

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **9069**



Introduced by REP. RUWEL PETER S. GONZAGA

EXPLANATORY NOTE

This bill seeks to amend Batas Pambansa Bldg. 881, Section 77 "*Candidates in case of death, disqualification, or 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, 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, 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, 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." which was approved last 38 years ago.

At present there is a need to amend this particular section in order for the modification for the substitution of candidates. It is of public knowledge that some political parties have abused this provision in election substitution in favor of their favored candidates. The approval of this bill will prevent any political party in misleading the Filipino voters.

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


RUWEL PETER S. GONZAGA

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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

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

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

"Section 77. Candidate in case of death, PERMANENT INCAPACITY or disqualification or ~~withdrawal of another~~. - If after the last day of the filling of certificates of candidacy, an official candidate of a registered or accredited political party dies, ~~withdraws~~ BECOMES PERMANENTLY INCAPACITED, or was 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, ~~withdrew~~ BECOME PERMANENTLY INCAPACITED, 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, ~~withdrawal~~ PERMANENT INCAPACITY, 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 the entire electorate of the country, with the Commission."

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

SECTION 3. Separability Clause – if any provision or part hereof is held invalid or un constitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 4. *Repealing Clause.* – Any laws, presidential decrees, issuances, executive orders, letters of instruction, administrative order, rules, or regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,