

REPUBLIC OF THE PHILIPPINES  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
*Third Regular Session*

House Bill No. 10548



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Introduced by **MAGDALO Party-List Representative**  
**HON. MANUEL DG. CABOCHAN III**

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**EXPLANATORY NOTE**

Pursuant to Section 77 of Batas Pambansa Bilang 881, otherwise known as the Omnibus Election Code, aspiring candidates for elective offices can be substituted or replaced. Candidate substitution is the practice of a party in substituting a different candidate for a particular political office for one who has already filed a certificate of candidacy. It is allowed in cases of death, withdrawal, or disqualification of the original candidate.

While the salient provision affirms the absolute observance of an electoral democracy, it has been exploited especially in the recent years. On several occasions, placeholder<sup>1</sup> candidates are enlisted to simply keep the slot open for another candidate.<sup>2</sup> It is strategically used to delay and buy time for the actual intended candidate to gain public and material support. Likewise, the strict compliance on deadlines imposed by the COMELEC is often overlooked as substitution has always been available. The enlistment of placeholder candidates is a direct mockery of the sanctity of the electoral

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<sup>1</sup> A placeholder candidate is used as a temporary stand-in for ballot access petitioning purposes until the actual nominees are decided.

<sup>2</sup> Rappler. Confessed placeholders not automatically considered nuisance bets. Information retrieved from <https://www.rappler.com/nation/elections/comelec-response-confessed-placeholders-considered-nuisance-bets>. Dated October 13, 2021

process in our country. Thus, this measure seeks to amend the abovementioned provision and modify the grounds for substitution of candidates.

A stylized, handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**MANUEL DG. CABOCHAN III**

*Representative*

Magdalo Para Sa Pilipino Party-List

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**AN ACT**

**MODIFYING THE GROUNDS FOR SUBSTITUTION OF CANDIDATES,  
AMENDING FOR THIS PURPOSE SECTION 77 OF BATAS PAMBANSA BILANG  
881, S. 1985, OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE**

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

1           SECTION 1. Section 77 of Batas Pambansa Bilang 881, series of 1985, otherwise  
2 known as the "Omnibus Election Code," is hereby amended to read as follows:

3  
4           "SECTION 77. Candidates in case of death, **INCAPACITY OR** disqualification  
5 [~~or withdrawal~~] of another. – If after the last day for the filing of certificates of  
6 candidacy, an official candidate of a registered or accredited political party dies,  
7 **BECOMES INCAPACITATED** [~~withdraws~~] or is disqualified for any cause, only  
8 a person belonging to, and certified by, the same political party may file a  
9 certificate of candidacy to replace the candidate who died, **BECOMES**  
10 **INCAPACITATED** [~~withdrew~~] or was disqualified. The substitute candidate  
11 nominated by the political party concerned may file his certificate of candidacy  
12 for the office affected in accordance with the preceding selections not later than

1 mid-day of the day of the election. If the death, **INCAPACITY** [withdrawal] or  
2 disqualification should occur between the day before the election and mid-day  
3 of election day, said certificate may be filed with any board of election  
4 inspectors in 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  
8 *Sec. 2. Separability Clause.*— If any portion or provision of this Act is declared  
9 unconstitutional, the remainder of this Act or any provisions not affected thereby shall  
10 remain in force and effect.

11  
12 *Sec. 3. Repealing Clause.*— Any law, presidential decree or issuance, executive  
13 order, letter of instruction, rule or regulation inconsistent with the provisions of this  
14 Act is hereby repealed or modified accordingly.

15  
16 *SEC. 4. Effectivity.*— This Act shall take effect after fifteen (15) days following  
17 its complete publication in the Official Gazette or a newspaper of general circulation.

Approved,