

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

NINETEENTH (19th) CONGRESS
1st Regular Session

HOUSE BILL NO. 5542



Introduced by **Hon. WILTER YAP PALMA**

EXPLANATORY NOTE

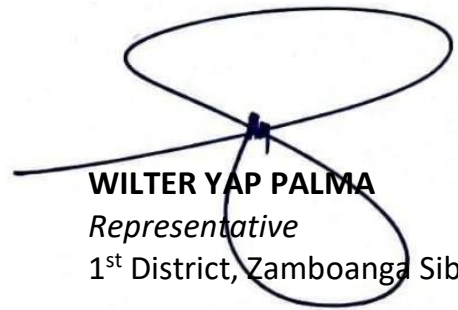
Republic Act No. 8436 was passed into law in 1997 which mandates the Commission on Elections (COMELEC) to utilize an Automated Election System so long as it will protect and safeguard the sanctity of the ballot and ensure an honest election. Consequently, Republic Act No. 9369 was then introduced which enabled the COMELEC to conduct a fully automated election. In fact, the Automated Election System even debuted back in 2010 and is still the primary system that is used to date.

Upon the implementation of the Automated Election System, the general public had high hopes for the fully automated election system as it was expected that the automation in the electoral process would facilitate credibility and orderliness within the Filipino Electorate. However, upon its incipience this was not the case. While the full automation was lauded for its ability for lesser human intervention and the speed by which it delivers the results to the public, there were still massive problems that have still accosted the Filipino People. In fact, there have been cases where various “glitches” were encountered involving the electronic transmission of canvass results, malfunctioning machines which resulted to the people not being able to vote, damaged SD cards which have greatly delayed the voting process, and even the use of challenging ballot markers.

As such, this bill aims to introduce a Hybrid Election System which aims to ensure a credible election system where every vote shall be counted thus fostering transparency and credibility in the counting, canvassing and transmission of votes.

By embracing a system where in the voting and counting at the precinct level will be done manually while the transmission and canvassing are automated, this shall finally dispel all of the doubts of the general public and shall reflect, without any doubt, the true will of the people.

In view of the foregoing, the immediate passing of this bill is earnestly sought.



WILTER YAP PALMA
Representative
1st District, Zamboanga Sibugay

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

NINETEENTH (19th) CONGRESS
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Introduced by **HON. WILTER YAP PALMA**

AN ACT

**PROVIDING FOR THE CONDUCT OF HYBRID NATIONAL, LOCAL, AND
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO (BARMM)
ELECTIONS, THROUGH MANUAL VOTING AND COUNTING AT THE PRECINCT
LEVEL, AND AUTOMATED TRANSMISSION AND CANVASSING, AND FOR OTHER
PURPOSES**

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

1 **SECTION 1. Title.** – This Act shall be known as the “*Hybrid Election Act*”.

2 **SEC. 2. Coverage.** – The coverage of the provisions of this Act shall be
3 applicable to the conduct of the elections in May 2025 and all national, local, and
4 Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) elections
5 thereafter.

6 **SEC. 3. Official Ballot.** – (a) Ballots for national, local, and Bangsamoro
7 Autonomous Region elections, whether regular or special, plebiscites, initiatives,
8 referenda, and recall elections shall be paper-based, uniform sized, and shall be
9 prescribed by the Commission, taking into account environmental considerations,
10 with a reasonable minimum paper size and, as far as practicable, using only
11 recycled paper. They shall be printed in black ink on security paper with distinctive,
12 clear, and legible watermarks that will readily distinguish it from ordinary paper.

Each ballot shall bear a serial number and a bar code, which can be scanned for the purpose of projecting the digital image of the ballot and for its authentication. It shall bear at the top middle portion thereof the Coat-of-Arms of the Republic of the Philippines, the word "Official Ballot", the name of the City or Municipality and Province in which the election is to be held, and the date of the election.

