchers and the public, and placed in the proper envelope, which shall likewise
3 be sealed and distributed as herein provided.

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

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

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

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

23
24 **SECTION 11. *Number of Copies of Election Returns and their Distribution.*** – The board of
25 election inspectors shall prepare in handwriting the election returns in their respective polling
26 place, in the number of copies herein provided and in the form to be prescribed and provided
27 by the Commission.

28
29 The chairman of the board of election inspectors shall distribute the copies of election returns
30 as follows:

- 31
32 (a) In the election of president, vice-president, senators and members of the House of
33 Representatives including the party-list representatives:

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

5
6 (2) The second copy to be posted on a wall within the premises of the polling place;

7
8 (3) The third copy, to the congress, directed to the President of the Senate;

9
10 (4) The fourth copy, to the Commission;

11
12 (5) The fifth copy, to the dominant majority party as determined by the Commission in
13 accordance with law;

14
15 (6) The sixth copy, to the dominant minority party as determined by the Commission
16 in accordance with law;

17
18 (7) The seventh copy, to a citizens' authorized by the Commission to conduct an
19 unofficial count: *Provided, however,* That the accreditation of the citizens' arm shall
20 be subject to the provision of Section 52(k) of Batas Pambansa Bldg. 881; and

21
22 (8) The eight copy shall be deposited inside the compartment of the ballot box for valid
23 ballots'; and

24
25 (b) In the election of local officials:

26
27 (1) The digital election return shall be electronically transmitted to the secure servers
28 and the first copy of the manual election return, as digitally captured and printed,
29 shall be delivered to city or municipal board of canvassers immediately after the
30 closing of the polls.

31
32 (2) The second copy to be posted on a wall within the premises of the polling place;

33
34 (3) The third copy, to the Commission;

1
2 (4) The fourth copy to the provincial board of canvassers;

3
4 (5) The fifth copy, to the dominant majority party as determined by the Commission in
5 accordance with law;

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

9
10 (7) The seventh copy, to a citizens' authorized by the Commission to conduct an
11 unofficial count: *Provided, however,* That the accreditation of the citizens' arm shall
12 be subject to the provisions of Section 52 (k) of Batas Pambansa Bldg. 881; and

13
14 (8) The eighth copy shall be deposited inside the compartment of the ballot box for
15 valid votes.

16
17 The copy of the election return posted on the wall shall be open for public viewing at any time
18 of the day for forty-eight (48) hours following its posting. Any person may view or capture an
19 image of the election return by means of any data capturing device such as, but not limited to,
20 cameras at any time of the day for forty-eight (48) hours following its posting. After the
21 prescribed period for posting, the chairman of the board of election inspectors shall collect the
22 posted election returns and keep the same in his custody to be produced for image or data
23 capturing as may be requested by any voter or any lawful purpose as may be ordered by
24 competent authority.

25
26 Except for those copies that are required to be delivered, copies of election returns may be
27 claimed at the polling place. Any unclaimed copy shall be brought by the chairman of the board
28 of election inspectors to the canvassing center where the recipients or their representatives may
29 claim them. Copies still unclaimed at the canvassing center shall be deemed placed in the
30 custody of the chairman of the board of election inspectors, who shall produce them when
31 requested by the recipient or when ordered by a competent authority.

32
33 The Thirty (30) certified print copies of the election return for national positions shall be
34 distributed as follows:

1
2 (a) The first fourteen (14) copies shall be given to the fourteen (14) accredited major
3 national parties in accordance with a voluntary agreement among them. If no such
4 agreement is reached, the Commission shall decide which parties shall receive the
5 copies on the basis of the criteria provided in Section 26 of Republic Act 7166.

6
7 (b) The next three copies shall be given to the three accredited major local parties in
8 accordance with a voluntary agreement among them. If no such agreement is reached,
9 the Commission shall decide which parties shall receive the copies on the basis of
10 criteria analogous to that provided in Section 26 of Republic Act 7166.

