

**\*\*Title:\*\*** AES-WATCH, et al. vs. Commission on Elections (COMELEC) & Smartmatic: A Case on Voter Verifiable Paper Audit Trail (VVPAT) and Digital Signatures in Philippine Elections

**\*\*Facts:\*\***

The legal journey to the Philippine Supreme Court began with various groups and individuals challenging the implementation of the Automated Election System (AES) by the Commission on Elections (COMELEC) and its use of voting machines. Concerns were first raised in earlier cases such as *Capalla v. COMELEC*, regarding the absence of digital signatures in the 2010 election results, and *Bagumbayan-VNP Movement, Inc. v. COMELEC*, on the voter verification feature for the 2016 elections.

In response to the *Bagumbayan* case, the Supreme Court mandated the COMELEC to enable a voter verification feature for vote-counting machines (VCMs), distinguished between the ballots and the VVPAT, and emphasized that certain system capabilities mandated by law were indeed obligatory.

Following this, the COMELEC issued guidelines allowing the printing of voter receipts as part of the VVPAT in subsequent elections. However, the commission prohibited the use of capturing devices by voters within polling places, which spurred AES-WATCH and various stakeholders to file a petition for mandamus in April 2019, days before the May 13, 2019, National Elections. They sought to compel the COMELEC to review and ensure the VVPAT's auditability, propose alternative digital signing methods for election results, and challenge the prohibition against capturing device use inside polling places.

**\*\*Issues:\*\***

1. Whether AES-WATCH and other petitioners have legal standing.
2. The legality and compliance of COMELEC with the Supreme Court's directives on VVPAT and digital signatures as per Republic Act No. 8436, as amended.
3. The legality of COMELEC's prohibition against the use of capturing devices within polling places.

**\*\*Court's Decision:\*\***

The Supreme Court ruled that AES-WATCH, et al., and BagumbayanVNP Movement, Inc. had legal standing, given their direct interest and the implications of their allegations on election integrity. Conversely, the motion for intervention by United Filipino Consumers &

Commuters was denied due to lack of demonstrated legal standing.

On substantive issues, the Court found that the COMELEC had substantially complied with its mandate to provide a voter verifiable paper audit trail (VVPAT), notably through voter receipts. The petitioners' proposed "camerambola" solution was deemed unnecessary, as the established random manual audit sufficiently addressed the concerns of verifying the voting machines' accuracy and reliability. The Court also upheld the COMELEC's prohibition on the use of capturing devices during the voting process to preserve the secrecy of the ballot, aligning with the constitutional mandate and existing election laws.

On digital signatures, the Court reiterated the Capalla ruling, affirming that the electronic transmission means employed by the COMELEC were compliant with legal standards and that the use of iButtons and PINs by electoral board members satisfied the requirements for digital signatures.

Ultimately, the petition was dismissed as moot since the 2019 National Elections had already concluded, rendering the specific relief sought irrelevant.

**\*\*Doctrine:\*\***

The case reaffirmed the mandatory nature of voter verifiable paper audit trails (VVPATs) and the proper use of digital signatures in automated election systems, emphasizing the importance of compliance with these minimum system capabilities to ensure election integrity and transparency.

**\*\*Class Notes:\*\***

- Legal standing in election law cases requires demonstrable injury or direct interest.
- The COMELEC is mandated to comply with specific system capabilities for AES, including VVPAT and digital signature requirements as per RA No. 8436, as amended.
- The principle of election law states that measures to secure the secrecy and sanctity of ballots are paramount and must conform to constitutional mandates.
- Discretionary acts of the COMELEC in implementing election laws are not ordinarily subject to judicial intervention except in cases of grave abuse of discretion.

**\*\*Historical Background:\*\***

This case situates within the ongoing evolution of election laws and technology in the Philippines. The legal challenges to the COMELEC's automation initiatives reflect a broader

public concern over the integrity and transparency of the electoral process in an era of rapid technological change. The Supreme Court's jurisprudence in this area serves to balance these innovations against the timeless principles of fair and free elections, underscored by the mandatory provisions of the law ensuring voter verification and the proper authentication of election results.