

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8644



Introduced by BAYAN MUNA Reps. CARLOS ISAGANI T. ZARATE,
FERDINAND R. GAITE and EUFEMIA C. CULLAMAT,
ACT TEACHERS Party-List Rep. FRANCE L. CASTRO,
GABRIELA Women's Party Rep. ARLENE D. BROSAS
and KABATAAN Party-List Rep. SARAH JANE I. ELAGO

AN ACT
PROVIDING FOR TRANSPARENT ALTERNATIVE MANUAL-AUTOMATION
ELECTION SYSTEM FOR PHILIPPINE ELECTIONS AND FOR OTHER PURPOSES

EXPLANATORY NOTE

One of the main problems in the purely manual Philippine elections before 2010 is the prevalence of electoral fraud and the delay in the proclamation of results. Because precincts are only allowed 200-300 voters for each precinct, the large scale fraud and inordinate delay do not mainly happen in the precinct level as the votes to be counted are few and the counting of said votes are finished on the night after the elections or at most in the next day. The electoral fraud encountered normally in the precinct level is vote buying, which of course, is not brought about by the fact that the election is manual or automated, but rather by the unchecked spending of millions of pesos by candidates long before election day.

Large scale fraud [in the form of *dagdag-bawas*] in purely manual elections mainly takes place in the Municipality, City, Provincial and National canvassing process where thousands or even hundreds of thousands of votes are canvassed. The canvassing stage is also delayed for weeks, not only giving room for fraudsters to conduct their *dagdag-bawas* operations but also causes uncertainty resulting from the very long delays.

The solution offered by many was the elimination of purely manual elections and transforming the system into purely automated elections. The automation law automates the entire election from the precinct level up to the national canvassing. The problem in purely automated elections is the lack of transparency and accountability in the entire process and, in the end, the credibility of the elections because of the absence of a verifiable process that would assure the voters that their votes were properly counted and canvassed. While there have been reports of rampant electoral fraud in the election process (such as tampering with the source code, absence of scan and ultraviolet security, hacking, manipulating results, and fraudulent operations of the transparency servers etc.), the un-transparency of the entire process makes it difficult to investigate or gather evidence that is

1 credible to the eyes of the people and the voters. That is why vigorous questions on the legitimacy
2 of the previous elections plagued the country every after elections.

3
4 The proposed Bill aims to provide a solution to the problem—it will retain the speed of automation
5 in the canvassing process where large scale fraud and delay normally takes place, but will institute a
6 manual voting process in the precinct level to verify and validate the results of the automated
7 canvassing process.

8
9 This way, the Philippine elections will not be held under a purely automated system controlled by a
10 technology company or anyone who has control over the technology employed. Since the
11 Transparent Alternative Manual-Automated Election System (TAMA election system) being
12 proposed under this Act only requires computers with basic capacity to consolidate and transmit
13 election results, the estimated expense is only about 20-30% of the cost than if Comelec were to
14 spend billions to hire Smartmatic or any other tech company to conduct our elections for us. There
15 is no need for the untransparent and complicated technology of Smartmatic since any attempt at
16 hacking, or manipulating the results may now be countered and validated through the actual voting
17 results in the precincts and polling places.

18
19 The Philippines can have a manual counting of votes to show the people that their votes have been
20 counted, and an automated canvassing to ensure speedy canvassing of results, without incurring
21 billions of pesos in Smartmatic PCOS machines.

22
23 The basic principles of the exercise of our right to suffrage is secret voting and public counting. The
24 current automation law has made our elections basically secret voting and secret counting because
25 while canvassing is shown to the public, the people do not actually know how their votes were
26 counted or canvassed. In fact, there are instances when, because the automated ballots are large, the
27 candidates “shaded” by the voter are easily seen by the BEI and the public, making our election
28 system public voting and secret counting. This Bill seeks the return of these basic principles—a
29 transparent election system that combines automation and manual elections to ensure that there is
30 indeed, secret voting and public counting.

31
32 The Bill contains a procedure that combines manual voting (in the precinct level) and automated
33 canvassing in the municipality, city, provincial and national level:

- 34
- 35 1) People vote in precincts under the Omnibus Election Code and Comelec procedure for
36 manual voting by writing their choice of candidates using ordinary ballots. These ballots will
37 be counted after the closing of the precinct after 3 pm.
38
 - 39 2) The results will be tallied and recorded in view of watchers as in previous manual elections.
40 However, the precinct results will be consolidated at the Consolidation Center of polling
41 place (usually a school) and the precinct results will be encoded in a computer.
42
 - 43 3) The consolidated results of the precincts in that particular polling place shall then be
44 transmitted by a secure and appropriate technology to the Municipal or City Canvassing
45 Boards, the Commission on Elections Central Server, the citizens election arm, or any other
46 party designated by the Commission. While the possibility of hacking or electronic fraud is

1 there despite heightened security set up for the transmission, these attempts at fraud can be
2 countered and checked by the manually prepared election returns showing the actual results
3 in the precinct level.
4