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

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

(d) The official ballot must be constructed to present the names of all candidates for national positions and party-list choices in the front of the official ballot while the names of all candidates for local positions shall presented in the back page of the official ballot.

(e) The official ballot shall contain the titles of the positions to be filled and/or the positions to be voted upon in an initiative, referendum, or plebiscite. Under each position to be filled, the names of candidates shall be arranged alphabetically by surname and uniformly indicated using the same type size. The maiden or married name shall be listed in the official ballot, as preferred by the female candidate. Under each proposition to be voted upon, the choices should be uniformly indicated using the same font and size. Opposite the name of the candidate or the proposition to be voted upon, as the case may be, shall be an oval on which the voter would shade to register a vote for such candidate or proposition.

(f) The foregoing provisions notwithstanding, the Commission is hereby authorized to prescribe a different form of official ballot on the same watermarked security paper to facilitate voting by persons with disabilities and by persons who are unable to read or write only. The Commission should use or adopt the latest technological and electronic devices in connection therewith, as to enable such voters to confirm that the accompanying person truly adhered to the voter's choice of candidates.

SEC. 4. *Printing of Official Ballots.* – The printing of the Official Ballots shall be done by the National Printing Office using the printing machines they own, and shall not be contracted out or outsourced to any private or public person, entity, or agency. To prevent the use of fake ballots, the Commission shall ensure that the necessary safeguards, such as, but not limited to, Bar Codes, Holograms, Color Shifting Ink, Microprinting, are provided on the ballot.

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

SEC. 5. *Manner of counting of votes for the Manual System.* – The counting of votes for the manual system shall be made in the following manner: the board of election inspectors shall arrange the ballots and form separate piles of one hundred ballots each. The chairman of the Board shall take ballots of the first pile one by one and read the names of candidates voted for and the offices for which they were voted in the order in which they appear thereon, assuming such a position as to enable all of the watchers to read such names. The chairman shall sign and affix his right hand thumbmark at the back of the ballot immediately after it is counted. The poll clerk, and the third member, respectively, shall record on the election returns and the tally board/sheet each vote as the names voted for each office are read.

Each vote shall be recorded by a vertical line, except every fifth vote which shall be recorded by a diagonal line crossing the previous four vertical lines. One party member shall see to it that the chairman reads the vote as written on the ballot, and the other shall check the recording of the votes on the tally board/sheet and the election returns seeing to it that the same are correctly accomplished. After

74 finishing the first pile of ballots, the board of election inspectors shall determine
75 the total number of votes recorded for each candidate, the sum being noted on the
76 tally board/sheet and on the election returns. Thereafter, the same procedure shall
77 be followed with the second pile of ballots and so on successively. After all the
78 ballots have been read, the board of election inspectors shall sum up the totals
79 recorded for each candidate, and the aggregate sum shall be recorded both on the
80 tally board/sheet and on the election returns. It shall then place the counted ballots
81 in an envelope provided for the purpose, which shall be closed signed and
82 deposited in the compartment for valid ballots. The tally board/sheet as
83 accomplished and certified by the board of election inspectors shall not be changed
84 or destroyed but shall be kept in the compartment for valid ballots as prescribed
85 by Section 210 of Batas Pambansa Blg. 881.

86 The returns shall also show the date of the election, the polling place, the
87 barangay and the city or municipality in which it was held, the total number of
88 ballots found in the compartment for valid ballots, the total number of valid ballots
89 withdrawn from the compartment for spoiled ballots which were erroneously
90 placed therein, the total number of excess ballots, the total number of marked or
91 void ballots, and the total number of votes obtained by each candidate, writing out
92 the said number in words and figures and, at the end thereof, the BEIs shall certify
93 that the contents are correct. The returns for national positions and party-list shall
94 be accomplished in a single sheet of paper, but if this is not possible, additional
95 sheets may be used which shall be prepared in the same manner as the first sheet
96 and likewise certified by the BEIs.

