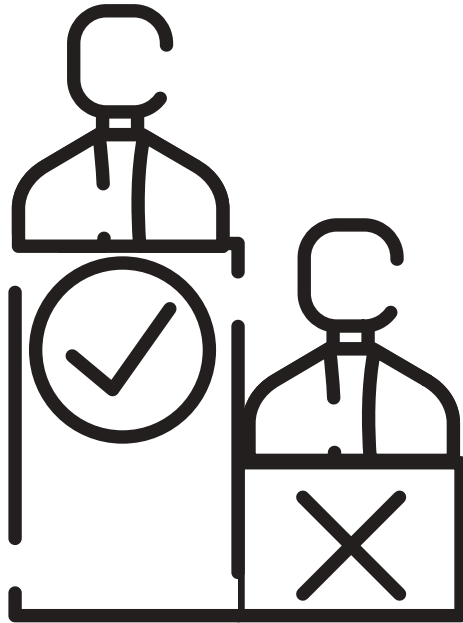




EXPLOITING ELECTORAL EXCHANGES:  
THE RULES ON SUBSTITUTION OF  
CANDIDATES IN THE PHILIPPINE ELECTORAL  
SYSTEM

PHILIPP CENTENNI L. RUEL  
COLLEGE OF LAW, WEST VISAYAS STATE UNIVERSITY



**"Politics swings like a pendulum."**

**- ED GILLESPIE**



**WVSU JOURNAL FOR LAW ADVOCACY**

Luna St., La Paz, Iloilo City

col\_journal@wvsu.edu.ph

## **EXPLOITING ELECTORAL EXCHANGES: THE RULES ON SUBSTITUTION OF CANDIDATES IN THE PHILIPPINE ELECTORAL SYSTEM**

Philipp Centenni L. Ruel  
*College of Law, West Visayas State University*

Every six years, Filipinos are set to elect the new President, Vice President, and Senators while the selection of new members of the House of Representatives, mayors, governors, barangay officials, as well as the Sangguniang Panlalawigan, Bayan, and Kabataan are done every three years. In the months before elections, politicians need to campaign where they banner their advocacies, platforms, and general plans for governance. As citizens, we must be invested in the electoral process as this serves as the mechanism to legitimize who will be our carefully chosen leaders who will take the reins in running the country.

One current trend that has left many - political scientists, analysts, politicians, and regular citizens even - perplexed is the drama, chaos, and development when it comes to the substitution of candidates. Indeed, it is essential to be wary of the election process, but it is also crucial for the interest of the general public to discuss the controversy regarding the substitution of candidates<sup>1</sup> which has caught the public's attention.

---

<sup>1</sup> Gabriel Sebastian Elardo, "Substitution, clarified," UE Law Journal, Accessed July 10, 2022, <http://uelawjournal.com/2021/11/17/substitution-clarified/>

### *Substitution in a Nutshell*

The cases of electoral substitutions are not of a rare breed. In fact, the US Supreme Court even laid out in the case of *Toporek vs South Carolina State Election Commission (SCSEC)*<sup>2</sup> that the right to substitute, which is covered under Section 23-266 of the South Carolina Code of Laws,

authorizes a political party to substitute one candidate for a previously nominated candidate if the nominated candidate withdraws or dies prior to the general election. This statute allows a political party to substitute candidates by reconvening its convention or by nomination by that party's state or county executive committee. In the event that substitution is effected, said substituted nominee must be certified no later than thirty days prior to the general election.

Moreover, in the case of *Barr vs Galvin*<sup>3</sup>, it was discussed in this case that

Such a right to substitute is guaranteed by the Equal Protection Clause of the Constitution to ensure that the names of the actual candidates appear on the ballot

x-x-x

...substitution of the name of the proper vice-presidential candidate on the ballot was constitutionally required when the presidential

---

<sup>2</sup> *Toporek v. South Carolina State Election Com'n*, 362 F. Supp. 613 (D.S.C. 1973), <https://casetext.com/case/toporek-v-south-carolina-state-election-com>

<sup>3</sup> *Barr v. Galvin*, 659 F. Supp. 2d 225 (D. Mass. 2009), (USA) <https://casetext.com/case/barr-v-galvin-6>

candidate had ultimately selected a running mate different from the one listed on nomination petitions.

In the Philippine setting, the rules on substitution of election candidates are lodged in just a single provision in the Batas Pambansa Bilang 881, also known as the Omnibus Election Code. Rule IX, Section 77<sup>4</sup> of the said law provides:

Section 77. Candidates in case of death, 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, 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 died, withdrew or was disqualified.

The substitute candidate nominated by the political party concerned may file his 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, 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 in the political subdivision where he is a candidate, or, in the case of candidates to be voted for by the entire electorate of the country, with the Commission.