11
12 (c) The next five copies shall be given to national broadcast or print media entities as may
13 be equitably determined by the Commission in view of propagating the copies to the
14 widest extent possible;

15
16 (d) The next two copies shall be given to local broadcast or print media entities as may be
17 equitably determined by the Commission in view of propagating the copies to the
18 widest extent possible;

19
20 (e) The next four copies to the major citizens' arms, including the accredited citizens' arms
21 and other non-partisan groups or organizations enlisted by the Commission pursuant to
22 Section 52 (k) of Batas Pambansa Blg. 881;

23
24 (f) The next copy to be placed inside the compartment of the ballot box for valid ballots;
25 and

26
27 (g) The last copy to the provincial board of canvassers.

28
29 The certified print copies may be claimed at the polling place. Any unclaimed copy shall be
30 brought by the chairman of the board of election inspectors to the canvassing center where the
31 recipients or representatives may claim them. Copies still unclaimed at the canvassing center
32 shall be placed in the custody of the chairman of the board election inspectors, who shall
33 produce them when requested by the recipient or when ordered by a competent authority.

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

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

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

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

SECTION 13. *Canvassing by Provincial City, District, and Municipal Board of Canvassers.*

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

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

1
2 c) (1) In the Metro Manila Area such municipality comprising a legislative district shall
3 have district board of canvassers which shall canvass the electronically transmitted
4 election return for President, Vice-Presidents, Senator, party-list representatives.
5 Members for the House of Representatives and elective municipal officials: *Provided,*
6 That the return for national positions shall be canvassed first. Upon completion of the
7 canvass, it shall prepare the certificate of canvass for President, Vice-President,
8 Senators, and party-list representatives, announce the results of the election for national
9 position in the municipality, and thereafter, proclaim the elected member of the House
10 of Representatives and city officials.

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

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

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

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

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

14
15 Immediately after the certificate of canvass for national positions is accomplished, the
16 chairman of the board of canvassers shall announce the posting of the second copy thereof and
17 its supporting statement of votes on a wall with sufficient lighting within the premises of the
18 canvassing center. He shall then proceed to do the same in the present in the canvassing center.
19 Without delay and when feasible, he shall capture images of the certificate of canvass and
20 supporting statements of votes using a secured data capturing device and thereafter, while in
21 the premises of the canvassing center, immediately print the data so captured in thirty (30)
22 copies. The board of canvassers shall then authenticate each printed copy, in the presence of
23 watchers and within public view, by closely comparing the same with the certificate of canvass
24 or statement of votes, as the case may be, posted on of the wall. If the board finds each printed
25 copy a faithful reproduction of the certificate of canvass or statement of votes, all members
26 thereof shall annotate and sign a certification to that effect on the bottom front of the printed
27 copy.

28
29 Each certified printed copy shall be placed in an envelope and distributed as herein provided.
30 Designated recipients of the certified printed copies may receive their copies at the canvassing
31 center.

32
33 The chairman of the board shall transmit the digital files with digital encryptions for security
34 reasons of the certificate of canvass and its supporting statement of votes using a secured

1 transmission device with authentication features to the secured tabulation system of the
2 Commission and to the systems of the other designated recipients as herein provided.

3
4 Any provision of law to the contrary notwithstanding, any of the recipients of the print or digital
5 copies of the certificate of canvass and the supporting statements of votes may conduct an
6 unofficial consolidation of votes and may announce the result thereof to the public.

7
8 Any violation of this section, or its pertinent portion, shall constitute an election offence and
9 shall be penalized in accordance with Batas Pambansa Blg. 881.