- 5 4) The Municipal and City Board of Canvassers will canvass the results of the automated
6 transmissions to speed up the canvassing, although this time the automated results can now
7 be validated by the election returns in the possession of the Comelec, the Official Citizens
8 election arm, the Dominant Majority and Minority parties and other parties given copies of
9 the precinct election returns as well as the printed copy of the Polling Place results as
10 consolidated by the Consolidation Center in a particular polling place .
11
- 12 5) Once the Municipal and City Board of Canvassers have canvassed the votes of the different
13 polling centers in their particular jurisdiction, they will announce the winners in that locality.
14 At the same time, they will transmit the results for the provincial, congressional and national
15 positions to the Provincial Board of Canvassers as well as the Commission on Elections, the
16 citizens election arm or any other party designated by the Commission.
17
- 18 6) The Provincial Board of Canvassers will follow the same procedure including the canvassing
19 of the transmitted results.
20
- 21 7) The Comelec National Canvassing Board for national positions and the Congressional
22 Canvassing Board for the Presidential and Vice-Presidential elections shall similarly canvass
23 the electronically transmitted results but this time, the results can be validated through the
24 manually prepared elections returns which shows the actual result per precinct as well as the
25 printed consolidated result from every polling place in the country.
26

27 The procedure is designed to be transparent and verifiable without sacrificing the need for speedy
28 results through an automated process.
29

30 In 2009 the Federal Court of Germany declared their automated election system unconstitutional.
31 The Court held that the particular voting machines used in the election did not live up to the
32 constitutional principle of transparency of elections, which requires that voting machines be
33 safeguarded against potential manipulation or error through procedures that are understandable to
34 the average citizen.¹ The Court noted that, under the constitution, elections are required to be
35 public in nature and:
36

37 *that all essential steps of an election are subject to the possibility of public scrutiny unless other*
38 *constitutional interests justify an exception . . . The use of voting machines which electronically*
39 *record the voters' votes and electronically ascertain the election result only meets the constitutional*
40 *requirements if the essential steps of the voting and of the ascertainment of the result can be*
41 *examined reliably and without any specialist knowledge of the subject . . . The very wide-reaching*
42 *effect of possible errors of the voting machines or of deliberate electoral fraud make special*
43 *precautions necessary in order to safeguard the principle of the public nature of elections.*²
44

¹ <https://www.loc.gov/law/foreign-news/article/germany-constitutional-court-decision-on-electronic-voting/>

² <https://www.ndi.org/e-voting-guide/examples/constitutionality-of-electronic-voting-germany>

1 It is about time for the Philippines to remedy a similar anomaly that has plagued our elections for
2 years.

3
4 Hence, the approval of this Bill is earnestly sought.

5
6 *Approved,*

7
8
9
10 

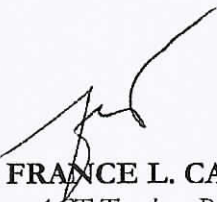
11
12 **REP. CARLOS ISAGANI T. ZARATE**
13 *Bayan Muna Partylist*

14
15
16
17 

18
19 **REP. FERDINAND R. GAITE**
20 *Bayan Muna Partylist*

21
22
23
24 

25
26 **REP. EUFEMIA C. CULLAMAT**
27 *Bayan Muna Partylist*

28
29
30
31 

32
33 **REP. FRANCE L. CASTRO**
34 *ACT Teachers Partylist*

35


REP. ARLENE D. BROSAS
GABRIELA Women's Party



REP. SARAH JANE I. ELAGO
Kabataan Partylist

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8644

Introduced by BAYAN MUNA Reps. CARLOS ISAGANI T. ZARATE,
FERDINAND R. GAITE and EUFEMIA C. CULLAMAT,
ACT TEACHERS Party-List Rep. FRANCE L. CASTRO,
GABRIELA Women's Party Rep. ARLENE D. BROSAS
and KABATAAN Party-List Rep. SARAH JANE I. ELAGO

AN ACT
PROVIDING FOR TRANSPARENT ALTERNATIVE MANUAL-AUTOMATION
ELECTION SYSTEM FOR PHILIPPINE ELECTIONS AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* – This Act shall be known as the “Act Providing for Transparent Alternative Manual-Automation Election System for Philippine Elections” (TAMA Election System).

SECTION 2. Section 31 of Republic Act No. 8436, as amended by Section 30 of RA 9369, is hereby amended to read as follows:

“SEC. 31. *Rules and Regulations.* – The Commission shall promulgate rules and regulations for the implementation and enforcement of this Act.

“Notwithstanding the foregoing canvassing procedure, the Commission is authorized to prescribe other manner or procedure for the canvassing and consolidation of votes as technology evolves, [subject to the provisions of section 7 hereof on the minimum capabilities of the AES and other pertinent laws] **PROVIDED THAT, WHILE THE COMMISSION WILL NO LONGER REQUIRE PREVIOUS EXPERIENCE IN AUTOMATED ELECTIONS FROM PARTIES THAT WILL IMPLEMENT THE AUTOMATED PROCEDURE UNDER THIS ACT, IT WILL STILL ENSURE THAT THE WINNING BIDDER IS CREDIBLE AND THE TECHNOLOGY OFFERED IS NOT OVERPRICED. FOR THE PURPOSES OF THE MAY 10, 2022 ELECTIONS, HOWEVER, THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS IN CONSONANCE WITH THE FOLLOWING PROCEDURE:**