A litany of Supreme Court cases was resolved regarding the rules on substitution. In *Cerafica vs Comelec*<sup>5</sup>, the court shone light on this particular provision on valid substitutions, wherein the requirements for a valid substitution are first, there is a valid withdrawal of COC

---

<sup>4</sup> Omnibus Election Code 1985, s 77 (Phil)  
<https://comelec.gov.ph/index.html?r=References/RelatedLaws/OmnibusElectionCode/OECArt9>

<sup>5</sup> *Cerafica v. COMELEC*, G.R. No. 205136, (December 2, 2014). (Phil)

after the last day for the filing of COCs; second, the substitute belongs to and is certified to by the same political party to which withdrawing candidate belongs; and third, the substitute filed the COC not later than mid-day of election day.

Recent developments were also introduced regarding the rules on substitution. Back in 2001, the 11th Congress passed RA 9006, known as the Fair Election Act. Regarding the rules on substitution, Section 12<sup>6</sup> of the said law provides that:

In case of valid substitutions after the official ballots have been printed, the votes cast for the substituted candidates shall be considered as stray votes but shall not invalidate the whole ballot. For this purpose, the official ballots shall provide spaces where the voters may write the name of the substitute candidates if they are voting for the latter: Provided, however, that if the substitute candidate is of the same family name, this provision shall not apply.

It can be drawn from this rule that upon the printing of the official election ballots, the substitute candidate must have the same surname as the substituted candidate. Although the common occurrence shows that wives, children, and parents often become substitutes, even a complete stranger with the same surname can be a substitute. The law here does not require a blood relationship, only similarity in the family names<sup>7</sup>.

---

<sup>6</sup> Fair Election Act 2001, s 12,  
<https://www.officialgazette.gov.ph/2001/02/12/republic-act-no-9006/>

<sup>7</sup> Emil Marañon III, “Should the Comelec prohibit the substitution of candidates?,” *Rappler*, (October 15, 2021).  
<https://www.rappler.com/voices/thought-leaders/explainer-should-comelec-prohibit-candidate-substitution/>

It can be said that substitutions by reason of death and disqualification can be made until midday of election day, provided that the substitute must be of the same surname. In the case of substitution by reason of withdrawal, the deadline shall be whichever date the COMELEC sets.

To summarize<sup>8</sup>, substitutions by reason of death and disqualification can be made until midday of election day, provided that the substitute must be of the same surname. In the case of substitution by reason of withdrawal, the deadline shall be whichever date the Comelec sets.

Despite all of this, there seems to be a glaring problem regarding substitutions by virtue of withdrawal. For these cases, the substitute can only file his Certificate of Candidacy within the period fixed by Comelec. As held in *Federico vs. Comelec*<sup>9</sup>,

the reason for the distinction can easily be divined. Unlike death or disqualification, withdrawal is voluntary. Generally, a candidate has sufficient time to ponder on his candidacy and withdraw while the printing has not yet started. If a candidate withdraws after the printing, the name of the substitute candidate can no longer be accommodated in the ballot and a vote for the substitute will just be wasted.

From these patterns, trends, and inferences, Carmel Abao, Ph.D., Assistant Professor in the Department of Political Science at the Ateneo de Manila University, points out that the crux of the matter is clear<sup>10</sup>: the mechanism pertaining to the substitution of candidates is supposed to

---

<sup>8</sup> Ibid

<sup>9</sup> *Federico v. Comelec*, G.R. No. 199612, (January 22, 2013). (Phil) <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/55472>

<sup>10</sup> Carmel Abao, “Sinungaling! (Substitution and the timeline of lies),” *Rappler*, (November 16, 2021) <https://www.rappler.com/voices/thought-leaders/opinion-liars-substitution-timeline-lies-elections-2022/>

be an option for emergency-like circumstances, where a candidate is incapacitated or for some other serious reason is compelled to withdraw his/her candidacy. The legal option laid down by law is for the candidate to give up his/her candidacy to another candidate, as long as the replacing candidate comes from the same political party.

COMELEC Spokesperson James Jimenez<sup>11</sup> further adds that substitution is allowed “to make sure that the political party is not unduly disadvantaged by the sudden withdrawal of a candidate.” He also expounded that when a candidate runs under a political party, that political party has as much at stake in the elections as the individual candidate. If the candidate suddenly drops out of the race, then the poll party is ‘injured.’ A remedy is needed to prevent the injury - so, substitution.”