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

101
102 **SEC. 6. Counting of Votes to the Public.** – As soon as the voting is finished,
103 the BEIs shall publicly count in the polling place the votes cast and ascertain the
104 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 BEIs shall not adjourn or postpone or delay the count 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 BEIs to count the votes and to accomplish the election return and other forms prescribed under this Act and other election laws in any other place within a public building in the same municipality or city on account of imminent danger of widespread violence or similar causes of comparable magnitude: *Provided*, that the transfer shall be recommended in writing by the BEIs by unanimous vote and endorsed in writing by the majority of watchers present: *Provided further*, that the said public building shall not be located within the perimeter of or inside a military or police camp, reservation, headquarters, detachment or field office nor within the premises of a prison or detention bureau or any law enforcement or investigation agency.

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.

SEC. 7. Digital Election Returns. – Simultaneous to the counting of the votes and the filling out the election returns, there shall be an independent technician who shall enter the votes, as they are counted, into a digital spread sheet. This shall serve as the Digital Election Return in a laptop provided for the purpose. The spread sheet shall also be projected on a screen while the entries are recorded in real time for the watchers to validate and the public to see.

The Digital Election Return shall be equipped with such encryption and programs to ensure that the technician, or any person cannot make alternations in any of the entries therein, or the results of the counting, in case of discrepancy with

the manual election return as provided in this Act. Likewise, the laptop shall be configured to confine its operation only for this purpose and to transmit the results of the counting to a secure server as hereinafter prescribed.

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

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

Should there be any discrepancy between the digital and the manual election returns of at least two percent (2%) of the total number of votes cast between the results of the automated and manual systems for any position, an automatic recount shall be undertaken for that position only. Should there be any further discrepancy after the recount, the manual election return shall prevail. For purposes of electronic transmission, the Chairman, the poll clerk and the third member shall encode their digital signatures into the laptop to allow the necessary corrections in the digital election return to conform with the results as reflected in the manual election return. The erroneous digital return shall be torn by half

lengthwise and placed inside the compartment for spoiled ballots inside the ballot box.

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

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

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

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

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

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

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

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

If the signatures and/or thumbmarks of the members of the Board of Election Inspectors (BEIs) or some of them as required in this provision are missing in the election returns, the Board of Canvassers may summon the members of the BEI concerned to complete the returns.

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

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.

SEC. 8. *Number of Copies of Election Returns and their Distribution.* – The BEIs shall prepare in handwriting the election returns in their respective polling place, in the number of copies herein provided and in the form to be prescribed and provided by the Commission.

The copies of the election returns shall be distributed by the chairman of the Board of Election Inspectors (BEIs) as follows:

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

(1) The digital election return shall be electronically transmitted to secure servers and the first copy of the manual election return, as digitally

- 223 captured and printed, shall be delivered to the city or municipal Board of
224 Canvassers immediately after the closing of the polls;
- 225 (2) The second copy to be posted on a wall within the premises of the polling
226 place;
- 227 (3) The third copy, to congress, directed to the Senate President;
- 228 (4) The fourth copy, to the Commission;
- 229 (5) The fifth copy, to the dominant majority party as determined by the
230 Commission in accordance with law;
- 231 (6) The sixth copy, to the dominant minority party as determined by the
232 Commission in accordance with law;
- 233 (7) The seventh copy, to a citizens' arm authorized by the Commission to
234 conduct an unofficial count: *Provided, however,* that the accreditation of
235 the citizens' arm shall be subject to the provision of Section 52(k) of Batas
236 Pambansa Blg. 881; and
- 237 (8) The eighth copy shall be deposited inside the compartment of the ballot
238 box for valid ballots;
- 239 (b) In the election of local officials;
- 240 (1) The digital election return shall be electronically transmitted to the secure
241 servers and the first copy of the manual election return, as digitally-
242 captured and printed, shall be delivered to city or municipal Board of
243 Canvassers immediately after the closing of the polls;
- 244 (2) The second copy to be posted on a wall within the premises of the polling
245 place;
- 246 (3) The third copy, to the Commission;
- 247 (4) The fourth copy, to the Provincial Board of Canvassers;
- 248 (5) The fifth copy, to the dominant majority party as determined by the
249 Commission in accordance with law;
- 250 (6) The sixth copy, to the dominant minority party as determined by the
251 Commission in accordance with law;
- 252 (7) The seventh copy, to a citizens' arm authorized by the Commission to
253 conduct an unofficial count: *Provided, however,* that the accreditation of
254 the citizens' arm shall be subject to the provision of Section 52(k) of Batas
255 Pambansa Blg. 881; and