1 “(1) *Filing of Certificates of Candidacy.* - The certificate of candidacy of any person
2 running for the office of the President, Vice-President, Senator, Member of
3 the House of Representatives, Party-list Representatives or any elective
4 provincial, city or municipal official shall be filed in twelve (12) legible copies
5 with the offices of the Commission specified hereunder not later than the day
6 before the date legally fixed for the beginning of the campaign period.
7

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

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

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

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

26 The certificate of candidacy shall be filed by the candidate personally or
27 by his duly authorized representative. No certificate of candidacy shall be
28 filed or accepted by mail, telegram or facsimile.
29
30

31 “(2) *Official Ballots.*
32

33 (a) Official Ballots for 2022 and the succeeding national and local elections
34 shall be of uniform size and shall be prescribed by the Commission: They
35 shall be printed in black ink on a security paper with distinctive, clear,
36 and legible watermarks which can be readily distinguished from ordinary
37 paper. Each ballot shall be in the shape of a (size) strip with stub and
38 detachable coupon containing the serial number of the ballot, and a space
39 for the thumb mark of the voter on the detachable coupon. It shall bear
40 at the top of the voter on the detachable coupon. It shall bear at the top,
41 in the middle portion thereof, the coat-at-arms of the Republic of the
42 Philippines, the word "Official Ballot", the name of the city or the
43 municipality and province in which the election is to be held, the date of
44 the election, and the following notice in English: "Fill out this ballot
45 secretly inside the voting booth. Do not put any distinct mark on any
46 part of this ballot."

(b) There shall not be anything printed or written on the back of the ballot except as provided in Section 24 of RA 7166.

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

(d) Notwithstanding the preceding provisions, the Commission is hereby authorized to prescribe a different form of official ballot on the same watermarked security paper to facilitate voting by illiterate voter only and to use or adopt the latest technological and electronic devices in connection therewith as provided under Section 52 (i) of the Omnibus Election Code.

(e) The Voters shall fill out the ballots by writing the name of the candidates in the ballots through a procedure prescribed under Sections 190 to 205 of the Omnibus Election Code.

“(3) *Manner of Counting Votes.* – In addition to the requirement in the fourth paragraph of Section 12 of Republic Act No. 6646 and Section 210 of the Omnibus Election Code, in reading the official ballots during the counting, the chairman, the poll clerk and the third member shall assume such positions as to provide the watchers and the members of the public as may be conveniently accommodated in the polling place, an unimpeded view of the ballot being read by the chairman, of the election return and the tally board being simultaneously accomplished by the poll clerk and the third member respectively, without touching any of these election documents. The table shall be cleared of all unnecessary writing paraphernalia. Any violation of this requirement shall constitute an election offense punishable under Section 263 and 264 the Omnibus Election Code.

The chairman shall first read the votes for national positions and shall only read the votes for the local positions after reading the votes for all the candidates for the national position. 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.

There shall be a BEI assistor for each constituted BEI to be appointed by the city or municipal BOC whose only function is to ensure the data image capturing and the reproduction of the Election Return as provided under this Act.

1 “(4) *Counting of Votes to be Public and without interruption.* - As soon as the voting
2 is finished, the board of election inspectors shall publicly count in the polling
3 place the votes cast and ascertain the results. The board may rearrange the
4 physical set up of the polling place for the counting or perform any other
5 activity with respect to the transition from voting to counting. However, it may
6 do so only in the presence of the watchers and within close view of the public.
7 At all times, the ballot boxes and all election documents and paraphernalia
8 shall be within close and unimpeded view of the watchers and the public.
9

10 The board of election inspectors shall not adjourn or postpone or delay the
11 count until it has been fully completed, unless otherwise ordered by the
12 Commission.
13

14 The Commission, in the interest of free, orderly, and honest election, may
15 authorize the board of election inspectors to count the votes and to
16 accomplish the election return and other forms prescribed under the code in
17 any other place within a public building in the same municipality or city on
18 account of imminent danger of widespread violence or similar causes of
19 comparable magnitude: *Provided*, That the transfer shall have been
20 recommended in writing by the board of election inspectors by unanimous
21 vote and endorsed in writing by the majority of watchers present: *Provided*,
22 *further*, that the said public building shall not be located within the perimeter of
23 or inside a military or police camp, reservation, headquarters, detachment or
24 field office nor within the premises of a prison or detention bureau or any law
25 enforcement or investigation agency.
26

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

32 “(5) *Election Returns.* The board of election inspectors shall prepare the election
33 returns simultaneously with the counting of votes in the polling places as
34 prescribed in Section 210 of Batas Pambansa Blg. 881, as amended. The
35 recording of votes shall be made as prescribed in said section. The entry of
36 votes in words and figures for each candidate shall be closed with the signature
37 and the clear imprint of the thumb mark of the right hand of all the members,
38 likewise to be affixed in full view of the public, immediately after the last vote
39 recorded or immediately after the name of the candidate who did not receive
40 any vote. The returns shall also show: the date of the election; the polling
41 place; the barangay and the city or municipality in which it was held; the total
42 number of ballots found in the compartment for valid ballots; the total
43 number of valid ballots withdrawn from the compartment for spoiled ballots
44 because they were erroneously placed therein; the total number of excess
45 ballots; the total number of marked or void ballots; and the total numbers of
46 votes obtained by each candidate, writing out the said number in words and

1 figures and, at the end thereof, the board of election inspectors shall certify
2 that the contents are correct. The returns shall be accomplished in a single
3 sheet of paper, but if this is not possible, additional sheets may be used which
4 shall be prepared in the same manner as the first sheet and likewise certified by
5 the board of election inspectors.

