



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5036



Introduced by Representative **ANTONINO B. ROMAN III**

EXPLANATORY NOTE

Section 240 of Batas Pambansa Blg. 881, otherwise known as the *Omnibus Election Code of the Philippines*, currently provides that in the event of a tie between candidates obtaining the highest number of votes, the winner shall be determined by the drawing of lots. While simple and expedient, this mechanism reduces the outcome of a democratic exercise into a matter of chance, rather than one reflecting the will of the electorate or the qualifications of the candidates.

This bill seeks to amend Section 240 of the Omnibus Election Code by establishing a fairer and more rational sequence of tie-breaking criteria that better uphold democratic principles and respect the voice of the people.

The proposed amendment introduces the following order of procedure:

1. **Most Number of Precincts Won.** – This criterion ensures that the candidate with a broader geographic base of support is given priority. It reflects the will of more communities within the electorate, rather than concentrating solely on total votes.
2. **Longer Residency, Determined by Date of Registration as a Voter.** – Where candidates remain tied, preference is given to the candidate with deeper roots in the locality, as shown by their earlier registration as a voter in the local government unit. This acknowledges the value of local knowledge, commitment, and connection to the community.
3. **Drawing of Lots.** – Only as a last resort, and to avoid prolonged uncertainty, shall the result be settled by drawing of lots under the supervision of the Commission on Elections (COMELEC).

By adopting this sequence, the bill strengthens the legitimacy of electoral outcomes and reduces reliance on mere chance in deciding the leadership of a community. It affirms that when the sovereign will of the people results in a tie, the decision must be resolved using criteria that reflect voter support, rootedness in the community, and public trust, with chance left only as a final option.

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

A handwritten signature in black ink, appearing to read 'Antonino B. Roman III', with a stylized flourish at the end.

ANTONINO B. ROMAN III



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AN ACT
AMENDING SECTION 240 OF BATAS PAMBANSA BLG. 881,
OTHERWISE KNOWN AS THE “OMNIBUS ELECTION CODE OF THE
PHILIPPINES,” TO PROVIDE A FAIR AND DEMOCRATIC MECHANISM FOR
RESOLVING ELECTORAL TIES

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

SECTION 1. Amendment. – Section 240 of Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code of the Philippines, is hereby amended to read as follows:

“SEC. 240. Procedure in case of tie. – In case two or more candidates receive an equal and highest number of votes, or in cases where two or more candidates are to be elected for the same position and two or more candidates received the same number of votes for the last place in the number to be elected, the tie shall be resolved as follows:

- a. The candidate who has obtained the greater number of precincts won shall be proclaimed the winner;
- b. If a tie still remains, the candidate with the longer period of residency in the local government unit, as determined by the date of registration as a voter therein, shall be proclaimed the winner;

- c. If a tie still remains after applying the foregoing rules, the winner shall be determined by drawing of lots in the manner to be prescribed by the Commission.”

SECTION 2. Implementing Rules and Regulations. – Within ninety (90) days from the effectivity of this Act, the Commission on Elections shall promulgate the necessary rules and regulations to effectively implement this Act.

SECTION 3. Separability Clause. – If any provision of this Act is declared unconstitutional, the validity of the remaining provisions shall not be affected.

SECTION 4. Repealing Clause. – All laws, decrees, orders, and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 5. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,