10
11 **SECTION 14. *Number of Copies of Certificate of Canvass and their Distribution.* –**

12 a) the certificate of canvass for president, vice-president, senator and member of the house of
13 Representatives and elective provincial official shall be prepared in seven copies by the city or
14 municipal board of canvassers and distributed as follows:

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

18
19 (2) The second copy shall be sent to the Commission;

20
21 (3) The third copy shall be posted on a wall within the premises of the canvassing center;

22
23 (4) The fourth copy shall be kept by the chairman of the board: and

24
25 (5) The fifth copy shall be given the citizens' arm designated by the Commission to conduct
26 a media-based unofficial count, and the sixth and seventh copies shall be given to the
27 citizen's arm designated by the Commission to conduct a media-based unofficial count,
28 and the sixth and seventh copies shall be given to the representatives of two of the six
29 major political parties in accordance with the voluntary agreement of the parties. If no
30 such agreement is reached, the commission shall decide which parties shall receive the
31 copies of the certificate of the canvass on the basis of the criteria provided in Section
32 26 hereof. The parties receiving the certificate shall have obligation to furnish the other
33 parties with authentic copies thereof with the at least possible delay.

b) The certificates of canvass for president, vice president, 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 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 posted on a wall within the premises of the canvassing center;

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

(5) The fifth copy shall be given to the citizens' arm designated by the Commission to conduct a media-based unofficial count, and the sixth and seventh copies shall be given to the representatives of two of the six major political parties. If no such agreement is reached, the commission shall decide 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.

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

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

1
2 The thirty (30) certified print copies of the certificate canvass for national positions shall be
3 distributed as follows:

4
5 (a) The first fourteen (14) copies shall be given to the fourteen (14) accredited major
6 national parties in accordance with a voluntary agreement among them. If no such
7 agreement is reached, the commission shall decide which parties shall receive the
8 copies on the basis of the criteria provided in Section 26 hereof;

9
10 (b) The next three copies shall be given to the three accredited major local parties in
11 accordance with a voluntary agreement among them. If no such agreement is
12 reached, the Commission shall decide which parties shall receive the copies in the
13 basis of criteria analogous to the provided in Section 26 hereof;

14
15
16 (c) The next five copies shall be given to national broadcast or print media entities as
17 may be equitably by the commission in view of propagating the copies to the widest
18 extent possible;

19
20 (d) The next two copies shall be given to local broadcast or print media entitles as may
21 be equitable determined by the Commission in view propagating the copies to the
22 widest extent possible;

23
24
25 (e) The next four copies to the major citizen's arms, including accredited citizen arm,
26 and other non-partisan groups or organizations enlisted by the commission pursuant
27 to section 52 (k) of Batas Pambansa Blg. 881; and

28
29 (f) The last two copies to be kept by the chairman of the board of canvassers to be
30 subsequently distributed as the national board of canvassers may direct.

31
32 The certified print copies may be claimed at the canvassing center. Any unclaimed copy shall
33 be deemed place in the custody of the chairman of the board of canvassers, who shall produce
34 them when requested by the recipient or when ordered by a competent authority.

1
2 The commission shall post its digital files in its website for the public to view or download at
3 any time of the day. The commission shall maintain the files for at least three years from the
4 date of posting.
5

6 Any violation of this section, or its pertinent portion, shall constitute an election offense and
7 shall be penalized in accordance with Batas Pambansa Blg. 881.
8

9 **SECTION 15. *Congress as the National Board of Canvassers for the Election of President***
10 ***and Vice President: The Commission en banc as the National Board of Canvassers for the***
11 ***election of senators: Determination of Authenticity and Due Execution of Certificates of***
12 ***Canvass.*** – Congress and the Commission *en banc* shall determine the authenticity and due
13 execution of the electronically transmitted certificates for President and Vice-President and
14 Senators, respectively, as accomplished and transmitted to it by the local boards of canvassers,
15 on a showing that: (1) each certificate of canvass was executed, signed and thumb marked by
16 the chairman and member of the board of canvassers and transmitted or caused to be
17 transmitted to Congress by them; (2) each certificate of canvass contains the names of all of
18 the candidates for President and Vice-President or Senator, as the case may be, and their
19 corresponding votes in words and their corresponding votes in words and in figures; (3) there
20 exist no discrepancy in other authentic copies of the document such as statement of votes of
21 any of its supporting documents such as statement of votes of any of its supporting documents
22 such as statement of votes by city or municipality or by precinct or discrepancy in the votes of
23 any candidate in words and figures in the certificate; and (4) there exist no discrepancy in the
24 votes of any candidate in words and figures in the certificates of canvass against the aggregate
25 number of votes appearing in the election returns of precincts covered by the certificate of
26 canvass: *Provided.* That certified print copies of election returns or certificates of canvass may
27 be used for the purpose of verifying the existence of the discrepancy.
28

