

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
First Regular Session

HOUSE OF REPRESENTATIVES
H.B. No. 5852



Introduced by Representative H. Harry L. Roque Jr.

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

EXPLANATORY NOTE

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

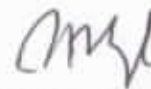
The Congress shall provide a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad.

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

At present, there is no feature that allows for the verification of the software installed in the PCOS and CCS machines and all other components of the AES

system. The Hash Code extracted by the Forensic Team from the PCOS machines used in Antipolo is not the same as the one published on the COMELEC website. The Hash Code of the software in the PCOS machine is there to ensure that the same copy of the reviewed software and stored in escrow at the Bangko Sentral ng Pilipinas is the same as those installed in more than 76,000 PCOS machines.

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



H. HARRY L. ROQUE JR.

¹ This bill was filed by Senator Miriam Defensor Santiago during the Sixteenth Congress, Third Regular Session. This bill was based on the Legislative Proposals to Improve and Enhance the Automated Elections Law (R.A. No. 9369) by the Center for People Empowerment in Governance (CENPEG).

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
First Regular Session

HOUSE OF REPRESENTATIVES
H.B. No. **5852**

Introduced by Representative H. Harry L. Roque Jr.

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

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

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

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

5 (a) Adequate security against unauthorized access;

6 (b) Accuracy in recording and reading of votes as well as
7 in the tabulation, consolidation, canvassing, electronic transmission,
8 and storage of results;

9 (c) Error recovery in case of non-catastrophic failure of device;

10 (d) System integrity which ensures physical stability and
11 functioning of the vote recording and counting process;

1 ~~(c) Provision for voter verified paper audit trail~~ **PROVIDE**
2 **THE VOTER A SYSTEM OF VERIFICATION TO FIND OUT**
3 **WHETHER OR NOT THE MACHINE HAS REGISTERED HIS**
4 **CHOICE USING ONE OR MORE OF THE**
5 **FOLLOWING ESTABLISHED VOTER VERIFICATION**
6 **PROCEDURES:**

7 **(i) VOTER VERIFIED PAPER AUDIT TRAIL (VVPAT)**

8 **(ii) VOTER VERIFIED VIDEO AUDIT TRAIL (VVPAT)**

9 **(iii) VOTER VERIFIED AUDIO AUDIT TRAIL**
10 **(VVAAT)**

11 **(iv) VOTER VERIFIED BRAILLE AUDIT TRAIL**

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

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

17 (h) Accessibility to illiterates and ~~disabled~~ **DIFFERENTLY-**
18 **ABLED** voters;

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

21 (g) Accurate ballot counter;

22 (k) Data retention provision;

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

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

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

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

3 (P) PROVIDE A FEATURE THAT WILL ALLOW
4 VERIFICATION IF THE SOFTWARE INSTALLED IN ANY
5 COMPONENT OF THE AES IS ONE AND THE SAME AS THAT
6 HELD IN ESCROW WITH THE BANGKO SENTRAL NG
7 PILIPINAS. THE VERIFICATION CODE SHALL BE PRINTED
8 OUT AND COPIES OF THE PRINTOUT SHALL BE POSTED
9 ON THE DOOR AND WALL OF THE PRECINCT/
10 CANVASSING CENTER. THE VERIFICATION SHOULD
11 BE PART OF THE INITIALIZATION PROCEDURE
12 EXECUTED BY THE BEI OR BOC;

13 (Q) PROVIDE THE CAPABILITY OF DIGITAL SIGNING
14 OF ALL SOFTCOPY DOCUMENTS (ER, COC, SOV, ETC.)
15 USING COMPUTER-INDUSTRY-STANDARD SECURE
16 PRIVATE-PUBLIC KEY CRYPTOSYSTEM THAT UTILIZES
17 ESTABLISHED CERTIFICATE AUTHORITIES OR DTI-
18 ACCREDITED CERTIFICATE AUTHORITY; AND

19 (R) PROVIDE THE CAPABILITY OF DIGITAL
20 SIGNING OF ALL SOFTCOPY DOCUMENTS USING SIGNING
21 HARDWARE THAT DOES NOT COMPROMISE THE PRIVATE
22 KEY OF THE SIGNER, SUCH AS BY EMPLOYING
23 PROCESSOR SMART CARDS FOR EACH SIGNER AND
24 PROCESSOR SMART CARD READERS FOR EACH
25 COMPUTER EQUIPMENT.

26 In the procurement of this system, the Commission shall develop
27 and adopt an evaluation system to ascertain that the above minimum
28 system capabilities are met. This evaluation system shall be developed
29 with the assistance of an advisory council. THE COMMISSION IS
30 REQUIRED TO PROCURE COMPUTER HARDWARE AND

1 **SOFTWARE SYSTEMS THAT INCLUDE ALL OF THESE**
2 **CAPABILITIES.**

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

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

Approved,