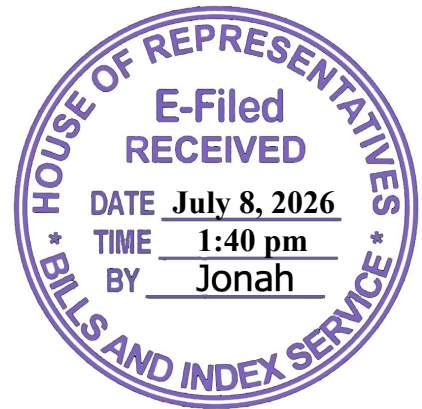


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

20th Congress
First Regular Session

House Bill No. 10040



Introduced by **REPRESENTATIVE EMIGDIO P. TANJUATCO III**

EXPLANATORY NOTE

The integrity of the electoral process is the foundation of a representative democracy. The right of the people to choose their leaders through free, orderly, honest, peaceful, and credible elections must be protected through systems that promote accuracy, transparency, and public confidence.

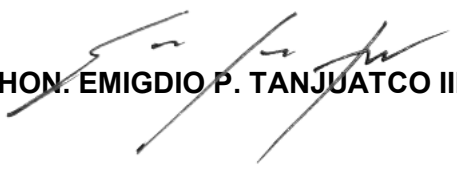
Republic Act No. 8436, as amended by Republic Act No. 9369, authorized the adoption of an Automated Election System (AES) in the Philippines to modernize the conduct of elections and ensure the efficient counting, consolidation, and transmission of election results. Since its implementation, automation has significantly improved the speed by which election results are processed and delivered to the public.

However, while technological advancements have enhanced the efficiency of elections, it remains equally important to ensure that transparency and verifiability are preserved at every stage of the electoral process. Public trust in election results depends not only on the speed of the system but also on the ability of stakeholders to verify and observe the accuracy of the results generated.

This bill seeks to strengthen the Automated Election System by requiring a parallel precinct-level manual count of votes. This additional safeguard shall serve as a transparency and verification mechanism while maintaining the benefits of automated counting, consolidation, and transmission of election results.

By providing an additional layer of accountability, the measure seeks to reinforce public confidence in the electoral process and uphold the fundamental principle that election results must accurately reflect the genuine will of the Filipino people.

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


HON. EMIGDIO P. TANJUATCO III

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

20th Congress
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House Bill No. **10040**

Introduced by **REPRESENTATIVE EMIGDIO P. TANJUATCO III**

**AN ACT AMENDING REPUBLIC ACT NO. 8436, ENTITLED "AN ACT
AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN
AUTOMATED ELECTION SYSTEM IN THE MAY 11, 1998 NATIONAL
OR LOCAL ELECTIONS AND IN SUBSEQUENT NATIONAL AND
LOCAL ELECTORAL EXERCISES, PROVIDING FUNDS THEREFOR
AND FOR OTHER PURPOSES", AS AMENDED BY REPUBLIC ACT
NO. 9369, PROVIDING FOR A PARALLEL PRECINCT-LEVEL
MANUAL COUNT OF VOTES IN THE AUTOMATED ELECTION
SYSTEM AND FOR OTHER PURPOSES**

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

SECTION 1. "Section 1 of Republic Act No. 8436 is amended to read as follows:

"SECTION 1. Declaration of Policy. — It is the policy of the State to ensure free, orderly, honest, peaceful, credible and informed elections, plebiscites, referenda, recall and other similar electoral exercises by improving on the election process and adopting systems which shall involve the use of an automated election system that will ensure the secrecy and sanctity of the ballot and all election documents, provide for the automated counting, consolidation, and transmission of election results, and establish a parallel precinct-level manual count of votes to promote transparency and credibility, in order that the results shall be fast, accurate, and reflective of the genuine will of the people."

SEC. 2. "Section 2 of Republic Act No. 8436 is amended to read as follows:

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

"XXX"

"4. Election returns – a document in electronic and printed form directly produced by the counting or voting machine, *and in manually-written tally and total number of votes*, showing the date of the election, the province, municipality and the precinct in which it is held and the votes in figures for each candidate in a precinct in areas where AES is utilized;"

SEC. 3. "Section 21 of Republic Act No. 8436 is amended to read as follows:

"SEC. 21. Counting Procedure. - The Commission shall prescribe the manner and procedure for *the expedited parallel precinct-level manual counting of votes recorded in manually-prepared election returns in addition* to the automatic counting of votes generated under the automated system: Provided, That apart from the electronically stored result, thirty (30) copies of the election return are printed."

SEC. 4. "Section 22 of Republic Act No. 8436 is hereby amended to read as follows:

"SEC. 22. Election Returns. – *Both the Precinct Manual Count Election Returns and* the printed election returns shall bear appropriate control marks to determine the time and place of printing. Each copy shall be signed and thumb marked by all the members of the board of election inspectors and the watchers present. If any member of the board of election inspectors present refuses to sign, the chairman of the board shall note the same in each copy of the printed election returns. The member of the board of election inspectors concerned refusing to sign shall be compelled to explain his or her refusal to do so. Failure to explain an unjustifiable refusal to sign each copy of the printed election return by any member of the board of election inspectors shall be punishable as provided in this Act. The chairman of the board shall then publicly read and announce the total number of registered voters, the total number of voters who actually voted and the total number of votes obtained by each candidate based on the election returns."

"XXX"

"The election returns transmitted electronically and digitally signed shall be considered as official election results and shall be used as the basis for the canvassing of votes and the proclamation of a candidate. *Provided, that in case of variance in any manual election returns vis a vis the corresponding electronically printed election returns, the Commission, motu proprio or upon motion of any interested party, shall proceed to conduct summary verification to reconcile the results; provided further, that should the variance be substantial, the Commission shall motu proprio suspend the proclamation of the winning candidate.*"

"XXX"

SEC. 5. Implementing Rules and Regulations - Within ninety (90) days from the effectivity of this Act, the Commission on Elections shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 6. Separability Clause. – If any part or section of this Act is declared unconstitutional, such declaration shall not affect in any manner other parts or sections hereof.

SEC. 7. *Repealing Clause.* – All laws, decrees, proclamations, issuances, or ordinances that are contrary to or inconsistent with the provisions of this Act are hereby amended, repealed or modified accordingly.

SEC. 8. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the official gazette or in a newspaper of general circulation in the Philippines.

Approved,