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

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

8
9 When it appears that any certificate of canvass including other duly certified printed copies
10 thereof or supporting statement of votes by city or municipality or by precinct bears evidence of
11 alteration which may cast doubt as to the veracity of the number of votes stated herein and may
12 affect the result of the election, upon request of the presidential, vice-presidential or
13 senatorial candidate concerned or his party, Congress or the Commission en banc, as the case
14 may be shall, for the sole purpose of verifying the actual votes as they appear in the copies if
15 the election returns submitted to it.

16
17 Any person who presents in evidence a simulated copy of an election return, certificate of
18 canvass or statement of votes, or a printed copy of an election return, certificate of canvass or
19 statement of votes bearing a simulated certification or a simulated image, shall be guilty of an
20 election offense and shall be penalized in accordance with Batas Pambansa Blg. 881.

21
22 **SECTION 16. *Communication Channels for Electric Transmissions.*** – Electronic
23 transmission which is defined under R.A. 9369 as conveying data in electronic form from one
24 location to another shall be guided by the following: all electronic transmissions of the election
25 returns, certificates of canvass and other related documents shall utilize secure transmission
26 channels as recommended by the Department of Science and Technology and the National
27 Telecommunications Commission to ensure authentication and integrity of transmission.

28
29 The Commission is hereby authorized to procure the necessary equipment, facilities and
30 services for putting up the electronic transmission system in order to effectively implement the
31 provisions of this act.

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

4
5 **SECTION 17. *Pre-proclamation controversy.*** – In case of any discrepancy, incompleteness,
6 erasure or alteration as mentioned above, the procedure on pre-proclamation controversies shall
7 be adopted and applied as provided in Sections 17, 18, 19 and 20 of Republic Act No. 7166.

8
9 **SECTION 18. *Election Offenses under this Act.*** – In addition to the violations of the pertinent
10 provisions of this Act, the following shall also constitute election offenses:

11
12 (a) Any person who removes the election return that is posted on the wall, whether
13 within or after the prescribed forty-eight (48) hours of posting, or defaces the same
14 in any manner;

15
16 (b) Any person who simulates an actual election return, or a print or digital copy
17 thereof;

18
19 (c) Any person who simulates the certification in a print of an election return;

20
21 (d) The chairman or any member of the board of election inspectors who, during the
22 prescribe period of posting, removes the election return from the wall on which It
23 had been posted other than for the purpose of immediately transferring it to a more
24 suitable place;

25
26 (e) The chairman or any member of the board of election inspectors who signs or
27 authenticates a print of the election return outside of the polling place; and

28
29 (f) The chairman or any member of the board of election inspectors who signs or
30 authenticates a print which bears an image different from the election return
31 produced after counting and posted on the wall.
32

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

25 **SECTION 19. *Implementing Rules and Regulations and Bidding.*** – Immediately upon the
26 approval of this Act, the Commission shall formulate such rules and regulations that will
27 effectively implement this Act for purposes of the 2019 national, local and ARMM elections
28 and all subsequent elections thereafter. In addition, the Commission shall prescribe the
29 technical specifications for the electronic devices and computer programs to be used for
30 implementing of this Act, with an aim to ensure fair, honest, and orderly elections and prompt
31 determination of the true results thereof.
32

1 **SECTION 20. *Appropriations.*** – Congress shall provide the necessary appropriation in a
2 supplemental budget or general appropriations act, as the case may be, without delay and for
3 purposes of the 2019 national, local and ARMM elections.

4
5 **SECTION 21. *Repealing Clause.*** – All laws, decrees, executive orders, resolutions, revenue
6 regulations, ordinances or circulars inconsistent with the provisions of this Act are hereby
7 repealed or modified accordingly or declared null and void and inoperative.

8
9 *Approved.*