



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

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. **4196**

Introduced by **Representative MA. VICTORIA CO-PILAR**

EXPLANATORY NOTE

This legislative measure aims to modernize the Philippines' Barangay and Sangguniang Kabataan (BSK) elections by authorizing the **Commission on Elections (COMELEC) to use an automated election system (AES)**. It amends existing laws, specifically Republic Act Nos. 8436, 9369, and 7166, to integrate this technology into grassroots-level polls, mirroring the automated process used for national and local elections.

The traditional, manual process of counting and canvassing votes at the barangay and SK levels is often slow, prone to human error, and can be vulnerable to fraud. By introducing an AES, the law seeks to streamline the entire electoral process—from voting and vote counting to the final proclamation of winners.

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



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HOUSE BILL NO. **4196**

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AN ACT

AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN AUTOMATED ELECTION SYSTEM IN THE CONDUCT OF BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8436, AS AMENDED BY REPUBLIC ACT NO. 9369, REPUBLIC ACT NO. 7166, AND OTHER RELATED ELECTION LAWS, PROVIDING FUNDS THEREFOR

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

SECTION 1. Section 2 of Republic Act 8436, as amended by Republic Act 9369, is further amended to read as follows:

"Section 2. Definition of Terms. - As used in this Act, the following terms shall mean:

Xxx

6. City/municipal/district/provincial/**BARANGAY/SANGGUNIANG KABATAAN** certificate of canvass - a document in electronic and printed form containing the total votes in figures obtained by each candidate in a city/municipality/district/province/**BARANGAY/SANGGUNIANG KABATAAN** as the case may be. The electronic certificate of canvass shall be the official canvass results in the aforementioned jurisdictions;"

Xxx

9. Counting Center - a public place within the city/municipality/**BARANGAY** or in such other places as may be designated by the Commission where the official ballots cast in various precincts of the city/municipality/**BARANGAY** shall be counted. Polling places of voting centers may also be designated as counting centers;
Xxx"

SEC. 2. Section 6 of Republic Act 8436, as amended by Republic Act 9369, is further amended to read as follows:

*“Section 5. Authority to Use an Automated Election System. - To carry out the above-stated policy, the Commission on Elections, herein referred to as the Commission, is hereby authorized to use an automated election system or systems in the same election in different provinces, whether paper-based or a direct recording electronic election system as it may deem appropriate and practical for the process of voting, counting of votes and canvassing/consolidation and transmittal of results of electoral exercises: *Provided*, that for the regular national and local **BARANGAY, AND SANGGUNIANG KABATAAN** election, which shall be held immediately after effectivity of this Act, the AES shall be used in at least two highly urbanized cities and two provinces each in Luzon, Visayas and Mindanao, to be chosen by the Commission: *Provided, further*, That local government units whose officials have been the subject of administrative charges within sixteen (16) month prior to the May 14, 2007 election shall not be chosen: *Provided, finally*, That no area shall be chosen without the consent of the Sanggunian of the local government unit concerned. The term local government unit as used in this provision shall refer to a highly urbanized city or province. In succeeding regular national, ~~or~~ local, **BARANGAY, AND SANGGUNIANG KABATAAN** elections, the AES shall be implemented nationwide.”*

SEC. 3. Section 11 (1) of Republic Act 8436, as amended by Republic Act 9369, is further amended to read as follows:

“Section 11. Functions of the Technical Evaluation Committee. - Xxx

1. The successful conduct of a field testing process followed by a mock election event in one or more cities/municipalities/**BARANGAYS**;

Xxx”

Sec. 4. Section 20 of Republic Act 8436, as amended by Republic Act 9369, is further amended to read as follows:

*“Section 20. Notice of Designation of Counting Centers. - The election officer shall post prominently in his/her office, in the bulletin boards at the city/municipal/**BARANGAY/SANGGUNIANG KABATAAN** hall and in three other conspicuous places in the city/municipality/**BARANGAY**, the notice on the designated counting center(s) for at least three weeks prior to election day. Xxx*

Xxx”

Sec. 5. Section 25 of Republic Act 8436, as amended by Republic Act 9369, is further amended to read as follows:

“Section 25. Canvassing by Provincial, City, District and Municipal Boards of Canvassers. Xxx

Xxx

The district/provincial board of canvassers shall canvass the votes for president, vice-president, senators, members of the House of Representatives and elective provincial officials ... Xxx

THE BARANGAY BOARD OF CANVASSERS SHALL CANVASS THE VOTES FOR THE BARANGAY CHAIRPERSON, BARANGAY COUNCIL, SANGGUNIANG KABATAAN CHAIRPERSON, AND SANGGUNIANG KABATAAN COUNCIL BY CONSOLIDATING THE ELECTRONICALLY TRANSMITTED RESULTS CONTAINED IN THE DATA STORAGE DEVICES USED IN THE PRINTING OF THE ELECTION RETURNS. UPON COMPLETION OF THE CANVASS, IT SHALL PRINT THE CERTIFICATE OF CANVASS OF VOTES FOR THE BARANGAY CHAIRPERSON, BARANGAY COUNCIL, SANGGUNIANG KABATAAN CHAIRPERSON, AND SANGGUNIANG KABATAAN COUNCIL AND THEREAFTER, PROCLAIM THE ELECTED BARANGAY AND SANGGUNIANG OFFICIALS, AS THE CASE MAY BE.

