



Senate
Office of the Secretary

**TWENTIETH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session

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25 NOV 12 P5:44

SENATE

RECEIVED BY: _____

S.B. No. 1518

Introduced by SEN. WIN GATCHALIAN

**AN ACT
MODIFYING THE GROUNDS FOR SUBSTITUTION OF CANDIDATES,
AMENDING FOR THIS PURPOSE SECTION 77 OF BATAS PAMBANSA
BILANG 881, S. 1985, OTHERWISE KNOWN AS
THE OMNIBUS ELECTION CODE**

EXPLANATORY NOTE

Section 77 of the Omnibus Election Code bestows to a political party the privilege of allowing the substitution of a party candidate who either (1) dies, (2) is disqualified for any cause, or (3) has withdrawn his or her candidacy. The first two grounds for substitution are involuntary in nature, while the third is a voluntary act.

Unfortunately, the act of withdrawing one's candidacy as a ground for substitution has been abused over the years, where vigilance and compliance over deadlines have been disregarded since the option of substitution has always been available. This unfortunate practice of just fielding anyone to be a party's candidate for the sake of complying with the COMELEC deadline has been observed by some as a mockery of the process of filing certificates of candidacies.

Accordingly, this bill seeks to rectify a glaring loophole in our electoral process – the abuse of the grounds for the substitution of candidates. By removing the option of substitution in a case where an aspirant or official candidate of a political party voluntarily withdraws his candidacy, and adding incapacity as a ground for substitution

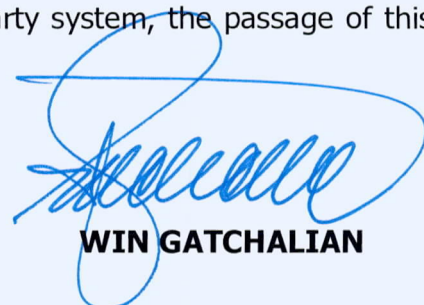
of candidates, we encourage the political parties to invest in their future leaders, to nurture talent and to prepare for the next generation of public servants. We will not only level the playing field among candidates but will also foster a stronger, more mature, and more responsible political party system. This proposed measure is not intended to restrict political parties but, instead, to ensure that our elections are fair, transparent, and reflective of the people's will.

Political parties assess and determine the qualifications of their members and nominate them to qualify as their party's standard bearers for local and national positions through a party selection and nomination process. This vetting process prior to the official filing of certificates of candidacy, including determination of willingness, is within the control of political parties and must already be an institutional and integral part of the political party process. Considering that the country has an election cycle of three years for local positions, and six years for national positions, political parties have sufficient time to nominate and select their respective candidates.

Thus, it would be anathema to the concept of organized and institutionalized party procedures if the parties will still be given the option to substitute candidates who have voluntarily withdrawn their candidacies. Strengthening political parties mean that their selection process must conform to only one COMELEC deadline in terms of filing of certificates of candidacy.

Moreover, substitution by withdrawal is only allowed when the candidate is a member of a political party. This gives an unreasonable advantage to political parties at the expense of independent candidates.

With all these considerations to further level the election playing field, and to attain stronger and more institutionalized political party system, the passage of this bill is earnestly sought.



WIN GATCHALIAN



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

1 SECTION 1. Section 77 of Batas Pambansa Blg. 881, s. 1985, otherwise known
2 as the "Omnibus Election Code", is hereby amended to read as follows:

3 "SECTION 77. Candidates in case of death, **INCAPACITY OR**
4 disqualification [~~or withdrawal~~] of another. – If after the last day
5 for the filing of certificates of candidacy, an official candidate of a
6 registered or accredited political party dies, **BECOMES**
7 **INCAPACITATED** [~~withdraws~~] or is disqualified for any cause,
8 only a person belonging to, and certified by, the same political party
9 may file a certificate of candidacy to replace the candidate who
10 died, **BECOMES INCAPACITATED** [~~withdrew~~] or was
11 disqualified. The substitute candidate nominated by the political
12 party concerned may file his certificate of candidacy for the office
13 affected in accordance with the preceding sections not later than
14 mid-day of the day of the election. If the death, **INCAPACITY**

1 **[withdrawal]** or disqualification should occur between the day
2 before the election and mid-day of election day, said certificate may
3 be filed with any board of election inspectors in the political
4 subdivision where he is a candidate, or, in the case of candidates
5 to be voted for by the entire electorate of the country, with the
6 Commission.

7
8 SEC. 2. *Separability Clause.* – If any part, section or provision of this Act is
9 declared invalid or unconstitutional, the other parts thereof not affected thereby shall
10 remain in full force and effect.

11
12 SEC. 3. *Repealing Clause.* – All laws, acts, presidential decrees, executive
13 orders, administrative orders, rules and regulations, or parts thereof inconsistent with
14 or contrary to the provisions of this Act are hereby modified, amended, or repealed
15 accordingly.

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

Approved,