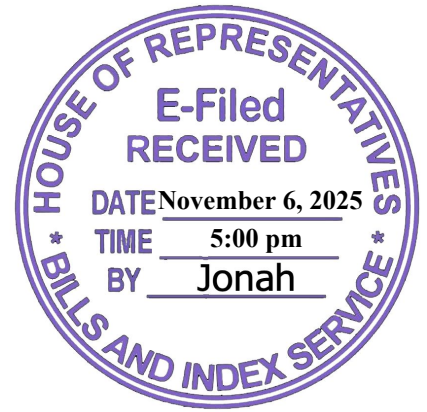




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



House Bill No. 5787

Introduced by CIBAC Party-List Representative
EDUARDO “BRO. EDDIE” C. VILLANUEVA

EXPLANATORY NOTE

The Amendment to the Grounds for Substitution of Candidates Act seeks to uphold the integrity of the electoral process by modifying and clarifying the grounds for candidate substitution under Section 77 of Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code of the Philippines.

Under existing law, substitution of candidates is allowed in cases of death, disqualification, or withdrawal after the last day for the filing of certificates of candidacy. While intended to ensure that political parties remain represented in elections, this provision has often been exploited as a loophole for political maneuvering—with placeholder candidates being fielded and subsequently withdrawn to make way for substitutes beyond the original filing period. Such practices distort the intent of the law, undermine fair competition, and erode public confidence in the democratic process.

This bill seeks to address these long-standing abuses by removing “withdrawal” as a valid ground for substitution, and retaining only three legitimate grounds:

1. Death,
2. Disqualification, and
3. Permanent incapacity.

To ensure transparency and prevent misuse, the measure introduces a clear and verifiable definition of permanent incapacity, referring to a mental or physical impairment, or both, based on a verified medical report by a licensed physician, which renders the candidate unable to perform the duties of the elected position and is reasonably certain to continue without substantial improvement throughout the term of office.

By setting this medical standard, the bill prevents arbitrary claims of incapacity while ensuring fairness to candidates who are genuinely unable to continue due to serious health reasons.

The measure further directs the Commission on Elections (COMELEC) to promulgate the necessary rules and regulations for its effective implementation, in consultation with relevant stakeholders.

In essence, this bill reinforces the sanctity of the electoral process by ensuring that candidate substitution occurs only in legitimate, unavoidable cases—not as a strategy for political convenience. It strengthens the public’s trust in elections, promotes genuine party discipline, and upholds the principle that candidates should stand for office with sincerity, transparency, and accountability.

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


EDUARDO “BRO. EDDIE” C. VILLANUEVA



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HOUSE BILL NO. 5787

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EDUARDO "BRO. EDDIE" C. VILLANUEVA

AN ACT
MODIFYING THE GROUNDS FOR SUBSTITUTION OF CANDIDATES, AMENDING
FOR THE PURPOSE SECTION 77 OF BATAS PAMBANSA BLG. 881,
OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE OF THE PHILIPPINES

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 of the Philippines," 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 of
6 certificates of candidacy, an official candidate of a registered or accredited
7 political party dies, [withdraws] **BECOMES PERMANENTLY INCAPACITATED,**
8 or is disqualified for any cause, only a person belonging to, and certified by, the
9 same political party may file a certificate of candidacy to replace the candidate
10 who died, [withdrew **BECAME PERMANENTLY INCAPACITATED,** or was
11 disqualified. The substitute candidate nominated by the political party concerned
12 may file [his] THE certificate of candidacy for the office affected in accordance
13 with the preceding sections not later than mid-day of the day of the election. If
14 the death, [withdrawal] **PERMANENT INCAPACITY,** or disqualification should
15 occur between the day before the election and mid-day of election day, said
16 certificate may be filed with any [board of election inspectors] **ELECTORAL**
17 **BOARD** in the political subdivision where [he] ONE is a candidate, or, in the case
18 of candidates to be voted for by the entire electorate of the country, with the
19 Commission.
20

21 **PERMANENT INCAPACITY AS USED HEREIN SHALL REFER TO**
22 **MENTAL OR PHYSICAL IMPAIRMENT, OR BOTH, BASED ON A VERIFIED**
23 **MEDICAL REPORT OF A LICENSED PHYSICIAN, RENDERING THE**
24 **CANDIDATE UNABLE TO PERFORM THE ELECTED POSITION'S DUTIES,**
25 **AND WHICH APPEARS REASONABLY CERTAIN TO CONTINUE WITHOUT**

1 **SUBSTANTIAL IMPROVEMENT UNTIL THE TERM OF OFFICE WHICH THE**
2 **CANDIDATE SEEKS TO BE ELECTED FOR."**

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

8
9 **SEC. 3. Separability Clause.** – If any portion or provision of this Act is declared
10 unconstitutional, the remainder hereof or any provisions not affected thereby shall
11 remain in force and effect.

12
13 **SEC. 4. Repealing Clause.** – Any law, presidential decree or issuance,
14 executive order, letter of instruction, rule, or regulation inconsistent with the provisions
15 of this Act is hereby repealed or modified accordingly.

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

18
19 *Approved,*