6
7 The Commission shall take steps so that the entries on the first copy of the
8 election returns are clearly reproduced on the second, third, fourth, fifth, sixth,
9 seventh and eight copies thereof, and for the purpose, this Commission shall
10 use a special kind of paper. Immediately upon the accomplishment including
11 the signing by the BEI of the election return, the poll clerk shall announce the
12 posting of the third copy of the election return on a wall with sufficient
13 lighting within the premises of the polling place or counting center. He/She
14 shall then proceed to do the same in the presence of the other members of the
15 Board, the watchers, and those present in the polling place or counting center.

16
17 Without delay the poll clerk shall order the assistor of the BEI to secure an
18 image of the first copy of the election return using a camera and immediately
19 thereafter, print thirty (30) copies of the said election return in the election
20 results printing room within the polling center. A camera shall be included in
21 the election paraphernalia distributed to the BEI with the ratio of one camera
22 per five precincts. A secured computer and photocopier shall also be assigned
23 as part of the election paraphernalia for polling centers at the ratio of one
24 computer and photocopier per 50 precincts, which shall be deployed at a
25 secured room within the polling center designated as "election results printing
26 room."

27
28 A polling center is defined as the place, usually a public school, where the
29 municipal or city precincts are located.

30
31 Once the prints have been produced, the poll clerk shall call the other
32 members of the board to authenticate each print copy by closely comparing
33 the same with the first and second copy of the completed election return
34 simultaneously in the presence of the watchers and within view of the public.
35 If the reprinted copy does not tally with both the aforementioned returns, the
36 BEI shall destroy the same by cutting the thirty (30) copies of the election
37 returned into four (4) parts and place these in the ballot box assigned for that
38 purpose and conduct the image capturing procedure all over again. all these
39 will be duly recorded in the BEI Log Book. If the Board finds each print a
40 faithful reproduction of the first and second copy of the election return, all
41 members thereof shall annotate and sign a certification to that effect on the
42 bottom front of the printed copy of the election returns. Each certified printed
43 copy shall be placed in an envelope and distributed to the recipients under
44 Sub-section 31.6. Designated recipients of the certified print copies may
45 receive their copies at the polling place or consolidating center.

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. This is to be determined by the board
4 canvassers prior to its canvassing on the basis of the certification of the
5 provincial, city or municipal treasurer as to the serial number of the election
6 return assigned to said voting precinct, unless the Commission shall order in
7 writing for its canvassing, stating the reason for the variance in serial numbers.
8

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

14 The citizen's arm is mandated to present for perusal its copy of the election
15 return to the board of election canvassers upon the request and expense of any
16 interested candidate. Refusal of the citizens arm to provide copies for perusal
17 or photocopying is an election offense. Any violation of this election or its
18 pertinent portion, shall constitute an election offense and shall be penalized in
19 accordance with Batas Pambansa Blg. 881.
20

21 In addition, the following shall likewise be guilty of an election offense:
22

- 23 (a) Any person who removes the election return posted on the wall, whether
24 within or after the prescribed forty-eight (48) hours of posting, or defaces
25 the same in any manner;
26
- 27 (b) Any person who simulates an actual election return, or a print or digital
28 copy thereof;
29
- 30 (c) Any person who simulates the certification in a print of an election
31 return;
32
- 33 (d) The chairman or any member of the board of election inspectors who,
34 during the prescribed period of posting, removes the election return
35 from the wall on which it had been posted other than for the purpose of
36 immediately transferring it to a more suitable place;
37
- 38 (e) The chairman or any member of the board of election inspectors who
39 signs or authenticates a print of the election return outside of the polling
40 place; and
41
- 42 (f) The chairman or any member of the board of election inspectors who
43 signs or authenticates a print which bears an image different from the
44 election return produced after counting and posted on the wall.
45

1 “(6) *Number of Copies of Election Returns and their Distribution.* The board of
2 election inspectors shall prepare in handwriting the election returns in their
3 respective polling place, in the number of copies herein provided and in the
4 form to be prescribed and provided by the Commission. The copies of
5 election returns shall be distributed by the chairman of the board of election
6 inspectors as follows:
7

8 (a) In the election of President, Vice-President, Senators and Members of
9 the House of Representatives including the Party-List Representatives:
10

- 11 1) The first copy shall be delivered to the city or municipal board of
12 canvassers;
13
- 14 2) The second copy shall be deposited inside the compartment of valid
15 ballots and shall immediately be brought for consolidation to the
16 consolidating center of the polling center;
17
- 18 3) The third copy to be posted on a wall within the premises of the
19 polling place;
20
- 21 4) The fourth copy for the Congress, directed to the President of the
22 Senate;
23
- 24 5) The fifth copy to the Commission;
25
- 26 6) The sixth copy to the dominant majority party as determined by the
27 Commission in accordance with law;
28
- 29 7) The seventh copy, to the dominant minority party as determined by
30 the Commission in accordance with law; and
31
- 32 8) The eight copy to a citizens' organization authorized by the
33 Commission to conduct an unofficial count; *Provided, however,* That the
34 accreditation of the citizens' arm shall be subject to the provision of
35 Section 52 (k) of Batas Pambansa Blg. 881;
36