### *Timeline of the Fiasco on Electoral Substitutions*

It can be remembered that way back in 2016, Rodrigo Roa Duterte filed his Certificate of Candidacy for Davao City mayor under the PDP-Laban Party. Despite clamor from fellow technocrats, as well as the general public to run for the highest national post, he has announced in various media outlets that he is firm in his conviction of not running as President.

This turned out to be simply a dramatic introduction to the much-awaited 2016 elections. Martin Diño, then a barangay captain, also shared the same political party with Duterte and filed his COC as President. According to

---

<sup>11</sup> Catherine Gonzales, “Comelec spox: Time to regulate substitution option for election aspirants,” *Inquirer.net*, (November 10, 2021), <https://newsinfo.inquirer.net/1513125/comelec-spox-time-to-regulate-substitution-of-election-aspirants>



Diño<sup>12</sup>, initial COMELEC reports branded him as a nuisance candidate, which led him to withdraw his candidacy and paved the way for Duterte as the substitute candidate for President.

Six years after this dramatic upsurge of events, the Dutertes still pulled out the substitution card as their main game plan. Presidential daughter Sara Z. Duterte, who substituted her father as Davao City mayor, topped the surveys as one of the potential candidates (and winners) of the two highest national posts. However, there has been a public display of “staged” filial tensions regarding the 2022 elections: that the two Dutertes agreed only one of them will run for the nationals; that Sara will preserve the Duterte’s Davao legacy; and that close Duterte aide, Bong Go will run as vice president in behalf of them.”. As the months unfolded, it turned out that Inday Sara Duterte became a substitute vice-presidential candidate<sup>13</sup>, replacing Lyle Fernando Uy.

In the 2022 elections, it can also be gleaned that there are numerous instances where substitution has been put in the national spotlight. For the presidential race, Grepor Belgica (PDDS), the incumbent presidential adviser on religious affairs was substituted by Senator Bong Go<sup>14</sup> while former National Task Force to End Local Communist

---

<sup>12</sup> Rie Takumi, “Martin Diño withdraws candidacy for president, names Duterte as substitute,” *GMA News Online*, (October 29, 2015), <https://www.gmanetwork.com/news/topstories/nation/542407/martin-dino-withdraws-candidacy-for-president-names-duterte-as-substitute/story/>

<sup>13</sup> Philstar.com, Person “Sara Duterte scraps reelection bid for vice-presidential run,” *Philippine Star*, (November 13, 2021), <https://www.philstar.com/headlines/2021/11/13/2131473/sara-duterte-scraps-reelection-bid-vice-presidential-run>

<sup>14</sup> John Eric Mendoza, “Bong Go to run as president but not under PDP-Laban,” *Inquirer.net*, (November 13, 2021), <https://newsinfo.inquirer.net/1514449/bong-go-to-run-as-president-but-not-under-pdp-laban>

Armed Conflict (NTF-ELCAC) spokesperson Lt. Gen. Antonio Parlade<sup>15</sup> substituted independent candidate Antonio “Butch” Valdes. In the race for vice presidency, former party-list lawmaker and activist Walden Bello<sup>16</sup> substituted Laban ng Laban ng Masa’s vice-presidential candidate Raquel Castillo. For the Senatorial race, Manuel de Castro Jr.<sup>17</sup> was substituted by Joseph Peter Sison for Aksyon Demokratiko; Guillermo Lorenzo Eleazar under Partido para Sa Demokratikong Reporma (PDR) replaced Paolo Redemptus de Andres; Ramon Mitra of Katipunan ng Demokratikong Pilipino replaced Jesus Durian Jr.; People’s Reform Party Herminio Harry Roque Jr. filed COC as substitute of Paolo Mario Martelino; and Joseph Ross Jocson of Katipunan ng Demokratikong Pilipino replaced Loreto Tenolete Jr., and outgoing President Rodrigo Duterte substituted senatorial aspirant Liezl Visorde<sup>18</sup> of the Pederalismo ng Dugong Dakilang Samahan.

### *Commentaries on Substitution*

Despite Jimenez’ plea that, regarding the rules of substitution, there is no abuse<sup>19</sup> precisely because the law

---

<sup>15</sup> John Eric Mendoza, “Former NTF – Elcac spokesperson Parlade files candidacy for president,” *Inquirer.net*, (November 15, 2021), <https://newsinfo.inquirer.net/1514944/red-tagger-parlade-files-candidacy-for-senator-via-substitution>

<sup>16</sup> John Eric Mendoza, “Activist Walden Bello runs for VP as Ka Leody’s running mate,” *Inquirer.net*, (October 20, 2021), <https://newsinfo.inquirer.net/1504411/activist-walden-bello-runs-for-vice-president-as-ka-leody-s-running-mate>

<sup>17</sup> Ferdinand Patinio, “10 aspirants file COC as substitutes for national posts,” *Philippine News Agency*, (November 16, 2021), <https://www.pna.gov.ph/articles/1159956>

<sup>18</sup> Dwight De Leon, “Comelec records 10 substitution bids for national posts in 2022,” *Rappler*, (November 15, 2021), <https://www.rappler.com/nation/elections/comelec-substitution-withdrawal-tally-2022-polls/>

<sup>19</sup> Catherine Gonzales, “Comelec spox: Time to regulate substitution option for election aspirants,” *Inquirer.net*, (November 10, 2021),

allows it to be done, several figures in the legal profession see that the substitution mechanism has been abused, exploited, and utilized for a party's gains in the Philippine setting.

