



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



Sixteenth Congress
Third Regular Session

HOUSE BILL NO. **6308**

Introduced by Honorable Herminia B. Roman

EXPLANATORY NOTE

This bill seeks to amend Section 77 of Batas Pambansa (BP) Bilang 881, as amended, otherwise known as the "*Omnibus Election Code of the Philippines*," by excluding the withdrawal of a certificate of candidacy as a ground for the substitution of a candidate.

BP 881, as amended, was enacted in 1985. Many of its provisions are still effective to ensure the sanctity of the ballot and to provide an efficient electoral system. A closer study of the law, however, will indicate that some of its provisions are no longer relevant with the times. In particular, Section 77 of BP 881, as amended, is being used by would be candidates to circumvent the deadline imposed by the Commission on Elections for the filing of certificate of candidacies. Oftentimes, incumbent appointive public officials resort to this particular provision to maximize their stay in their positions and enjoy the perks, benefits, and privileges of their office.

Section 23 of BP 881 mandates the cessation of public appointive position or the automatic resignation of a public officer upon the filing of a certificate of candidacy. Thus, public officials take advantage of the provision of the law which allows substitution of candidates who withdraw their certificate of candidacy particularly in the case of accredited political parties, and mostly in local electoral contests. A potential candidate usually asks another person to file a certificate of candidacy which is later on withdrawn to allow the substitution in favor of the potential candidate.

While the law allows the substitution of a candidate, some quarters have abused this particular law and made a mockery of the electoral process. Hence, this measure proposes to exclude the withdrawal of a certificate of candidacy as a ground for the substitution of a candidate by amending Section 77 of BP 881, as amended. This amendment will also help the electorate determine who among the candidates are really sincere in their intent to serve the people.

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


HERMINA B. ROMAN



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1 **AN ACT**
2 **EXCLUDING WITHDRAWAL OF A CERTIFICATE OF CANDIDACY**
3 **AS A GROUND FOR SUBSTITUTION OF A CANDIDATE, AMENDING**
4 **FOR THE PURPOSE SECTION 77 OF BATAS PAMBANSA BLG. 881,**
5 **OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE**

6
7 *Be it enacted by the Senate and House of Representatives of the Philippines in*
8 *Congress assembled:*

9
10 SECTION 1. Section 77 of Batas Pambansa Blg. 881 is hereby amended
11 to read as follows:

12 “SEC. 77. *Candidates in case of death[,] OR disqualification [or*
13 *withdrawal] of another.* – If after the last day for the filing of certificates
14 of candidacy, an official candidate of a registered or accredited political
15 party (PP) dies[, withdraws] or is disqualified for any cause, only a
16 person belonging to, and certified by, the same political party may file a
17 certificate of candidacy to replace the candidate who died[, withdrew] or
18 was disqualified. The substitute candidate nominated by the political
19 party concerned may file his certificate of candidacy for the office
20 affected in accordance with the preceding sections not later than mid-day

1 of the day of the election. If the death[, withdrawal] or disqualification
2 should occur between the day before the election and midday of election
3 day, said certificate may be filed with any board of election inspectors in
4 the political subdivision where he is a candidate, or, in the case of
5 candidates to be voted for by the entire electorate of the country, with the
6 Commission.”

7 SEC. 2. This Act shall take effect fifteen (15) days after its publication in
8 the *Official Gazette* or in a newspaper of general circulation.

9 Approved,