37 (b) In the election of local officials;
38

- 39 1) The first copy shall be delivered to the city or municipal board of
40 canvassers;
41
- 42 2) The second copy shall be deposited inside the compartment of valid
43 ballots and immediately brought to the consolidating center of the
44 polling center for consolidation
45

- 3) The third copy, to be posted on a wall. Within the premises of the polling place;
- 4) The fourth copy, for the Provincial or District Board of Canvassers;
- 5) The fifth copy, to the Commission;
- 6) The sixth copy, to the dominant majority party as determined by the Commission in accordance with law;
- 7) The seventh copy, to the dominant minority party as determined by the Commission in accordance with law; and
- 8) The eighth copy, to a citizens' organization authorized by the Commission to conduct an unofficial count: *Provided, however,* That the accreditation of the citizens' arm shall be subject to the provision of Section 52(k) of Batas Pambansa Blg. 881;

The copy of the election return 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 election return by means of any data capturing device such as, but not limited to, cameras at any time of the day for forty-eight (48) hours following its posting. After the prescribed period for posting, the chairman of the board of election inspectors shall collect the posted election returns and keep the same in his custody to be produced for image or data capturing as may be requested by any voter or any lawful purpose as may be ordered by competent authority.

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

- i. The first fourteen (14) copies shall be given to the fourteen (14) accredited major national parties in accordance with a voluntary agreement among them. If no such agreement is reached, the Commission shall decide which parties shall receive the copies on 'the basis of the criteria provided in Section 26 hereof;
- ii. The next three (3) copies shall be given to the three accredited major local parties in accordance with a voluntary agreement among them. If no such agreement is reached, the Commission shall decide which parties shall receive the copies on the basis of criteria analogous to that provided in Section 26 hereof;
- iii. The next five (5) copies shall be given to national broadcast or print media entities as may be equitably determined by the Commission in view of propagating the copies to the widest extent possible;

- 1
2 iv. The next two (2) copies shall be given to local broadcast or print
3 media entities as may be equitably determined by the Commission in
4 view of propagating the copies to the widest extent possible;
5
6 v. The next four (4) copies to the major citizens' arms, including the
7 accredited citizens' arms and other non-partisan groups or
8 organizations enlisted by the Commission pursuant to Section 52(k)
9 of Batas Pambansa Blg. 881;
10
11 vi. The next copy to be placed inside the compartment of the ballot box
12 for valid ballots; and
13
14 vii. The last copy to the provincial board of canvassers.

15
16 The certified print copies may be claimed at the polling place. Any
17 unclaimed copy shall be brought by the chairman of the board of
18 election inspectors to the canvassing center where the recipients or
19 representatives may claim them. Copies still unclaimed at the canvassing
20 center shall be placed in the custody of the chairman of the board
21 election inspectors, who shall produce them when requested by the
22 recipient or when ordered by a competent authority.
23

24 Any provision of law to the contrary notwithstanding, any of the
25 recipients of the print or digital copies of the election return may
26 conduct an unofficial consolidation of votes and may announce the
27 result to the public.
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
31 Pambansa Blg. 881;
32
33

34 *“(7) Computerized consolidation of precinct level votes in the polling center.*

- 35
36 (a) The City or Municipal Board of Canvassers shall create the
37 Computerized Vote Consolidation (CVC) Board for each Polling Center
38 with at least fifty (50) precincts, within their respective jurisdiction
39 headed by the CVC Board Supervisor from the Comelec, a Deputy
40 Supervisor as the Auditor from the Department of Education and a
41 Third Member designated as the Encoder. The CVC Board will be
42 stationed in a designated area in the Polling Center which shall be called
43 the Computerized Consolidation Center (CCC). The BOC shall create a
44 CVC Board which shall consolidate the votes of Polling Centers with less
45 than 50 precincts. This CVC shall be assigned in the Canvassing Center,

usually the municipal or city hall, where the Computerized Consolidation Center for these polling centers shall be established.

(b) Other than the above members, the CVC Board shall consist of a team of 2 members called the Consolidating Team for every fifty (50) precincts in that particular polling center. The names of the members of all CVC Boards constituted by the Municipal or City BOC shall be posted in the Comelec office and in the Polling Center at least 15 days before the election. The CVC Board shall encode in duly inspected and sealed CPUs the results in each precinct under the following procedure:

- 1) The CVC Board will convene at 6:00 in the evening of the election day and will not be allowed to adjourn until the computerized consolidating procedure is completed. Upon convening, the CVC Board Supervisor shall allow official watchers of the parties and the candidates to inspect the seals in the CPUs that will be used in consolidating the results in that particular polling center. The same computers shall have been inspected and sealed on the date exactly 7 days before the elections. The main seal of the said computer shall come from the Comelec. Representatives of the 6 major accredited political parties who inspected the said CPUs may also put in their respective seals in each of the inspected CPUs.
- 2) After the Election Returns are signed, thumb marked and sealed by the BEI, they shall distribute the election returns according to the provisions under Sub-Section 31.6 The Second Copy mentioned above shall also be sealed and brought by the BEI Chairperson to the Consolidating Center and, together with the Ballot Box containing the Ballots, submit the same to the CVC Board Supervisor.
- 3) Upon receipt, the CVC Board Supervisor shall open the ballot box and take out the envelope containing the Second Copy of the ER from the BEI, close the Ballot Box containing the Ballots of a particular precinct and place the said Ballot Box in a secured area within the Canvassing Center. He shall then assign the envelop containing the particular election returns to a Consolidating Team of the CVC Board in the order of their receipt by the CVC Board. Such assignment will be recorded in the CVC Board Log Book by the Deputy Supervisor. The said entry is open to all the watchers so that they may immediately trace the Consolidating Team assigned for a particular precinct result. Only one accredited watcher per candidate or political parties shall be allowed for each Consolidating team.
- 4) The two-member Consolidating team is mainly tasked with encoding the election returns of 50 precincts at the maximum in the duly inspected and sealed CPU assigned to that particular team. One