This manifests in politicians and political parties taking advantage of the lax approaches to the rule of substitution. With the controversy surrounding the substitution of candidates observed in the past six years, COMELEC has been brandished for having a lax approach towards this matter.

Election watchdog Kontra Daya, through its convenor Danilo Arao<sup>20</sup>, proclaimed that “the disastrous political spectacle these past few weeks could have been avoided if COMELEC declared as nuisance candidates those who were clearly placeholders based on the public statements either by themselves or by the officials of political parties they represent. They were, after all, never serious about their candidacies in the first place.”

Senatorial aspirant Chel Diokno<sup>21</sup> shares the same sentiments, saying “placeholders” should be declared as nuisance candidates to avoid candidate substitution due to withdrawal later on. In Melanie T. Lim's SunStar column, she opined<sup>22</sup> that “the substitution rule originally intended to cover contingencies is now being utilized as a tactical tool.

---

<https://newsinfo.inquirer.net/1513125/comelec-spo-x-time-to-regulate-substitution-of-election-aspirants>

<sup>20</sup> Rhodina Villanueva, “Declare Substitution Candidates As Nuisance – Kontra Daya,” *One News*, (November 16, 2021),

<https://www.onenews.ph/articles/declare-substitution-candidates-as- nuisance-kontra-daya>

<sup>21</sup> Christia Marie Ramos, “Placeholders’ should be declared as nuisance in elections, says Chel Diokno,” *Inquirer.net*, (November 20, 2021),

<https://newsinfo.inquirer.net/1517619/placeholders-should-be-declared-as- nuisance-in-elections-says-chel-diokno>

<sup>22</sup> Melanie Lim, “Substitution game,” *SunStar*, “October 16, 2021”,

<https://www.sunstar.com.ph/ampArticle/1910395>

Temporary candidates are being fielded to test the waters, to build suspense, to save places and to warm seats while the real candidates mull and make up their minds or while political parties buy time to pursue and persuade better candidates.”

Former Iloilo governor Arthur Defensor Sr. also commented<sup>23</sup> that “the process must not be abused. The implementation of the process must be made only under restrictive circumstances, like when a candidate dies (sic) or other [reasons], but not just out of want. If they just keep doing what they want, the [law] is useless.” He further added that “one of the dangers there is that a certain candidate may run under the assumption that Candidate ‘A’ would be their opponent, but it turns out that Candidate ‘A’ would not run and would file but still be replaced. That is the disgrace there. It creates political uncertainty, and instability as far as political exercise is concerned.”

Another perspective to consider in the electoral substitution is its impact on the voting public, especially that they comprise the main actors in selecting the next people for the national posts. Professor and former dean of the Ateneo School of Government Antonio “Tony” La Viña went on to remark<sup>24</sup> that the strategy of politicians to make use of substitution in fielding candidates for elections not only shows they are fooling voters but also disrespecting them.

---

<sup>23</sup> Joseph B.A. Marzan, “Candidate substitution ‘insulting to electoral process’ – ex-guv,” *Daily Guardian*, (October 16, 2021), <https://dailyguardian.com.ph/candidate-substitution-insulting-to-electoral-process-ex-guv/>

<sup>24</sup> Katrina Hallare, Robertzon Ramirez, "Analysts: Substitution of Candidates Only Fooling Voters; Still Allowed For Involuntary Withdrawal," *One News*, (November 17, 2021), <https://www.onenews.ph/articles/analysts-substitution-of-candidates-only-fooling-voters-still-allowed-for-involuntary-withdrawal>

In addition, political observer Earl Parreño propounded that “the elections are essentially like you are applying for a job. Don't fool your voters with the job you are applying for, because apparently, you have a hidden agenda.”