The **BARANGAY, SANGGUNIANG KABATAAN**, municipal, city, district, and provincial certificates of canvass of votes shall each be supported by a statement of votes.

Xxx”

Sec. 6. Section 26 of Republic Act 8436, as amended by Republic Act 9369, is further amended to read as follows:

“Section 26. Number of Copies of Certificates of Canvass of Votes and their distribution. - (a) The certificate of canvass of votes for president, vice-president, senators, members of the House of Representatives, parties, organization or coalitions participating under the party-list system and elective provincial, **MUNICIPAL, BARANGAY, AND SANGGUNIANG KABATAAN** officials shall be produced by the city or municipal board of canvassers and distributed as follows:

Sec. 7. Section 26 of Republic Act No. 7166, is hereby amended to read as follows:

“Section 26. Official Watchers. - Every registered political party or coalition of political parties, and every candidate shall each be entitled to one watcher in every polling place and canvassing center: *Provided That*, candidates for the Sangguniang Panlalawigan, Sangguniang Panlungsod, or Sangguniang Bayan **SANGGUNIANG BARANGAY, AND SANGGUNIANG KABATAAN** belonging to the same slate or ticket shall collectively be entitled to only one watcher.

Xxx”

Sec. 8. Section 27 of Republic Act No. 7166, as amended by Republic Act No. 8045 and Republic Act No. 8173 is further amended to read as follows:

“Section 27. Number of Copies of Election Returns and their Distribution.

- Xxx

(1) The first copy shall be delivered to the **BARANGAY**, city or municipal board of canvassers;

Xxx”

Sec. 9. Section 28 of Republic Act No. 7166, is hereby amended to read as follows:

“Section 28. Canvassing by Provincial City, District and Municipal Board of Canvassers. -

(a) The city or municipal board of canvassers shall canvass the election returns of President, Vice-President, Senator and Members of the House of Representatives and for elective provincial and city, ~~or~~ municipal, **BARANGAY AND SANGGUNIANG KABATAAN** officials. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President, Senators and Members of the House of Representatives and elective provincial officials and thereafter, proclaim the elected city or municipal officials, as the case may be.

THE BARANGAY BOARD OF CANVASSERS SHALL CANVASS THE VOTES FOR THE BARANGAY CHAIRPERSON, BARANGAY COUNCIL, SANGGUNIANG KABATAAN CHAIRPERSON, AND SANGGUNIANG KABATAAN COUNCIL BY CONSOLIDATING THE ELECTRONICALLY TRANSMITTED RESULTS CONTAINED IN THE DATA STORAGE DEVICES USED IN THE PRINTING OF THE ELECTION RETURNS. UPON COMPLETION OF THE CANVASS, IT SHALL PRINT THE CERTIFICATE OF CANVASS OF VOTES FOR THE BARANGAY CHAIRPERSON, BARANGAY COUNCIL, SANGGUNIANG KABATAAN CHAIRPERSON, AND SANGGUNIANG KABATAAN COUNCIL AND THEREAFTER, PROCLAIM THE ELECTED BARANGAY AND SANGGUNIANG OFFICIALS, AS THE CASE MAY BE.

Xxx”

Sec. 10. Appropriations - Funds necessary to carry out the provisions of this Act shall be charged against the appropriations of the COMELEC. Thereafter, the amount necessary for the continuous implementation of this Act shall be included in the annual General Appropriations Act.

Sec. 11. Implementing Rules and Regulations. - Within ninety (90) days from the effectivity of this Act, the COMELEC, in cooperation with the Department of Information and Communications Technology, shall promulgate the rules and regulations for the effective implementation of this Act.

Sec. 12. Repealing Clause. - All laws, presidential decrees, executive orders, memoranda, rules, and regulations contrary to or inconsistent with the provisions of this Acts are hereby repealed, amended, or modified accordingly.

Sec. 13. Separability Clause. - If any part or provision of this Act is declared unconstitutional or invalid, the remaining parts of provisions not affected shall remain in full force and effect.

Sec. 14. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,