1 member designated as the Reader will open the seal of the envelop
2 containing the election return and read aloud the statistical data of the
3 said Election Return and the same will be recorded in the CPU by the
4 other member designated as the Encoder. The Reader will then read
5 the votes of each candidate as stated in the election return which is
6 placed prominently in a table in the full view of the watchers and the
7 same shall be individually recorded by the Encoder in the designated
8 CPU, the screen of which shall also be in full view of the watchers
9 through an LCD screen with the capacity of at least 1000 lumens
10 provided for each said consolidation team constituted. The Election
11 Paraphernalia distributed by the Commission shall include one set of
12 LCD projector with the capacity of at least 1000 lumens, and a screen
13 for every consolidation team constituted. Election Returns, the
14 consolidation of which has been completed, shall be placed in a
15 designated Ballot Box and locked.

- 16
17 5) Any protest or objection will be recorded in the Team's Log Book by
18 the Reader and will be forwarded to the Municipal or City BOC
19 which shall then decide on the said objections as provided under this
20 Act, or under pertinent laws not inconsistent with this Act. The only
21 objection that will be allowed and resolved by the team in this stage
22 are when:

- 23
24 i. The Reader did not correctly read the vote or statistical data as
25 reflected in the election return.
26 ii. The Encoder did not correctly encode the vote or statistical
27 data read aloud by the Reader.
28

29 All protests and objections other than the above shall be filed with
30 the Municipal or City BOC when the results of the said Polling
31 Center will be officially canvassed by the BOC concerned.
32

- 33 6) Upon the completion of the encoding of all the precincts assigned
34 them, the Consolidating Team shall consolidate the results in these
35 precincts by adding all the votes of all the candidates into a Statement
36 of Votes by Precinct for that particular polling center. Objections on
37 error in the addition or computation of the votes shall also be allowed
38 and resolved immediately.
39

- 40 7) Upon completion of the consolidation, the Consolidating Team shall
41 print out eleven (11) copies of the Statement of Votes by Precinct,
42 sign and thumb mark the same and six (6) copies given to the
43 watchers of the six Major Accredited Parties or in their absence, any
44 of the watchers present, 1 copy each to the PPCRV and the citizen's
45 arm accredited by the Commission, 1 copy to be retained by the team
46 Reader, and the last two copies each sealed in an envelope and given

1 to the Deputy Supervisor of the CVC Board and the other for
2 delivery to the Municipal or City BOC.
3

4 After printing out the said official Statement of Votes by Precinct,
5 the team will then transmit the said result by LAN or any secure and
6 appropriate technology to a CPU designated as the Transmitting
7 CPU for the said Polling Center located in the same room of the said
8 Consolidating Center. The watchers may request that the same
9 results be copied in a CD that is provided by the watcher.
10

11 8) The said sealed Statement of Votes by Precinct will then be brought
12 to the Supervisor who shall place the same in a sealed Ballot Box.
13 Once all the Statement of Votes by Precinct for all the precincts in
14 that Polling Center shall have been printed and results electronically
15 transmitted by LAN to the Transmitting CPU, the Supervisor shall
16 open the Transmitting CPU and read the votes in the Statement of
17 Votes by Precinct recorded therein one at a time and in the order of
18 their transmission. Should the LAN system be unavailable, the
19 Supervisor shall read the votes of each candidate from the printed
20 SOV by precinct delivered by the Consolidating Team. The Deputy
21 Supervisor shall open the sealed envelope for that particular
22 Statement of Votes by Precinct and ensure that what is being read by
23 the Supervisor is the same as that stated in the printed Statement of
24 Votes.
25

26 9) No objections shall be entertained by the Supervisor in this stage
27 except in cases where the Supervisor did not correctly read the vote
28 for a candidate as reflected in the electronic Statement of Votes and
29 where a discrepancy exists between the printed and the results
30 electronically transmitted by LAN.
31

32 10) Should any discrepancy exist between the printed and the Statement
33 of Votes by Precinct electronically transmitted through LAN, that
34 particular objection shall be immediately resolved by consulting the
35 Election Returns stored in the Consolidating Center. The said
36 election return shall be the decisive document in this stage. Should
37 the Election Return, the Printed Results and the Results electronically
38 transmitted by LAN contain different results, the CVC Board will still
39 record the results found in the Election Return without prejudice to
40 the filing by any party of an objection before the Canvass Committee.
41

42 11) While the supervisor is publicly reading the Results, the Third
43 Member of the CVC Board shall encode in one CPU designated as
44 the "Consolidating CPU" the Total Number of Votes for a particular
45 Candidate in the Statement of Votes by Precinct being read by the
46 Supervisor adding their votes and getting the sum total of votes of

each candidate. Objections as to the accuracy of the addition or consolidation of votes shall be entertained in this stage and immediately resolved by the CVC Board.