More so, even in the case of the Diño-Duterte substitution, it has been observed that such a substitution spectacle depreciates the value of COC. What transpired was in the first paragraph of the COC, which bears the title “Certificate of Candidacy for President” in bold and underlined letters, Diño stated he was running “for the position of mayor, City/Municipality of Pasay City ... in the May 09, 2016, national and local elections.” Raul J. Palabrica, Philippine Daily Inquirer chairman, said in his column<sup>25</sup> that “the COMELEC tolerated his mockery of his COC and viewed it as acceptable conduct by someone who claims to be a crusader against crime and corruption. It's bad enough that Diño's COC has been ruled valid despite its obvious defect and the circumstances under which it was filed; what's worse is that it has been allowed to be used in the circumvention of the Comelec's rules on the timely filing of COCs.”

The substitution mechanism has been closely associated as part of the political playbook of the Dutertes. These last-minute substitutions of the two highest electoral posts are not just political gimmicks, rather they have become the new electoral norms, coinciding with the flawed system of Philippine elections.

---

<sup>25</sup> Raul J. Palabrica, "Value of COCs depreciated," *Philippine Daily Inquirer*, (February 15, 2016), <https://opinion.inquirer.net/92889/value-of-cocs-depreciated>

Looking back at the Omnibus Election Code pertaining to the substitution of candidates, the provision in the law allows the substitution of an official candidate of a registered or accredited political party who dies, withdraws, or is disqualified for any cause. True, there may be instances that candidates withdraw prior to the election - health, family, finances, career, personal reputation, or the foresight of losing the elections, among others. These are all valid causes, but upon clear scrutiny – it is an orchestrated political strategy.

The overarching idea of “withdrawal for any cause” is only a facade of their own selfish interests, and never for the advantage or benefit of the voters.

Despite this loophole in the law, the COMELEC has also been wary of cases of those who never had the intention to run, to begin with, but filed their COC as a placeholder for a substitute who has yet to make up their mind<sup>26</sup>. From this, the COMELEC can ascertain that there is no bona fide intention to join the elections declaring them a nuisance candidate, which in turn cancels their COC, which also results in the prohibition on substitution. COMELEC Chairperson Jimenez further reiterated its provisions on nuisance candidates<sup>27</sup>, stating that those who make a mockery of the election system; those who seek to confuse voters through the similarity of names between candidates; and those who have no bona fide or good faith in running for office shall have their COCs rejected. Yet, despite these, the COMELEC seems to be backtracking its statements, as

---

<sup>26</sup> Ibid

<sup>27</sup> Yuji Vincent Gonzales, "Comelec reiterates rules on nuisance candidates," *Inquirer.net*, (October 15, 2015), <https://newsinfo.inquirer.net/731218/comelec-reiterates-rules-on- nuisance-candidates>

Jimenez<sup>28</sup> also said in one interview that the mere declaration of candidates that they are only placeholders in the upcoming elections is not enough to declare them as nuisance candidates.

However, this still provides a glaring loophole. Like in Rodrigo Duterte's playbook, Dino backed out of the presidential political race and made Duterte his substitute. Dino's cause for withdrawal is that he was "insulted that the Comelec was considering to declare him a nuisance candidate"<sup>29</sup>.

Since the COMELEC does not have any stringent requirements on withdrawal, Dino's decision is deemed accepted, which gives the COMELEC no more time to inquire deeper about this withdrawal. Duterte's political party validly complied with the legal minutiae: they just needed a placeholder candidate, with little to no reputation to lose, to take the seemingly insignificant fall so that they may be able to buy time to craft their strategies in such a situation. In fact, it turned out to be favorable to them - as the days went by prior to the substitution, data from surveys, media reports, and critiques and analyses from political scientists and experts further bolstered the clamor and support to push Duterte for the national post.

Moreover, it can be gleaned from this abuse of the rules on substitution that the political party system, which is supposed to be made to structure electoral competition, has

---

<sup>28</sup> John Eric Mendoza, "Mere declaration of placeholder not sufficient ground to become nuisance candidate - Comelec spox," *Inquirer.net*, (October 13, 2021), <https://newsinfo.inquirer.net/1501218/mere-declaration-of-placeholder-not-sufficient-ground-to-become-nuisance-candidate-comelec-spox>

<sup>29</sup> Paterno Esmaguél II, "Duterte 'placeholder' Diño withdraws presidential bid," *Rappler*, (October 29, 2015), <https://www.rappler.com/nation/elections/111051-duterte-placeholder-dino-withdraws-presidential-bid/>

been superseded by political families as the dominant institution during elections. In these substitution tactics, what transpires here is a mixture of three elements:

*political vindication*, especially for the Marcoses, who are seen as Duterte allies. On this point, the alliance of the Dutertes with the Marcoses, which resulted in an electoral landslide victory, presented a turning point for the Marcoses to vindicate the stain smudged in their name;

*desperation for political power*, where the Dutertes will likely maintain a strong grapple in the national posts. By having another Duterte namesake in the executive department, it is a more likely event that the Dutertes might foretell a political cycle with their namesakes gradually occupying the legislative and judicial department as well; and

*elite-negotiated tactics*, so that political families, like the Dutertes, Marcoses, and other allies and technocrats can make themselves figureheads and political trendsetters who shall work hand in hand in crafting election- and campaign-related strategies to maintain power amongst themselves.

