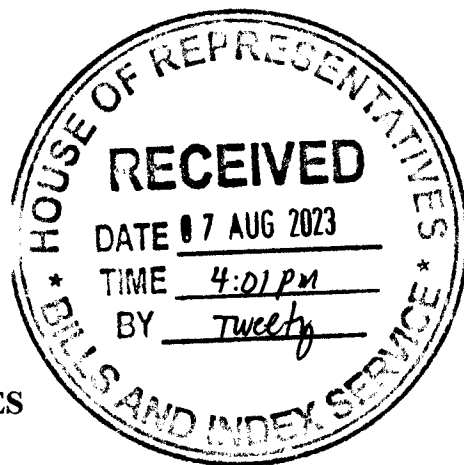




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Nineteenth (19th) Congress
Second Regular Session

HOUSE BILL NO. 8794



Introduced by **Representative MA. VICTORIA CO-PILAR**

AN ACT
AMENDING SECTION 77 OF BATAS PAMBANSA BILANG 881, OTHERWISE
KNOWN AS THE OMNIBUS ELECTION CODE, TO MODIFY THE GROUNDS
FOR SUBSTITUTION OF CANDIDATES

EXPLANATORY NOTE

Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code, gives political parties the chance to change their candidates before elections based on three grounds: death, disqualification, or withdrawal of the candidate. This substitution provision enshrined in Section 77 of the Code is an acknowledgment of the importance of our party system and political parties. Hence, substitution is a privilege granted to political parties but not to individual candidates and accorded to candidates of political parties but not to independent candidates.

The act of withdrawing one's candidacy has been misused throughout time that unfortunately leads to a disdain for deadline vigilance and compliance. Unlike death and disqualification, withdrawal is a voluntary act of a candidate. Some people view this regrettable practice of simply fielding anyone as a "placeholder" in order to meet the COMELEC deadline as a mockery of the certification of candidacy process.

Accordingly, this bill seeks to amend the pertinent provision of the Omnibus Election Code to modify the grounds for substitution of candidates. Withdrawal of a candidate from his or her candidacy shall no longer be allowed as a ground for substitution. Moreover, permanent incapacity of a candidate must be included as an additional ground for substitution of candidates of political parties. These adjustments will not only make the voting process stronger, but they will also win back people's confidence in the democratic process.

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



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

1 **Section 1.** Section 77 of Batas Pambansa Blg. 881, otherwise known as the
2 Omnibus Election Code, is hereby amended to read as follows:

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

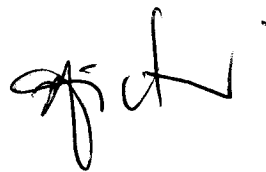
1 **Section 2. *Implementing Rules and Regulations*** – Within thirty (30) days from the
2 effectivity of this Act, the Commission on Elections (COMELEC), upon consultation with
3 relevant stakeholders, shall issue the implementing rules and regulations to implement the
4 provisions of this Act.

5
6 **Section 3. *Separability Clause*** – If any provision or part hereof is held invalid or
7 unconstitutional, the remainder of the law or the provision not otherwise affected shall
8 remain valid and subsisting.

9
10 **Section 4. *Repealing Clause*** – Any law, presidential decree or issuance, executive
11 order, letter of instruction, administrative order, rule or regulation contrary to or
12 inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
13 accordingly.

14
15 **Section 5. *Effectivity Clause*** – This Act shall take effect fifteen (15) days after its
16 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

17
18 Approved,

A handwritten signature in black ink, appearing to be a stylized 'J' or 'L' followed by a flourish.