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

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 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.

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

SEC. 9. *Mandatory use of Tally Boards/Sheets and Projector.* – The use of tally boards/sheets and a projected real time input of results in the digital election return for the purpose of tallying votes at the precinct level is mandatory as provided above. The tally board and projected inputs should be made visible to the public at all times.

SEC. 10. *Canvassing by Provincial, City, District and Municipal Board of Canvassers.* –

(a) The city or municipal Board of Canvassers shall canvass the electronically transmitted election returns for the President, Vice-President, Senators, Party-List Representatives, Members of the House of Representatives, elective provincial officials, and elective city or municipal officials, as the case may be, by consolidating the electronically transmitted results or the results contained in the data storage devices used in the printing of the election returns under the automated system and the election returns

- 287 under the manual counting system. Upon completion of the canvass, the
288 board shall produce the certificate of the canvass of votes for President,
289 Vice-President, Senators, Party-List Representatives, Members of the
290 House of Representatives, and elective provincial officials, and thereafter,
291 proclaim the elected city or municipal officials, as the case may be.
- 292 (b) The City Board of Canvassers of cities comprising one or more legislative
293 districts shall canvass the electronically transmitted election returns for
294 President, Vice-President, Senators, Party-List Representatives,
295 Members of the House of Representatives, and elective city officials by
296 consolidating the electronically transmitted results or the results
297 contained in the data storage devices used in the printing of the election
298 returns under the automated system and the election returns under the
299 manual counting system. Upon completion of the canvass, the board shall
300 produce the certificate of the canvass of votes for President, Vice-
301 President, Senators, Party-List Representatives, Members of the House of
302 Representatives, and thereafter, proclaim the elected members of the
303 House of Representatives for such district or districts and city officials.
- 304 (c) The Provincial Board of Canvassers shall canvass the electronically
305 transmitted certificate of canvass for President, Vice-President, Senators,
306 Party-List Representatives, Members of the House of Representatives,
307 and elective provincial officials by consolidating the results electronically
308 transmitted from the city/municipal consolidating centers or the results
309 contained in the data storage devices under the automated system and
310 certificate of canvass under the manual counting system submitted by the
311 Board of Canvassers of the municipalities and component cities. Upon
312 completion of the canvass, the board shall produce the certificate of the
313 canvass of votes for President, Vice-President, Senators, Party-List
314 Representatives, Members of the House of Representatives, and elective
315 provincial officials, and thereafter, proclaim the elected members of the
316 House of Representatives and the provincial officials.

317 In conducting the canvass of election returns or certificates of canvass, as the
318 case may be, the Board of Canvassers in a Municipality, City, District or Province

shall project each election return or certificate of canvass on a wall from which its contents shall be read in order that those present in the canvassing center may follow the progress of the canvassing process from beginning to end. The Commission may utilize the appropriate equipment to facilitate the projection.

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

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

The Chairman of the Board of Canvassers shall transmit the digital files with digital encryptions for security reasons of the certificate of canvass and its supporting statement of votes using a secured transmission device with authentication features to the secured tabulation system of the Commission and to the systems of the other designated recipients as herein provided.

Any provision of law to the contrary notwithstanding, any of the recipients of the print or digital copies of the certificate of canvass and the supporting

statement of votes may conduct an unofficial consolidation of votes and may announce the result thereof to the public.

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.

