

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



NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5692

Introduced by CIBAC Party-List Representative
HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA

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

EXPLANATORY NOTE

Under Section 77 of the Omnibus Election Code, an official candidate of a political party may be replaced by another person if the candidate dies, withdraws, or is disqualified for any cause after the last day of filing of certificates of candidacy (COC). Of the three grounds for the substitution of the candidate, withdrawal of candidacy has been the most abused every national election.

Over the years, political parties have been replacing one candidate over another for the simple reason that the former has withdrawn his or her candidacy, even after the deadline of COC filing. Since the withdrawal need not be justified for the substitution to be accepted by the Commission on Elections (COMELEC), it is easy to field any person as a candidate to beat the COMELEC deadline and just substitute another after the cutoff date. This makes a mockery of the election process.

This bill seeks to put a stop to this abuse by removing the option of substitution in cases where the candidate of a political party withdraws from his or her candidacy. This bill also adds incapacity as a ground for

substitution of candidates of political parties. These changes will not only strengthen the electoral process, but will also restore the faith of the voters in the election system.

Thus, the passage of this measure is immediately sought.

A handwritten signature in black ink, appearing to read "E. C. Villanueva", is written over a horizontal line.

HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA

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

4 **SECTION 1.** Section 77 of Batas Pambansa Big. 881, otherwise
5 known as the “Omnibus Election Code,” is hereby amended to read as
6 follows:

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

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

7

8 **SEC. 2. Implementing Rules and Regulations.** – Within thirty (30)
9 days from the effectivity of this Act, the Commission on Elections, upon
10 consultation with relevant stakeholders, shall issue the implementing rules
11 and regulations to implement the provisions of this Act.

12

13 **SEC. 3. Repealing Clause.** – All acts, laws, decrees, executive
14 orders, letters of instructions, rules and regulations or any part thereof
15 which are inconsistent with any provision of this Act are hereby repealed
16 and/or modified accordingly.

17

18 **SEC. 4. Separability Clause.** – If for any reason, any section or
19 provision of this Act is declared to be unconstitutional or invalid, the other
20 sections or provisions of this Act which are not affected shall continue in
21 full force and effect.

22

23 **SEC. 5. Effectivity.** – This Act shall take effect fifteen (15) days after
24 its publication in the *Official Gazette* or in at least two (2) newspapers of
25 general circulation.

26

27 ***Approved,***