All these driving forces, empowered by the flawed and seemingly shackled electoral board and governing bodies can posterize the persisting elitist electoral democracy in the country.



## ***Recommendations***

Way back in February 2016, the COMELEC First Decision even went on to say in its opinion<sup>30</sup> that “the Commission is well aware of the fact that the provision is prone to abuse and may even lead to the bastardization of the entire process involved in the selection of candidates by the various political parties in existence to ensure their victory in the poll.”

In response to this electoral dilemma, lawmakers are now on the move to put this electoral substitution fiasco to a stop.

Leila De Lima, who is a former election lawyer, filed Senate Bill (SB) No. 2461<sup>31</sup> which seeks to impose limitations on the substitution of candidates due to withdrawal. De Lima added that “this practice of last-minute party-hopping or party-hunting during and even after the original COMELEC period for filing certificates of candidacies has ended must stop now, as it puts to shame even ordinary and regular party-hopping done several months or weeks before the filing of certificates of candidacy.”

Another legislative move of the same spirit is also ushered by Cagayan de Oro City Representative Rufus

---

<sup>30</sup> Aries Joseph Hegina, "Comelec body: Substitution 'prone to abuse' by politicians in 2019 polls," *Inquirer.net*, (February 3, 2016), <https://newsinfo.inquirer.net/761250/comelec-body-substitution-prone-to-abuse-by-politicians-in-2019-polls>

<sup>31</sup> Consuelo Marquez, "De Lima files bill to prevent abuse of candidate substitutions," *GMA News Online*, (December 7, 2021), <https://www.gmanetwork.com/news/topstories/nation/813718/de-lima-files-bill-to-prevent-abuse-of-candidate-substitutions/story/>

Rodriguez, who intends to refile<sup>32</sup> House Bill No. 10380 which seeks to prohibit political parties from substituting any candidate unless the latter dies or is disqualified. Rodriguez said that there is nothing wrong with substitution in case of death or disqualification, substitution because of withdrawal, or what others call voluntary substitution, they may pose serious questions and may lead to the manipulation and mockery of the election process.

“Withdrawals could lead the voting public to believe that the candidate who withdrew, or the political party doing the substitution or the replacement candidate, is not really serious about the candidacy.”

Rodriguez also intends to refile House Bill No. 10381, which seeks to restore the old provision in the election law that declared an incumbent as resigned ipso facto upon filing his COC for another position. He said that<sup>33</sup> “it is high time to reinstate the repealed provision. This would force aspirants to take running for higher office seriously and to stop manipulating and mocking the electoral process. It would also make more people believe in the integrity of our elections.”

It is also significant to look for related jurisprudence from other nations. In the South Carolina Code of Laws<sup>34</sup>, Section 7-11-50 provides that

---

<sup>32</sup> Wendell Virgilia, "Solon to push for passage of electoral reform bills," *Malaya Business Insight*, (June 21, 2022), [https://malaya.com.ph/news\\_news/solon-to-push-for-passage-of-electoral-reform-bills/](https://malaya.com.ph/news_news/solon-to-push-for-passage-of-electoral-reform-bills/)

<sup>33</sup> Filane Mikee Cervantes, "Lawmaker to push for twin bills on candidate substitution," *Philippine News Agency*, (June 20, 2022), <https://www.pna.gov.ph/articles/1177111#:~:text=MANILA%20%E2%80%93%20A%20lawmaker%20on%20Monday,official%20running%20for%20another%20position.>

<sup>34</sup> South Carolina Code of Laws, s 7-11-50, <https://www.scstatehouse.gov/code/t07c011.php>

If a party nominee who was nominated by a method other than party primary election dies, becomes disqualified after his nomination or resigns his candidacy for a legitimate nonpolitical reason as defined in this section and sufficient time does not remain to hold a convention to fill the vacancy or to nominate a nominee to enter a special election, the respective state or county party executive committee may nominate a nominee for the office, who must be duly certified by the respective county or state chairman.

“Legitimate nonpolitical reason” as used in this section is limited to:

(a) reasons of health, which include any health condition which, in the written opinion of a medical doctor, would be harmful to the health of the candidate if he continued;

(b) family crises, which include circumstances that would substantially alter the duties and responsibilities of the candidate to the family or a family business;

(c) substantial business conflict, which includes the policy of an employer prohibiting employees from being candidates for public offices and an employment change that would result in the ineligibility of the candidate or which would impair his capability to carry out properly the functions of the office being sought.