SEC. 11. *Number of Copies of Certificates of Canvass and their Distribution.* –

(a) The certificates of canvass of votes under the automated system and under the manual counting systems, respectively, for President, Vice-President, Senators, Members of the House of Representatives, parties, organization or coalitions participating under the party-list system, elective regional officials, elective provincial officials shall be prepared in seven copies by the city or municipal Board of Canvassers and distributed as follows:

- (1) The first copy shall be delivered to the Provincial Board of Canvassers for use in the canvass election results for President, Vice-President, Senators, Party-List Representatives and Members of the House of Representatives and elective provincial officials;
- (2) The second copy shall be sent to the Commission;
- (3) The third copy shall be posted on a wall within the premises of the canvassing center;
- (4) The fourth copy shall be kept by the chairman of the Board;
- (5) The fifth copy shall be given to the citizens' arm designated by the Commission to conduct a media-based unofficial count, and
- (6) The sixth and seventh copies shall be given to the representatives of two of the six major political parties in accordance with the voluntary agreement of the parties. If no such agreement is reached, the Commission shall decide which parties shall receive the copies of the certificate of the canvass on the basis of the criteria provided in Section 26 of Batas Pambansa Blg. 881. The parties receiving the certificate shall have obligation to furnish the other parties with authentic copies thereof with the least possible delay.

(b) The certificates of canvass for President, Vice-President, Senators, Parties, Organizations or Coalitions participating under the party-list system and elective regional officials 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 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;

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

(6) 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 of RA 7166. 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 the 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 date capturing as may be requested by any voter or for any lawful purpose as may be ordered by competent authority.

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

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

- 415 (a) The first fourteen (14) copies shall be given to the fourteen (14)
416 accredited major national parties in accordance with a voluntary
417 agreement among them. If no such agreement is reached, the
418 Commission shall decide which parties shall receive the copies on the
419 basis of the criteria provided in Section 26 of Republic Act 7166;
- 420 (b) The next three copies shall be given to the three (3) accredited major local
421 parties in accordance with a voluntary agreement among them. If no such
422 agreement is reached, the Commission shall decide which parties shall
423 receive the copies on the basis of the criteria provided in Section 26 of
424 Republic Act 7166;
- 425 (c) The next five copies shall be given to national broadcast or print media
426 entities as may be equitably determined by the Commission for the
427 purpose of propagating the copies to the widest extent possible;
- 428 (d) The next two copies shall be given to local broadcast or print media
429 entities as may be equitable determined by the Commission for the
430 purpose of propagating the copies to the widest extent possible;
- 431 (e) The next four copies to major citizens' arms, including the accredited
432 citizens' arms and other non-partisan groups or organizations enlisted by
433 the Commission pursuant to Section 52(k) of Batas Pambansa Blg. 881;
- 434 (f) The next copy to be placed inside the compartment of the ballot box for
435 valid ballots; and
- 436 (g) The last copy to the Provincial Board of Canvassers

437 The certified printed copies may be claimed at the polling place. Any
438 unclaimed copy shall be brought by the chairman of the Board of Election

Inspectors (BEIs) to the canvassing center where the recipients or representatives may claim them. Copies still unclaimed at the canvassing center shall be placed in the custody of the chairman of the Board, who shall 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 for 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.

SEC. 12. National Board of Canvassers for Senators and Senators and Party-List Representatives. – The Chairman and the Members of the Commission on Election sitting *en banc*, shall compose the national board of canvassers for senators and party-list representatives. It shall canvass the results by consolidating the certificates of canvass electronically transmitted under the automated system and the transmitted certificates of canvass under the manual counting system. Thereafter, the national board shall proclaim the winning candidates for senators and party-list representatives.

