

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

EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. 10500



Introduced by Honorable Joaquin M. Chipeco, Jr.


EXPLANATORY NOTE

The difference between direct democracies in ancient times and modern-day democracies is that in the latter, the people rule via their duly elected representatives (a practice known as republicanism). Elections therefore are hallowed democratic practices inasmuch as they serve as the primary mechanism whereby the citizenry express their political voice in the matter of their choice of officials who will represent them up to the highest echelons of government.

Given the sacrosanct nature of our periodic elections, it stands to reason that they should not be marked or characterized by pedestrian practices of certain people of standing-in or serving as fillers for other individuals lining-up for, say, government permits, certifications or IDs. This reduces constitutional behavior to such commonplace acts in everyday transactions. It is also not off the mark to say that parties which practice putting placeholders for other candidates are liable for certain deceit or misrepresentation on their part. If elections are to be described as a game or a contest (some of our litigation are actually denominated as electoral "contests"), then it behooves the dueling parties to put all their cards on the table and not attempt to mislead their rivals or the general public as to the intent of the "real" or "true" candidates.

For these and several other reasons, this bill aims to prohibit the substitution of candidates on grounds of withdrawal by amending pertinent provisions of the Omnibus Election Code. Through this measure, we stop the steady descent of our elections down the slippery slope of sheer mockeries.

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



HON. JOAQUIN M. CHIPECO, JR.
Representative
Lone District, Calamba City

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AN ACT
PROHIBITING THE SUBSTITUTION OF CANDIDATES BY REASON OF
WITHDRAWAL, AMENDING FOR THE PURPOSE SECTIONS 69 AND 77
OF BATAS PAMBANSA BILANG 881, OTHERWISE KNOWN AS THE
OMNIBUS ELECTION CODE, AS AMENDED

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

SECTION 1. Section 69 of Batas Pambansa Bilang 881 or the Omnibus Election Code is hereby amended to read as follows:

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

ANY CANDIDATE SHALL ALSO BE DEEMED AS HAVING NO BONA FIDE INTENTION OF RUNNING FOR THE OFFICE FOR WHICH THE CERTIFICATE OF CANDIDACY HAS BEEN FILED IF THE CANDIDATE BY ACTS OR STATEMENTS HAS SHOWN, EXPRESSLY OR IMPLIEDLY, THAT SAID CANDIDATE IS ONLY A PLACEHOLDER FOR ANOTHER CANDIDATE. A PLACEHOLDER CANDIDATE IS ONE WHO TEMPORARILY STANDS-IN OR FILLS-IN FOR THE FINAL OR EVENTUAL CANDIDATE.

CANDIDATES SO DECLARED BY THE COMMISSION AS NUISANCE SHALL NOT BE SUBSTITUTED. THEY SHALL ALSO BE DISQUALIFIED FROM RUNNING IN FUTURE ELECTIONS, BOTH LOCAL AND NATIONAL.

SEC. 2. Section 77 of the Omnibus Election Code is hereby amended to read as follows:

SECTION 77. Candidates in case of death, disqualification or PERMANENT INCAPACITY [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, BECOMES PERMANENTLY INCAPACITATED [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, BECAME PERMANENTLY INCAPACITATED [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, PERMANENT INCAPACITY [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. 3. All laws, decrees, executive order, rules and regulations, or parts or provisions thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 4. This Act shall take effect fifteen (15) days following completion of its publication in the Official Gazette or in a newspaper of general circulation.

Approved,