

Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 10186



Introduced by Hon. Representative Florida “Rida” P. Robes
Lone District of the City of San Jose del Monte, Bulacan

EXPLANATORY NOTE

“Democracy is the government of the people, by the people, and for the people.”

— Abraham Lincoln

It has been 39 years since the Omnibus Election Code took effect, and there have been numerous elections since its inception. One of its prominent provisions is the power of Substitution of Candidates which is, more often than not, abused by parties and candidates.

Section 77 provides parties with the power to substitute candidates in case of the latter’s death, disqualification or withdrawal. In these three instances, it is the withdrawal of another which is often abused by candidates. It is the power granted among political parties to replace their candidates. Apparently, substitution is being taken advantaged which necessarily results to the deception of the electorate as to the identity of a party’s nominees.

Hence, this amendment aims to limit the grounds for substitution. Under this bill, a political party would be prohibited from substituting any candidate after the latter’s voluntary withdrawal.

If approved, this amendment would drastically change how elections are conducted in the Philippines. By limiting political parties’ ability to substitute candidates in cases of voluntary withdrawal, it would guarantee that the candidates who are put in front of the public during the campaign will be the ones who, should they be elected, serve the people.

In view of the foregoing, the passage of this measure is greatly urged.


FLORIDA P. ROBES

Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 10186

Introduced by Hon. Representatives Florida “Rida” P. Robes
Lone District of the City of San Jose del Monte, Bulacan

AN ACT
AMENDING THE LAW GOVERNING THE SUBSTITUTION OF CANDIDATES
FOR THE NATIONAL AND LOCAL ELECTIONS, AMENDING FOR THE
PURPOSE SECTION 77 OF BATAS PAMBANSA BLG 881, OTHERWISE KNOWN
AS THE OMNIBUS ELECTION CODE

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

Section 1. Short Title. This Act shall be known as *Substitution of Candidate Act*.

Section 2. Declaration of Policy. Article II, Section 1 of the Constitution provides that the Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them. Hence, limiting the grounds for substitution of candidates will ensure that the elections shall be honest, clean and fair for the candidates and the electorate.

Section 3. Section 77 of Batas Pambansa Big. 881, s. 1985, otherwise known as the “Omnibus Election Code”, is hereby amended to read as follows:

“Section 77. Candidates in case of death, or 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.

In no case shall substitution be allowed in cases of voluntary withdrawal of any candidate for any cause/reason whatsoever.

Section 4. *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 5. *Repealing Clause.* All laws, ordinances, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified.

Section 6. *Separability Clause.* If for any reason any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions thereof, shall not be repealed or modified.

Section 7. *Effectivity.* This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in two newspapers of general circulation.