



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



Twentieth Congress
First Regular Session

HOUSE BILL NO. **6630**

Introduced by Representative Lorenz R. Defensor

EXPLANATORY NOTE

This bill seeks to prescribe limitations on the grounds and conditions for the substitution of candidates during elections, amending for the purpose Section 77 of Batas Pambansa (BP) Blg. 881, as amended, or the *Omnibus Election Code of the Philippines*.

Under Section 77 of BP Blg. 881, the replacement of an official candidate of a registered or accredited political party is allowed in cases of death, disqualification, or withdrawal, as long as the substitute candidate belongs to and is nominated by the same political party. This practice aims to preserve the political party's right to field a candidate and ensure continuity of representation.

While originally intended as a contingency mechanism, this provision has, in practice, been exploited through the use of "*placeholders*," individuals who file certificates of candidacy only to withdraw later in favor of stronger or more popular substitutes. This practice has distorted the electoral process, misled voters, and weakened the accountability of political parties.

In response, the Commission on Elections (COMELEC), through its resolutions for the 2022 and 2025 national and local elections, has progressively tightened the rules on substitution of candidates. Most notably, substitution after the deadline for the filing of certificates of candidacy is now allowed only in cases of

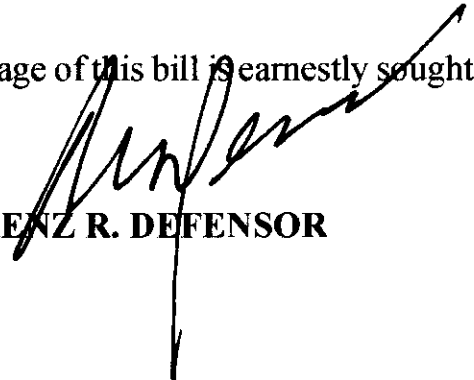
death or disqualification by final judgment, and not in cases of withdrawal. In addition, COMELEC has also required that the substitute candidate bear the same surname as the original candidate to prevent voter confusion.

These reforms represent a significant step toward strengthening the credibility of elections. However, as they are grounded only in administrative resolutions, they remain vulnerable to future reversal or modification. To ensure consistency, predictability, and permanence, it is necessary to institutionalize these safeguards into law.

This bill therefore seeks to amend Section 77 of the Omnibus Election Code to limit substitution strictly to cases of death, permanent incapacity or disqualification by final judgment; prohibit substitution in cases of withdrawal after the deadline of the filing of the certificate of candidacy; require that the substitute candidate be a member and official nominee of the same political party or coalition; and in cases where substitution occurs after the printing of official ballots, require that the substitute bear the same surname as the original candidate to avoid misleading the electorate.

By enacting these reforms, Congress will close the loopholes that allow the exploitation of the substitution process. It will also enhance the accountability mechanism governing political parties and strengthen institutional safeguards that protect public confidence in the electoral system.

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



LORENZ R. DEFENSOR



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1 **AN ACT**
2 **PRESCRIBING LIMITATIONS ON THE GROUNDS AND CONDITIONS**
3 **FOR THE SUBSTITUTION OF CANDIDATES DURING ELECTIONS,**
4 **FURTHER AMENDING FOR THE PURPOSE SECTION 77 OF BATAS**
5 **PAMBANSA BLG. 881, AS AMENDED, OTHERWISE KNOWN AS THE**
6 **“OMNIBUS ELECTION CODE OF THE PHILIPPINES”**

7
8 *Be it enacted by the Senate and House of Representatives of the Philippines in*
9 *Congress assembled:*

10
11 **SECTION 1.** Section 77 of Batas Pambansa Blg. 881, as amended, otherwise
12 known as the “Omnibus Election Code of the Philippines,” is further amended to
13 read as follows:

14
15 **“SEC. 77. SUBSTITUTION OF CANDIDATES.** — If, after the
16 last day for the filing of certificates of candidacy, an official
17 candidate of a registered or accredited political party or coalition
18 dies, **BECOMES PERMANENTLY INCAPACITATED**, or is
19 disqualified **BY FINAL JUDGMENT** for any cause, only a
20 person belonging to, and certified by, the same political party may
21 file a certificate of candidacy to replace the candidate who died,
22 **BECAME PERMANENTLY INCAPACITATED**, or was
23 disqualified. The substitute candidate **DULY** nominated by the
24 political party concerned may file **THE** certificate of candidacy

1 for the office affected in accordance with the preceding sections
2 not later than mid-day of the day of the election. If the death,
3 **PERMANENT INCAPACITY**, or disqualification should occur
4 between the day before the election and mid-day of election day,
5 said certificate may be filed with any board of election inspectors
6 in the political subdivision where **THE PERSON** is a candidate,
7 or, in the case of candidates to be voted for by the entire electorate
8 of the country, with the Commission.

9
10 **“AFTER THE LAST DAY FOR THE FILING OF**
11 **CERTIFICATES OF CANDIDACY, NO SUBSTITUTION**
12 **OF CANDIDATE MAY BE ALLOWED ON THE GROUND**
13 **OF WITHDRAWAL.**

14
15 **“IN CASES WHERE SUBSTITUTION IS MADE**
16 **AFTER THE OFFICIAL BALLOTS HAVE BEEN**
17 **PRINTED, THE SUBSTITUTE CANDIDATE MAY FILE A**
18 **CERTIFICATE OF CANDIDACY UP TO MID-DAY OF**
19 **ELECTION DAY: *PROVIDED*, THAT THE SUBSTITUTE**
20 **CANDIDATE BEARS THE SAME SURNAME AS THE**
21 **ORIGINAL CANDIDATE, TO AVOID CONFUSION**
22 **AMONG THE ELECTORATE.**

23
24 **“IN CASES OF PARTY-LIST CANDIDATES, AFTER**
25 **THE LAST DAY FOR THE FILING OF THE**
26 **CERTIFICATE OF CANDIDACY, THE SUBSTITUTION**
27 **OF PARTY-LIST NOMINEES OR ALTERATION OF THE**
28 **ORDER OF NOMINEES SHALL BE ALLOWED ONLY IN**
29 **CASES OF DEATH, DISQUALIFICATION BY FINAL**
30 **JUDGMENT, OR PERMANENT INCAPACITY OF THE**
31 **ORIGINALLY SUBMITTED NOMINEE, AND ONLY**
32 **UNTIL MID-DAY OF ELECTION DAY. THE**
33 **SUBSTITUTE NOMINEE SHALL BE PLACED LAST IN**
34 **THE LIST IN THE SUBMITTED ORDER OF NOMINEES.**

35
36 **“NO SUBSTITUTION SHALL BE ALLOWED FOR**
37 **INDEPENDENT CANDIDATES.**

38 **“FOR PURPOSES OF THIS ACT, PERMANENT**
39 **INCAPACITY REFERS TO MENTAL OR PHYSICAL**
40 **IMPAIRMENT, OR BOTH, BASED ON A VERIFIED**

1 **MEDICAL REPORT OF A LICENSED PHYSICIAN IN**
2 **THE PHILIPPINES, RENDERING THE CANDIDATE**
3 **UNABLE TO PERFORM THE ELECTED POSITION'S**
4 **DUTIES, AND WHICH APPEARS REASONABLY**
5 **CERTAIN TO CONTINUE WITHOUT SUBSTANTIAL**
6 **IMPROVEMENT UNTIL THE TERM OF OFFICE WHICH**
7 **THE CANDIDATE SEEKS TO BE ELECTED FOR."**

8
9 SEC. 2. Within sixty (60) days from the effectivity of this Act, the Chairperson
10 of the Commission on Elections shall issue the necessary rules and regulations for
11 the effective implementation of this Act.

12
13 SEC. 3. All laws, presidential decrees, executive orders, rules and regulations
14 contrary to or inconsistent with the provisions of this Act are hereby repealed or
15 modified accordingly.

16
17 SEC. 4. This Act shall take effect fifteen (15) days after its publication in the
18 *Official Gazette* or in a newspaper of general circulation.

19
20 Approved,