- 12) Upon the completion of the reading of all the Statements of Votes by Precinct in that Polling Center, the Supervisor shall copy all the Statement of Votes sent by LAN to the Transmission Unit in thirty (30) read only CDs and print out 30 copies of the same. The Commission shall include in the election paraphernalia 30 copies of the Statement of Votes by Precinct for a particular polling center, each deemed an accountable form, with serial numbers and other marks for identification purposes. The three members of the CVC Board shall sign and thumb mark the printed copies, place the same in the envelope together with the CD and transmit the same to the addressees listed under this Act.
- 13) The Third Member shall also consolidate, by addition, the total number of votes for each candidate in the Statement of Votes by Precinct in that Polling Center and create a Statement of Votes by SOV for the entire Polling Center. Once consolidated, the Third Member shall print out 30 copies of the Consolidated Statement of Votes of SOV of the Polling Center which shall then be signed and thumb marked by the three members of the CVC Board and also placed in the envelope mentioned above.
- 14) The Third Member shall immediately transmit by LAN the said consolidated Statement of Votes by SOV to the Transmitting CPU and also print out two copies of the said consolidated Statement of Votes, sign and thumb mark the same, and place it in an envelope. The envelopes will be sealed and handed to the Supervisor and the Deputy Supervisor of the Board respectively.
- 15) The Supervisor shall then read the consolidated votes of each candidate in that particular polling center as contained in the Statement of Votes Transmitted by LAN and projected in the LCD Screen while the Deputy Supervisor shall open the sealed envelop containing the same and ensure that what is being read by the Supervisor is the same as that contained in the printed copy.
- 16) After the completion of all the above procedure, the Supervisor will now show to the watchers, through an LCD Screen, the consolidated Statement of Votes by SOV for that particular polling center that will be transmitted to the BOC. The transmitted consolidated Statement of Votes by SOV shall be the official basis used by the BOC for canvassing all the votes in that Polling Center. Once the watchers are given a reasonable time to view what will be transmitted, the

Supervisor shall electronically transmit the Consolidated Statement of Votes by SOV and the Statement of Votes by Precinct to the City or Municipal BOC chairperson, the Commission accredited citizens arm for quick count and, simultaneously upload the same to designated secured website for that purpose.

17) After the transmission, the Supervisor shall record the transmitted Statement of Votes by SOV of the Polling Center into 30 read only CDs which will be placed in an envelope together with 30 printed copies of the Statement of Votes by SOV duly signed and thumb marked by the Supervisor, the Deputy Supervisor and the designated watchers of the six major accredited parties. The Commission shall include in the election paraphernalia 30 copies of the Statement of Votes by Polling Center, each deemed an accountable form, with serial numbers and other marks for identification purposes. The envelope intended for the Municipal or City BOC will be sealed and placed in a Ballot Box designated as Transmission Ballot Box and immediately delivered to the BOC. The rest will be reserved for the addressees listed under this Act.

18) The data contained in the designated website shall not be the basis for canvassing, but are merely for information purposes and may be used as a means to counter check the accuracy of the results being officially canvassed. The document that shall be officially used for canvassing shall be the results electronically transmitted to the BOC backed up by the digitally stored data in the CD and the printed Statement of Votes by SOV of the Polling Center.

19) If there is an objection or protest on a particular Statement of Votes by Precinct, the duly printed and digitally stored Statement of Votes duly signed by the Supervisor, Deputy Supervisor and watchers shall be consulted. No resort to the election returns shall be allowed unless the above are first resorted to.

*'(8) Canvassing by Provincial City, District, and Municipal Board of Canvassers—*The procedure in the Municipal or City Canvassing shall be the immediate canvassing of electronically transmitted results as follows:

(a) The Board of Canvassers shall convene at 7:00 pm of the day of the election. Upon convening, the BOC shall formally inspect the CPUs that will be used in the canvassing.

1) The Municipal or City BOC shall create one Sub Canvassing Committee under it to aid the Board in counter checking the results of the election in Polling Centers within the jurisdiction of the Board. It shall be composed of 3 members with the following functions: one

1 member designated as the CD Validator, who will compare the
2 results being canvassed with the results in the CD; and 1 member,
3 designated as the Printed Result Validator, who will compare the
4 results being canvassed with the Printed Statement of Votes by SOV
5 of the Polling Center; and 1 member, as Recorder, who will record
6 and consolidate the votes being canvassed.