SEC. 13. Congress as the National Board of Canvassers for President and Vice-President. – The Senate and the House of Representatives in joint public session shall compose the national board of canvassers for President and Vice-President. The certificates of canvass for President and Vice-President duly certified by the board of canvassers of each province or city, shall be electronically transmitted for the automated system and manually delivered for the manual counting system, to the Congress, directed to the President of the Senate. Upon receipt of the certificates of canvass, the President of the Senate shall, not later than thirty (30) days after the day of the election, open all of the certificates in the presence of the Senate and the House of Representatives in joint public session and the Congress upon determination of the authenticity and due execution thereof in the manner provided by law, canvass all the results for President and Vice-President and thereafter, proclaim the winning candidates.

471 **SEC. 14. *Communication Channels for Electronic Transmissions.*** – Electronic
472 transmission which is defined under R.A. 9369 as conveying data in electronic form
473 from one location to another shall be guided by the following: all electronic
474 transmissions of the election returns, certificates of canvass and other related
475 documents shall utilize secure transmission channels as recommended by the
476 Department of Information and Communications Technology (DICT), the
477 Department of Science and Technology (DOST) and the National
478 Telecommunications Commission (NTC) to ensure the authenticity and integrity of
479 transmission. The Commission is hereby authorized to procure the necessary
480 equipment, facilities and services for putting up the electronic transmission system
481 of votes in order to effectively implement the provisions of this Act: *Provided*, that
482 the Commission shall observe, in the process of procurement of the necessary
483 equipment, facilities and services shall be pertinent to the provisions of R.A. 9184.

484 Electronic transmission of the election returns and other such supporting
485 documents thereof at the precinct level shall be forwarded to the Commission
486 office and to the national broadcast or print media entities as may equitably be
487 determined by the Commission.

488 **SEC. 15. *Election Offenses under this Act.*** – The following persons shall be
489 guilty of an election offense and shall be punished in accordance with Section 264
490 of Batas Pambansa Blg. 881 and other election laws:

- 491 (a) Any person who removes the election return that is posted on the wall,
492 whether within or after the prescribed forty-eight (48) hours of posting,
493 or defaces the same in any manner;
494 (b) Any person who simulates an actual election return, or a print or digital
495 copy thereof;
496 (c) Any person who simulates the certification in a print of an election return;
497 (d) The chairman or any member of the Board of Election Inspectors (BEIs)
498 who, during the prescribed period of posting, removes the election return
499 from the wall on which it had been posted other than for the purpose of
500 immediately transferring it to a more suitable place;

- (e) The chairman or any member of the Board of Election Inspectors (BEIs) who signs or authenticates a printed form of the election return outside of the polling place;
- (f) Any person who removes the certificate of canvass posted on the wall, whether within or after the prescribed forty-eight (48) hours of posting, or defaces the same in any manner;
- (g) Any person who simulates an actual certificate of canvass or statement of votes, or a print or digital copy thereof;
- (h) Any person who simulates the certification of a certificate of canvass or statement of votes;
- (i) The chairman or any member of the Board of Canvassers who, during the prescribed period of posting, removes the certificate of canvass or its supporting statement of votes from the wall on which they have been posted other than for the purpose of immediately transferring them to a more suitable place;
- (j) The chairman or any member of the board of canvassers who signs or authenticates a print of the certificate of canvass or its supporting statement of votes outside of the polling place; and
- (k) The chairman or any member of the Board of Canvassers who signs or authenticates a print which bears an image different from the certificate of canvass or statement of votes produced after counting and posted on the wall.

SEC. 16. Appropriations. – The amount necessary for the implementation of this act shall be included in the budget of the Commission on Elections under the General Appropriations Act. Thereafter, such sum as may be necessary for its effective implementation shall be included in the subsequent General Appropriations Act.

SEC. 17. Separability Clause. – Should any portion of this Act be declared unconstitutional, the other provisions or parts not affected thereby shall remain valid and effective.

532 **SEC. 18. *Repealing Clause.*** – All laws, decrees, orders, and issuances or
533 portions thereof, which are inconsistent with the provisions of this Act, are hereby
534 repealed, amended, or modified accordingly.

535 **SEC. 19. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
536 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

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538 *Approved,*

