

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

TWENTIETH CONGRESS  
First Regular Session

HOUSE BILL NO. 3283



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**INTRODUCED BY REP. MAXIMO JR. Y. DALOG**

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**EXPLANATORY NOTE**

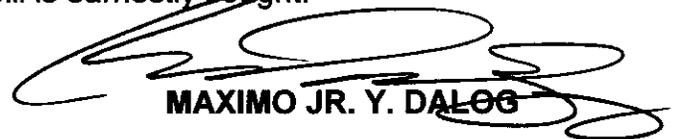
Except for the recently conducted midterm elections, the country has been a witness to the use of placeholders for candidacies, which are then substituted at the last minute by another individual after the original candidate's withdrawal. A loophole which had been exploited by political parties or even candidates in the past elections to buy time and generate hype, lessen election expenditures or some other reasons.

Whatever may be the intention of a political party or the substitute candidate, the use of placeholders undermines the integrity of the electoral system. This is so, because allows political parties to abuse the privilege of substitution by letting them play a game fielding members of their party who do not have any *bona fide* intention to run for public office file a Certificate of Candidacy.

On the other hand, one valid ground for substitution has not been included in the Election Code, that is, permanent incapacity.

Hence, this bill seeks to modify the grounds for substitution of candidates by removing "withdrawal" as a ground for substitution of candidates and adding "permanent incapacity as a valid ground for substitution.

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

  
**MAXIMO JR. Y. DALOG**

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

TWENTIETH CONGRESS  
First Regular Session

HOUSE BILL NO. **3283**

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INTRODUCED BY REP. MAXIMO JR. Y. DALOG

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**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:*

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

“SECTION 77. Candidates in case of death, **PERMANENT INCAPACITY 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] **BECOMES PERMANENTLY**  
**INCAPACITATED**, 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 dies, [withdrew] **BECAME PERMANENTLY**  
**INCAPACITATED**, or was disqualified. The substitute candidate nominated by  
the political party concerned may file [his] **THE** 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] **PERMANENT**  
**INCAPACITY**, 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] **ELECTORAL BOARD** in the political subdivision  
where [he] **ONE** is a candidate, or, in the case of candidates to be voted by the  
entire electorate of the country, with the Commission.

**PERMANENT INCAPACITY AS USED HEREIN SHALL REFER TO MENTAL  
OR PHYSICAL IMPAIRMENT, OR BOTH, BASED ON A VERIFIED MEDICAL  
REPORT OF A LICENSED PHYSICIAN, RENDERING THE CANDIDATE  
UNABLE TO PERFORM THE ELECTED POSITION’S DUTIES, AND WHICH**

**APPEARS REASONABLY CERTAIN TO CONTINUE WITHOUT SUBSTANTIAL IMPROVEMENT UNTIL THE TERM OF OFFICE WHICH THE CANDIDATE SEEKS TO BE ELECTED FOR.”**

**SEC. 2.** Within thirty (30) days from the effectivity of this Act, the Commission on elections shall, upon consultation with relevant stakeholders, issue the rules and regulations to implement the provisions of this Act.

**SEC. 3.** If any provision or part of this Act is declared unconstitutional or invalid, the remaining parts of provisions not affected shall remain in full force and effect.

**SEC. 4.** All laws, presidential decrees, executive orders, rules and regulations, other issuances and parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

***Approved,***