## *Conclusion*

As Prof. Miriam Coronel Ferrer said<sup>35</sup>, “substitution is a regular practice in electoral processes. But tighter rules would need to be in place and the COMELEC must exercise greater discretion. It should guard its autonomy without fear or favor. It should not set precedents that make craters out of loopholes so large you can fit all the malice and ill intentions of the dirty rags among our political class.”

As observed in the recent elections<sup>36</sup>, the substitution of candidates at the last minute has become a common strategy.

With these problems in mind, it is imperative that the Philippines needs to re-assess the ways of handling issues come election season. As posited by the International Institute for Democracy and Electoral Assistance (IDEA), an intergovernmental organization based in Sweden that oversees sustainable, effective, and legitimate democracies, the Philippines must consider international standards<sup>37</sup>, such as

---

<sup>35</sup> Miriam Coronel Ferrer, "Substitution in the upcoming Philippine presidential elections," *UP sa Halalan*, (November 9, 2021), <https://halalan.up.edu.ph/substitution-in-the-upcoming-philippine-presidential-elections/>

<sup>36</sup> Cleo Calimbahin, "Ambiguously Democratic: Parties, Coalitions, and Candidates in the 2022 Philippine Elections," Heinrich Boll Stiftung, (October 28, 2021), <https://th.boell.org/en/2021/10/28/coalitions-and-candidates-2022-philippine-elections>

<sup>37</sup> Andrew Reynolds, Ben Reilly, Andrew Ellis, et. Al, “Electoral System Design: The New International IDEA Handbook,” International Institute for Democracy and Electoral Assistance (IDEA), <https://www.idea.int/sites/default/files/publications/electoral-system-design-the-new-international-idea-handbook.pdf>

the principles of free, fair and periodic elections that guarantee universal adult suffrage, the secrecy of the ballot and freedom from coercion, and a commitment to the principle of one person, one vote.

With this abuse of the rules on substitution, it is evident that this election strategy is a sham and mockery of the election process. With the various loopholes, weaknesses, and lack of remedies in the Philippine political system, it is a pressing matter to look behind our election laws and jurisprudence. The more time we take our right to suffrage for granted, it shall only pave more way for eroding the spirit of the democratic selection process and violating the clear intent of our election laws, which is to “assure free, orderly, honest, peaceful and credible elections<sup>38</sup>.” ■

---

<sup>38</sup> Fair Election Act 2001, s 2,  
<https://www.officialgazette.gov.ph/2001/02/12/republic-act-no-9006/>

## Bibliography

- Abao, Carmel. "Sinungaling! (Substitution and the timeline of lies)," Rappler, <https://www.rappler.com/voices/thought-leaders/opinion-liars-substitution-timeline-lies-elections-2022/>
- Calimbahin, Cleo. "Ambiguously Democratic: Parties, Coalitions, and Candidates in the 2022 Philippine Elections," Heinrich Boll Stiftung, October 28, 2021, <https://th.boell.org/en/2021/10/28/coalitions-and-candidates-2022-philippine-elections>
- Cervantes, Filane Mikee. "Lawmaker to push for twin bills on candidate substitution," Philippine News Agency, June 20, 2022, <https://www.pna.gov.ph/articles/1177111#:~:text=MANILA%20%E2%80%93%20A%20lawmaker%20on%20Monday,official%20running%20for%20another%20position>
- Coronel Ferrer, Miriam. "Substitution in the upcoming Philippine presidential elections," UP sa Halalan, November 9, 2021, <https://halalan.up.edu.ph/substitution-in-the-upcoming-philippine-presidential-elections/>
- De Leon, Dwight. "Comelec records 10 substitution bids for national posts in 2022," Rappler, November 15, 2021, <https://www.rappler.com/nation/elections/comelec-substitution-withdrawal-tally-2022-polls/>
- Elardo, Gabriel Sebastian. "Substitution, clarified," UE Law Journal, Accessed July 10, 2022, <http://uelawjournal.com/2021/11/17/substitution-clarified/>

