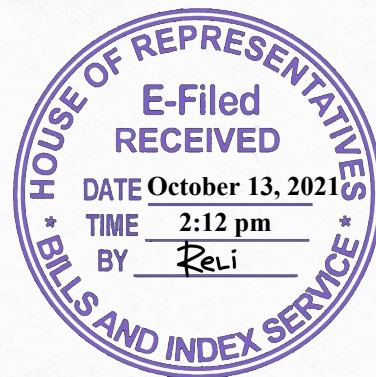


EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 10380

EXPLANATORY NOTE

Section 77 of the Omnibus Election Code provides for the substitution of candidates in case of death, disqualification or withdrawal of another.

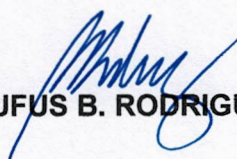
While there is nothing wrong with substitution in case of death or disqualification which are justifiable, substitution because of withdrawal, or what others call voluntary substitution, may pose serious questions and may lead to the manipulation and mockery of the election process.

This concept of voluntary substitution was put in place and could be justified before because it was based on the assumption that we have a strong political party system and that members of the same political party share the same ideologies. However, recent elections have shown that such is not the case anymore and many have no problem switching to different political parties if it would benefit them.

Withdrawals could lead the voting public to believe that the candidate who withdrew, and even the political party or the substituting candidate, is not really serious. Further, a person who files for candidacy is presumed to have a sincere and bona fide intent to run for elective office. Section 69 of the Omnibus Election Code provides that a person can be declared a nuisance candidate if it is "shown that said certificate has been filed to put the election process in mockery or disrepute..." As such, any person who has no real intent to run and only filed for candidacy as a place holder should be declared a nuisance candidate.

Prohibiting voluntary substitution will also give the Commission on Elections (Comelec) additional time to screen COCs filers, prepare the finalist list of candidates and print the official ballots and related paraphernalia.

In view of the foregoing, immediate approval of this measure is earnestly requested.


RUFUS B. RODRIGUEZ

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
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HOUSE OF REPRESENTATIVES

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AN ACT

**AMENDING SECTION 77 OF BATAS PAMBANSA BILANG 881 OTHERWISE KNOWN AS
THE OMNIBUS ELECTION CODE OF THE PHILIPPINES**

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

SECTION 1. Section 77 of Batas Pambansa Bilang 881 otherwise known as the Omnibus Election Code of the Philippines is hereby amended to read as follows:

Sec. 77. Candidates in case of death, **OR** disqualification. [or withdrawal of another.] - If after the last day for the filing of certificates of candidacy, an official candidate of a registered or accredited political party dies, [withdraws] or is disqualified for any cause, only a person belonging to, and certified by, the same political party may file a certificate of candidacy to replace the candidate who died, [withdrew] or was disqualified. The substitute candidate nominated by the political party concerned may file his certificate of candidacy for the office affected in accordance with the preceding sections not later than mid-day of the day of the election. If the death, [withdrawal] or disqualification should occur between the day before the election and mid-day of election day, said certificate may be filed with any board of election inspectors in the political subdivision where he is a candidate, or, in the case of candidates to be voted for by the entire electorate of the country, with the Commission.

SEC. 2. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

SEC. 3. Effectivity Clause. – This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or a newspaper of general circulation.

Approved,