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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL No. 10387



Introduced by
BAYAN MUNA Reps. CARLOS ISAGANI T. ZARATE,
FERDINAND R. GAITE and EUFEMIA C. CULLAMAT,
ACT TEACHERS Party-List Rep. FRANCE L. CASTRO,
GABRIELA Women's Party Rep. ARLENE D. BROSAS
and KABATAAN Party-List Rep. SARAH JANE I. ELAGO

**AN ACT PROHIBITING THE SUBSTITUTION OF CANDIDATES
BY REASON OF WITHDRAWAL
THEREBY AMENDING SECTION 77 OF THE BATAS PAMBANSA BILANG 881 OR
THE OMNIBUS ELECTION CODE OF THE PHILIPPINES**

EXPLANATORY NOTE

What used to be a remedy has become a strategy for scheming politicians and political parties.

In the previous national elections, the nation was stunned by the strategy of a city mayor who substituted a presidential candidate at the last minute and was able to win the race leaving far behind his fellow presidential candidates. To recall, Martin Diño was widely known to have been a placeholder for then Davao City Mayor Rodrigo Duterte. He was heard in several of his media interviews that he filed his Certificate of Candidacy for presidency when the then Mayor Duterte failed to file his COC. Beforehand, the COMELEC Law Department was set to declare more than 120 nuisance candidates that included Diño.¹

Yet, even prior to the 2016 national elections, that playbook of a last minute candidate substitution has already been used and, in many instances, exploited and taken advantage of by many parties to confuse the people, even to put in mockery the election processes.

Thus, it felt like déjà vu again on October 8, 2021, the last day for the period of filing of COCs for the 2022 Elections. While supporters were almost exhausted fervently waiting for the arrival of Davao City Mayor Sara Duterte at the PICC tent, a surprise presidential candidate filed his COC and even announced that he is willing to give way to the current Davao City mayor if she will run for the presidency.

¹ <https://www.rappler.com/nation/elections/duterte-placeholder-dino-withdraws-presidential-bid>

1 Another political party admittedly fielded placeholders for President and Vice President in the event
2 that Mayor Sara Duterte finally decides to run for President.²

3
4 Section 77 of the Omnibus Election Code was intended to be a remedy for the substitution of a
5 candidate due to the death, disqualification or withdrawal of another even until the midday of the
6 election day.

7
8 However, these recent developments have shown how scheming politicians would do everything,
9 and even circumvent the law, to achieve their selfish interests. The use of the said provision as a
10 strategy makes a mockery of the election process and an insult to the intelligence of voters. To
11 allow this to continue is to defeat the people's right to vote and to attack our democracy.

12
13 It is earnestly sought that this bill be passed into law in the soonest possible time.

14
15 *Approved,*


REP. CARLOS ISAGANI T. ZARATE
Bayan Muna Partylist


REP. FERDINAND R. GAITE
Bayan Muna Partylist


REP. EUFEMIA C. CULLAMAT
Bayan Muna Partylist


REP. ARLENE D. BROSAS
GABRIELA Women's Party


REP. FRANCE L. CASTRO
ACT Teachers Partylist


REP. SARAH JANE I. ELAGO
Kabataan Partylist

² <https://www.rappler.com/nation/elections/waiting-sara-duterte-lakas-cmd-fields-placeholder-for-president-2022>

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10 Introduced by
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16
17 **AN ACT PROHIBITING THE SUBSTITUTION OF CANDIDATES**
18 **BY REASON OF WITHDRAWAL**
19 **THEREBY AMENDING SECTION 77 OF THE BATAS PAMBANSA BILANG 881 OR**
20 **THE OMNIBUS ELECTION CODE OF THE PHILIPPINES**
21

22
23 *Be it enacted by the House of Representatives and the Senate of the Philippines in Congress assembled:*
24

25 **SECTION 1.** Section 69 of the Batas Pambansa Bilang 881 or the Omnibus Election Code (OEC)
26 is hereby amended to read as follows:
27

28 **“Section 69. Nuisance candidates.** - The Commission may motu proprio or upon
29 a verified petition of an interested party, refuse to give due course to or cancel
30 a certificate of candidacy if it is shown that said certificate has been filed to put
31 the election process in mockery or disrepute or to cause confusion among the
32 voters by the similarity of the names of the registered candidates or by other
33 circumstances or acts which clearly demonstrate that the candidate has no bona
34 fide intention to run for the office for which the certificate of candidacy has
35 been filed and thus prevent a faithful determination of the true will of the
36 electorate.
37

38 **ANY CANDIDATE WHO HAS, IN ANY WAY SHOWN OR**
39 **EXPRESSED, DIRECTLY OR INDIRECTLY, THAT HE OR SHE IS**
40 **ONLY A PLACEHOLDER FOR ANOTHER CANDIDATE, IS**
41 ***PRIMA FACIE* EVIDENCE THAT SAID CANDIDATE HAS NO**
42 ***BONA FIDE* INTENTION TO RUN FOR THE OFFICE FOR**
43 **WHICH THE COC HAS BEEN FILED.”**
44

45 **SECTION 2.** Section 77 of the OEC is also hereby amended to read as follows:
46

1 “Sec. 77. Candidates in case of death, **PERMANENT INCAPACITY,**
2 **OR disqualification or withdrawal of another.** - If after the last day for the
3 filing of certificates of candidacy, an official candidate of a registered or
4 accredited political party dies, ~~withdraws~~ **IS PERMANENTLY**
5 **INCAPACITATED** or is disqualified for any cause, only a person belonging
6 to, and certified by, the same political party may file a certificate of candidacy
7 to replace the candidate who died, ~~withdrew~~ **WAS PERMANENTLY**
8 **INCAPACITATED** or was disqualified. The substitute candidate nominated
9 by the political party concerned may file his certificate of candidacy for the
10 office affected in accordance with the preceding sections not later than mid-
11 day of the day of the election. If the death, ~~withdrawal~~ **PERMANENT**
12 **INCAPACITY** or disqualification should occur between the day before the
13 election and mid-day of election day, said certificate may be filed with any
14 board of election inspectors in the political subdivision where he is a candidate,
15 or, in the case of candidates to be voted for by the entire electorate of the
16 country, with the Commission.”

17
18 **SECTION 3. *Repealing clause*** – All laws, decrees, resolutions, orders or ordinances or parts
19 thereof inconsistent with this Act, are hereby repealed, amended or modified accordingly.
20

21 **SECTION 4. *Effectivity.*** – This law shall take effect after fifteen days following its publication in
22 the official gazette or in a newspaper of general circulation.
23

24
25 *Approved.*