


**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**)
First Regular Session)



'22 AUG 11 P5:17

SENATE

RECEIVED BY: 

S. B. NO. 1139

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT
MODIFYING THE GROUNDS FOR SUBSTITUTION OF CANDIDATES,
AMENDING FOR THIS PURPOSE SECTION 77 OF
BATAS PAMBANSA BILANG 881,
OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE**


EXPLANATORY NOTE

Under Section 77 of the Omnibus Election Code, an official candidate of a political party may be replaced by another person if the candidate dies, withdraws, or is disqualified for any cause after the last day of filing of certificates of candidacy (COC). Of the three grounds for the substitution of the candidate, withdrawal of candidacy has been the most abused every national election.

Over the years, political parties have been replacing one candidate over another for the simple reason that the former has withdrawn his or her candidacy, even after the deadline of COC filing. Since the withdrawal need not be justified for the substitution to be accepted by the Commission on Elections (COMELEC), it is easy to field any person as a candidate to beat the COMELEC deadline and just substitute another after the cutoff date. This makes a mockery of the election process.

This bill seeks to put a stop to this abuse by removing the option of substitution in cases where the candidate of a political party withdraws from his or her candidacy. This bill also adds incapacity as a ground for substitution of candidates of political parties. These changes will not only strengthen the electoral process, but will also restore the faith of the voters in the election system.

Thus, the passage of this measure is immediately sought.


SENATOR JOEL VILLANUEVA

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

1 **SECTION 1.** Section 77 of Batas Pambansa Big. 881, otherwise known as the
2 "Omnibus Election Code," is hereby amended to read as follows:
3

4 "SECTION 77. Candidates in case of death, INCAPACITY OR
5 disqualification [or withdrawal] of another. – If after the last day for the filing
6 of certificates of candidacy, an official candidate of a registered or
7 accredited political party dies, BECOMES INCAPACITATED [withdraws]
8 or is disqualified for any cause, only a person belonging to, and certified
9 by, the same political party may file a certificate of candidacy to replace
10 the candidate who died, BECOMES INCAPACITATED [withdrew] or was
11 disqualified. The substitute candidate nominated by the political party
12 concerned may file his/HER certificate of candidacy for the office affected
13 in accordance with the preceding sections not later than mid-day of the
14 day of the election. If the death, INCAPACITY [withdrawal] or
15 disqualification should occur between the day before the election and mid-
16 day of election day, said certificate may be filed with any board of election
17 inspectors in the political subdivision where he/SHE is a candidate, or, in
18 the case of candidates to be voted for by the entire electorate of the
19 country, with the Commission."
20

21 **SEC. 2. Implementing Rules and Regulations.** – Within thirty (30) days from
22 the effectivity of this Act, the Commission on Elections, upon consultation with relevant

1 stakeholders, shall issue the implementing rules and regulations to implement the
2 provisions of this Act.

3
4 **SEC. 3. Repealing Clause.** – All acts, laws, decrees, executive orders, letters
5 of instructions, rules and regulations or any part thereof which are inconsistent with
6 any provision of this Act are hereby repealed and/or modified accordingly.

7
8 **SEC. 4. Separability Clause.** – If for any reason, any section or provision of
9 this Act is declared to be unconstitutional or invalid, the other sections or provisions of
10 this Act which are not affected shall continue in full force and effect.

11
12 **SEC. 5. Effectivity.** – This Act shall take effect fifteen (15) days after its
13 publication in the *Official Gazette* or in at least two (2) newspapers of general
14 circulation.

15
16 **Approved,**