

FTD



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

IN THE MATTER OF THE
REQUEST OF SENATE
SECRETARY OSCAR G. YABES
FOR THE COMMISSION TO
ADDRESS THE REQUIREMENT
UNDER SECTION 37 OF
REPUBLIC ACT NO. 9369 THAT
THE CERTIFICATES OF
CANVASS TO BE USED IN THE
CANVASS OF VOTES FOR
PRESIDENT AND VICE-
PRESIDENT SHALL CONTAIN
THE NAMES OF ALL THE
CANDIDATES, AND THEIR
CORRESPONDING VOTES IN
WORDS AND FIGURES

- Chairman J. Andres D. Bautista
- Commissioner Christian Robert S. Lim
- Commissioner Al A. Parreño
- Commissioner Luie Tito F. Guia
- Commissioner Arthur D. Lim
- Commissioner Ma. Rowena Amelia V. Guanzon
- Commissioner Sheriff M. Abas

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Promulgated on: May 9, 2016

RESOLUTION NO. 10127

WHEREAS, on May 4, 2016, the Senate Secretary, Atty. Oscar G. Yabes, through letter addressed to the Commission's Executive Director Jose M. Tolentino, Jr., expressed the Senate's concern that the generated report of the canvassing and consolidation machine to be used by the Congress in the canvass of the votes for President and Vice-President (CCS) should conform with the requirements of the Constitution and the law, more particularly, Paragraph 4, Section, Article VII of the Constitution; and Sections 23 and 37 of Republic Act No. 9369;

WHEREAS, in the CCS demonstration conducted at the PICC on May 6, 2016, the Commission presented before Senate Secretary Yabes and the other officials of the Senate the forms that the CCS is able to generate, including the format of the certificates of canvass that will be electronically transmitted to the

Congress by the different boards of canvassers as generated by the Monitor Results/Monitor Transmission Modules of the CCS;


WHEREAS, during said demonstration, Executive Director Tolentino further explained that the requirement under Section 37 of Republic Act No. 9369 - that the votes obtained by the candidates for President and Vice-President shall be in words and figures - does not apply in an automated election system (AES), as follows:

Section 6 of Republic Act No. 9369 provided for the pilot-testing of the AES in at least two highly urbanized cities and two provinces each in Luzon, Visayas and Mindanao, and the nationwide implementation of the AES in succeeding regular national and local elections . Thus:

SECTION 6. Section 6 of Republic Act No. 8436 is hereby amended to read as follows:

"SECTION 5. Authority to Use an Automated Election System. - [...] for the regular national and local elections, 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 [...] In succeeding regular national or local elections, the AES shall be implemented nationwide."

There being two (2) types of election system to be implemented - one, for the pilot-testing of the AES in selected areas, and another, for the manual election system (MES) for the rest of the country - the Congress, aside from amending the Omnibus Election Code, had to pass distinct provisions for each type of election system:

AES, under Sections 2 up to 30 of Republic Act No. 9369, by amending Republic Act No. 8436 (An Act Authorizing the Commission on Elections to Use an Automated Election System in the May 11, 1998 National and Local Elections and in Subsequent National and Local Electoral Exercises, Providing Funds Therefor and for Other Purposes); and 

MES, under Sections 31 to 43 of Republic Act No. 9369, by amending three (3) laws applicable to manual elections, namely:

Republic Act No. 7166 (An Act Providing for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations Therefor, and for Other Purposes);

RA 8045 (An Act Amending Section 27 of Republic Act No. 7166, entitled "An Act Providing for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations Therefor, and for Other Purposes"); and

RA 8173 (An Act Granting All Citizens' Arms Equal Opportunity to be Accredited by the Commission on Elections, Amending for the Purpose Republic Act Numbered Seventy-One Hundred and Sixty-Six, As Amended).

One example of the distinct provisions that apply only to the AES but not to the MES is the number of copies of the certificates of canvass. In the AES, thirty (30) copies are printed, while under the MES, only seven (7) are prepared. Thus, for the AES:

SECTION 21. Section 22 of Republic Act No. 8436 is hereby amended to read as follows: [...]

(a) The certificate of canvass of votes for president, vice-president [...] shall be produced by the city or municipal board of canvassers and distributed as follows: [...]

"(12) The twenty-eighth to the thirtieth copies, to the major citizens' arms, including the accredited citizens' arm, and other non-partisan groups or organizations enlisted by the Commission pursuant to Section 52(k) of Batas Pambansa Blg. 881. [...]

"(c) The certificates of canvass printed by the provincial, district, city or municipal boards of canvassers shall be signed and thumb marked by the chairman and members of the board and the principal watchers, if available. [...]

while for the MES:

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SECTION 40. Section 29 of Republic Act No. 7166 is hereby amended to read as follows: [...]

a) The certificate of canvass for president, vice-president [...] shall be prepared in seven copies by the city or municipal board of canvassers [...]

In the MES, the requirement that votes reflected in the election returns and certificates of canvass should be written in words and figures is intended to provide a means of confirming the correct votes obtained by a candidate in case the figures handwritten by the boards of election inspectors or boards of canvassers are not clear. Under the AES, however, the election results are not handwritten, and therefore, there is no room for confusion as to what the actual votes have been obtained by a candidate. Accordingly, Section 2 of Republic Act No. 9369 defined a certificate of canvass as a document in electronic and printed form containing the total votes obtained by candidates in figures only. Thus:

SECTION 2. Section 2 of Republic Act No. 8436 is hereby amended to read as follows: [...]

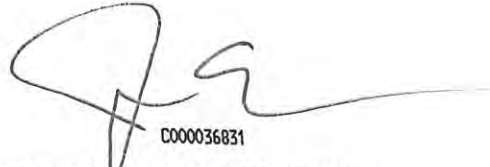
6. City/municipal/district/provincial certificate of canvass - a document in electronic and printed form containing the total votes in figures obtained by each candidate in a city/municipality/district/province as the case may be. The electronic certificates of canvass shall be the official canvass results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

NOW, THEREFORE, the Commission, pursuant to the powers vested in it by the Constitution and other election laws, **RESOLVED**, as it hereby **RESOLVES**, that for the Automated Election System to be implemented in the May 9, 2016 national and local elections, the certificates of canvass to be generated by the Canvassing and Consolidation System, shall contain the total votes obtained by the candidates in figures only, in accordance with the provisions of Republic Act No. 9369.

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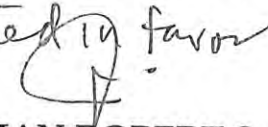
Let the Executive Director furnish copies of this Resolution to both chambers of the Congress, through their respective Secretaries.

SO ORDERED.



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J. ANDRES D. BAUTISTA
Chairman

voted in favor


CHRISTIAN ROBERT S. LIM
Commissioner



LUE TITO F. GUIA
Commissioner

voted in favor


AL A. PARREÑO
Commissioner



ARTHUR D. LIM
Commissioner


MA. ROWENA AMELIA V. GUANZON
Commissioner


SHERIFF M. ABAS
Commissioner

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