

FOURTEENTH CONGRESS OF THE )  
 REPUBLIC OF THE PHILIPPINES )  
*Third Regular Session* )

9 AUG 11 P4:32

SENATE  
 S. No. **3384**

RECEIVED BY: 


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Introduced by **Senator Richard J. Gordon**

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### EXPLANATORY NOTE

Under Section 66 of the Omnibus Election Code, any person holding a public appointive office, including members of the Armed Forces of the Philippines and officials in government-owned and -controlled corporations, who files for a certificate of candidacy for any post, national or local, is considered automatically resigned from office. On the other hand, Section 67 of the same Code providing that an elective official running for an office other than the one which he or she is holding in a permanent capacity shall also be considered automatically resigned from office upon the filing of a certificate of candidacy, was repealed under Republic Act No. 9001 or the Fair Elections Act.

The exception expressly provided in Section 67 of the Code creates an undue advantage in favor of an elective public official seeking another public office, as against an appointive official, whether in the civil service, military service or a government-owned or -controlled corporation. The elective public official does not lose his or her incumbency, and is allowed to serve the remaining term of the original elective position in case he or she fails in the second bid for office.

Public office is a public trust, and upon this principle, all public officials are entrusted with the mandate of representing their constituents. Allowing this practice to continue endangers the faithful protection of the welfare of our public officials' constituents. Furthermore, the continued existence of this favored class runs afoul the equal protection clause of the Constitution. For these reasons, passage of this bill is earnestly sought.



**RICHARD J. GORDON**  
 Senator

FOURTEENTH CONGRESS OF THE )  
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OFFICE OF THE SECRETARY

9 AUG 11 P 4:32

SENATE  
S. No. 3384

RECEIVED BY: 

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Introduced by **Senator Richard J. Gordon**

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**AN ACT**  
**DECLARING AN ELECTIVE OFFICIAL IPSO FACTO RESIGNED FROM HIS**  
**ELECTIVE OFFICE UPON THE FILING OF A CERTIFICATE OF CANDIDACY**

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

1       **SECTION 1. *Candidates holding elective office.*** - Any elective official, whether  
2 national or local, running for any office other than the one which he is holding in a  
3 permanent capacity shall be considered ipso facto resigned from his office upon the filing of  
4 his certificate of candidacy.

5       **Sec. 2. *Repealing Clause.*** - All laws, orders, proclamations, rules and regulations,  
6 or part thereof, which are inconsistent with any provision of this Act are hereby repealed or  
7 modified accordingly.

8       **Sec. 3. *Effectivity.*** - This Act shall take effect fifteen (15) days following its  
9 publication in the Official Gazette or in at least two newspapers of general circulation.

10       Approved,