- Esmaguél II, Paterno. "Duterte 'placeholder' Diño withdraws presidential bid," Rappler, October 29, 2015, <https://www.rappler.com/nation/elections/111051-duterte-placeholder-dino-withdraws-presidential-bid/>
- Gonzales, Catherine. "Comelec spox: Time to regulate substitution option for election aspirants," Inquirer.net, November 10, 2021, <https://newsinfo.inquirer.net/1513125/comelec-spo-x-time-to-regulate-substitution-of-election-aspirants>
- Gonzales, Yuji Vincent. "Comelec reiterates rules on nuisance candidates," Inquirer.net, October 15, 2015, <https://newsinfo.inquirer.net/731218/comelec-reiterates-rules-on-nuisance-candidates>
- Hallare, Katrina and Ramirez, Robertzon. "Analysts: Substitution Of Candidates Only Fooling Voters; Still Allowed For Involuntary Withdrawal," One News, November 17, 2021, <https://www.onenews.ph/articles/analysts-substitution-of-candidates-only-fooling-voters-still-allowed-for-involuntary-withdrawal>
- Lim, Melanie, "Substitution game," SunStar, October 16, 2021, <https://www.sunstar.com.ph/ampArticle/1910395>
- Marañón, Emil III "Should the Comelec prohibit the substitution of candidates?," Rappler, October 15, 2021, <https://www.rappler.com/voices/thought-leaders/explainer-should-comelec-prohibit-candidate-substitution/>
- Marquez, Consuelo. "De Lima files bill to prevent abuse of candidate substitutions," GMA News Online, December 7, 2021,

<https://www.gmanetwork.com/news/topstories/nation/813718/de-lima-files-bill-to-prevent-abuse-of-candidate-substitutions/story/>

Marzan, Joseph B.A. "Candidate substitution 'insulting to electoral process' – ex-guv," Daily Guardian, October 16, 2021, <https://dailyguardian.com.ph/candidate-substitution-insulting-to-electoral-process-ex-guv/>

Mendoza, John Eric. "Mere declaration of placeholder, not sufficient ground to become nuisance candidate - Comelec spox," Inquirer.net, October 13, 2021, <https://newsinfo.inquirer.net/1501218/mere-declaration-of-placeholder-not-sufficient-ground-to-become-nuisance-candidate-comelec-spox>

Mendoza, John Eric. "Activist Walden Bello runs for VP as Ka Leody's running mate," Inquirer.net, October 20, 2021, <https://newsinfo.inquirer.net/1504411/activist-walden-bello-runs-for-vp-as-ka-leodys-running-mate>

Mendoza, John Eric. "Bong Go to run as president but not under PDP-Laban," Inquirer.net, November 13, 2021, <https://newsinfo.inquirer.net/1514449/bong-go-to-run-as-president-but-not-under-pdp-laban>

Mendoza, John Eric. "Former NTF – Elcac spokesperson Parlade files candidacy for president," Inquirer.net, November 15, 2021, <https://newsinfo.inquirer.net/1514944/red-tagger-parlade-files-candidacy-for-senator-via-substitution>

Palabrica, Raul J. "Value of COCs depreciated," Philippine Daily Inquirer, February 15, 2016, <https://opinion.inquirer.net/92889/value-of-cocs-depreciated>



Patinio, Ferdinand. “10 aspirants file COC as substitutes for nat’l posts,” Philippine News Agency, November 16, 2021, <https://www.pna.gov.ph/articles/1159956>

Philstar.com, “Sara Duterte scraps reelection bid for vice-presidential run,” Philippine Star, November 13, 2021, <https://www.philstar.com/headlines/2021/11/13/2131473/sara-duterte-scraps-reelection-bid-vice-presidential-run>

Ramos, Christia Marie. “Placeholders’ should be declared as nuisance in elections, says Chel Diokno,” Inquirer.net, November 20, 2021, <https://newsinfo.inquirer.net/1517619/placeholders-should-be-declared-as-nuisance-in-elections-says-chel-diokno>

Reynolds, Andrew, Reilly, Ben, and Ellis, Andrew, et. Al. “Electoral System Design: The New International IDEA Handbook,” International Institute for Democracy and Electoral Assistance (IDEA). <https://www.idea.int/sites/default/files/publications/electoral-system-design-the-new-international-idea-handbook.pdf>

Takumi, Rie. “Martin Diño withdraws candidacy for president, names Duterte as substitute,” GMA News Online, October 29, 2015, <https://www.gmanetwork.com/news/topstories/nation/542407/martin-dino-withdraws-candidacy-for-president-names-duterte-as-substitute/story/>

Villanueva, Rhodina. “Declare Substitution Candidates As Nuisance – Kontra Daya,” One News, November 16, 2021, <https://www.onenews.ph/articles/declare-substitution-candidates-as-nuisance-kontra-daya>

Virgilia, Wendell. "Solon to push for passage of electoral reform bills," Malaya Business Insight, June 21, 2022, [https://malaya.com.ph/news\\_news/solon-to-push-for-passage-of-electoral-reform-bills/](https://malaya.com.ph/news_news/solon-to-push-for-passage-of-electoral-reform-bills/)