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SENATE

S. No. **3518**

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Introduced by Senator FRANCIS G. ESCUDERO

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EXPLANATORY NOTE

The approval of Republic Act No. 9369, amending Republic Act No. 8436, otherwise known as the Poll Automation Law, introduced many significant modifications in the manner by which national and local elections will be conducted. One of the major practical ramifications of the reforms introduced by the foregoing measure, is the change in the manner by which voters shall cast their votes, particularly, the form of election documents to be used, specifically the ballots. Since the adoption of an Automated Election System shall have the practical effect of the printed ballots containing the names of candidates to be voted upon, the provisions of R.A. 9369 have rendered the provisions of Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code, and Republic Act No. 9006, otherwise known as the Fair Election Act, on the substitution of candidates obsolete.

Given the foregoing factual milieu, it has become necessary to amend Section 77 of the Omnibus Election Code and Section 12 of R.A. 9006 to ensure that the legislative intent of providing a means to effectively substitute an official candidate of a registered or accredited political party who dies or is disqualified for any cause, as provided for in the Omnibus Election Code and the Fair Election Act is carried over and maintained under the present circumstances.

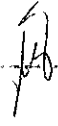
Hence, the approval of this bill is earnestly sought.



FRANCIS G. ESCUDERO

SENATE

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AN ACT  
AMENDING SECTION 77 OF THE OMNIBUS ELECTION CODE AND  
R.A. 9006, AS AMENDED, BY ALLOWING THE SUBSTITUTION OF  
CANDIDATES ON THE GROUNDS OF DEATH OR  
DISQUALIFICATION OF THE ORIGINAL CANDIDATE.

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

1 SECTION 1. Section 77 of the Omnibus Election Code<sup>1</sup> and Section 12 of R.A.  
2 9006<sup>2</sup>, as amended, are hereby further amended to read anew as follows:

3  
4 "Section 77. Candidates in case of death or  
5 disqualification of another. - If after the last day  
6 for the filing of certificates of candidacy, an official  
7 candidate of a registered or accredited political  
8 party dies or is disqualified for any cause, only a  
9 person belonging to, and certified by, the same  
10 political party may file a certificate of candidacy to  
11 replace the candidate who died or was  
12 disqualified. The substitute candidate nominated  
13 by the political party concerned may file his  
14 certificate of candidacy for the office affected in  
15 accordance with the preceding sections not later  
16 than mid-day of election day, said certificate may  
17 be filed with any board of election inspectors in  
18 the political subdivision where he is a candidate,  
19 or, in the case of candidates to be voted for by the  
20 entire electorate of the country, with the  
21 Commission.

22  
23 IN CASE OF VALID SUBSTITUTION  
24 AFTER THE OFFICIAL BALLOTS SHALL  
25 HAVE BEEN PRINTED, THE VOTES CAST  
26 FOR THE SUBSTITUTED CANDIDATE SHALL  
27 BE CONSIDERED VOTES FOR THE  
28 SUBSTITUTE."

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<sup>1</sup> Candidates in case of death, disqualification or withdrawal of another

<sup>2</sup> Fair Election Act of 2001

1           **SECTION 2.** This Act shall take effect after its complete publication in the  
2 Official gazette or at least two (2) newspapers of general circulation.

*Approved,*