- 7
- 8 2) Upon receipt of the Transmission Ballot Box containing the
9 Statement of Votes by SOV of a particular polling center, and after
10 verifying that the said Ballot Box has not been tampered with, the
11 Chair of the BOC shall refer the said Ballot Box to the Sub
12 Canvassing Committee. The verification of the BOC chairperson of
13 the integrity of the Transmission Ballot Box, and the assignment to
14 the Sub Canvassing Committee shall be duly recorded by the Vice-
15 Chairperson of the BOC. No objections shall be entertained at this
16 stage except those related to the integrity of the Transmission Ballot
17 Box.
- 18
- 19 3) An LCD Projector with a capacity of at least 1000 Lumens and a
20 screen sufficiently large so as to enable the watchers to view the
21 results being canvassed will then be set up connected to one CPU
22 located in the Canvassing Center and designated as Receipt and
23 Transmission CPU.
- 24
- 25 4) The Chairperson of the BOC shall be in charge of reading the results
26 contained in the transmission from the polling center to the BOC, the
27 Vice Chairperson shall be in charge of the Sub Canvassing
28 Committee ensuring that what is being read by the Chairperson is the
29 correct reflection of the data or results in the CD and the Printed
30 Statement of Votes by SOV of the Polling Center, while the Third
31 member shall be in charge of encoding the Canvassed Results in one
32 CPU also located in the Canvassing Center designated as the
33 "Canvass CPU" and consolidating the total votes from all the Polling
34 Centers canvassed by the BOC.
- 35
- 36 5) The Chairman will then open, through the Receipt and Transmission
37 CPU, the transmitted results from polling centers under the BOC,
38 one at a time, in the order of their transmission and read the
39 consolidated results for each and every candidate giving sufficient
40 time for possible objections or comments either from the watchers or
41 the Sub Canvassing Committee. The transmitted results shall be the
42 official basis of the canvass.
- 43
- 44 6) During the reading, an objection may be raised on any discrepancy
45 between the results in the transmission being read by the chairperson
46 and, either the CD or the Printed Statement of Votes by SOV being

checked by the Sub Canvassing Committee. In case of discrepancy in the results, the BOC will use preponderance of evidence to swiftly resolve the objection which means that the Transmission Results is the binding result and can only be overturned by the common results in both the CD and the Printed SOV. In case all three sources have different results, the questioned result for a particular candidate shall be temporarily set aside or, should the entire SOV contain discrepancies, the said SOV shall be temporarily set aside to be resolved upon the proper filing of objection as outlined in Batas Pambansa Blg. 881 as amended. The BOC shall then continue canvassing those SOV per Polling Center that are not objected to.

- 7) Objections on the results of a particular precinct may also be filed in cases where the Election Return of that particular precinct is not the same as the result of that precinct in the Statement of Votes by Precinct issued by the CVC Board of particular polling center. In this case, the Board shall temporarily set aside the canvassing of that particular precinct and order the CVC Board of that particular precinct to immediately convene right there in the Canvassing Center and make preliminary investigation on the objection and the election returns concerned consulting the election returns in the custody of the canvassing Committee, the statement of votes by precinct in the CD, and the printed Statement of Votes by Precinct.
- 8) Other objections not related to the above “manifest errors” shall be follow the procedure outlined for that particular objection in Batas Pambansa Blg. 881 as amended.
- 9) Once all the Polling Centers in the City or Municipality are canvassed the Third Member in charge of consolidating the results in all the Polling Centers shall consolidate all the results for all the candidates in the BOC Statement of Votes by Polling Centers and draft the Certificate of Canvass for the City or Municipality. The BOC Statement of Votes by Polling Centers and the draft Certificate of Canvass shall be transmitted by LAN from the Canvassing Unit under the control of the Third Member to the Receipt and Transmission Unit under the control of the Chairperson. The said results shall also be shown in the LCD Screen. The Chairperson shall then canvass the results in the Statement of Votes by Polling Centers by reading the Total Number of Votes of each candidate in the Certificate of Canvass.
- 10) The Chairperson of the BOC shall then transmit, in full view of the watchers, the results in the Statement of Votes by Polling Centers and the Certificate of Canvass for the City or Municipality to the

District BOC, if any, the Provincial BOC, the National BOC, and the designated website.

11) The said Statement of Votes by Polling Centers shall be copied in 30 read only CDs and at the same time printed in 30 copies, signed and thumb marked by all the members of the BOC and the watchers from the six major accredited parties, placed in an envelope duly signed and sealed and submit the said envelop to the BOC Chairperson to be sent to or claimed by the 30 addressees listed under this Act. One copy of the Printed SOV by Polling Centers and its corresponding CD shall be sealed in an envelope placed in a ballot box designated as the Canvass Ballot Box. It shall be immediately be delivered to the District BOC, if any, or the Provincial BOC.

12) The National, Provincial and District BOCs shall follow the same procedure in the canvass of votes.

(b) The provisions of RA 8436 as amended by RA 9369 in relation to the canvassing of votes of the national officials including the party list representatives and the local officials including members of the House of Representatives, by the national, provincial, and district board of shall be applied as a general rule provided they are not inconsistent with this Act.

‘(9) *Communication Channels for Electronic Transmissions.* All electronic transmissions of the election returns, certificates of canvass and other related documents shall utilize secure transmission channels as recommended by the DOST and the National Telecommunications Commission to ensure authentication and integrity of transmission.

The Commission is hereby authorized to procure the necessary equipment, facilities and services for putting up the electronic transmission system.

SECTION 3. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be charged against the 2021 appropriations for the Commission on Elections. Should this not suffice the Commission on Elections shall submit to Congress a request for Supplemental Budget recommending the necessary amount in order to implement herein Act in the 2022 elections.

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

SECTION 5. *Effectivity.* – This Act shall take effect upon its approval.

Approved,