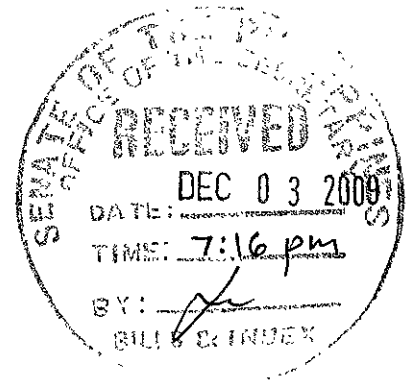


FOURTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Third Regular Session )



SENATE

S. B. No. 3547

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INTRODUCED BY THE HONORABLE MAR ROXAS

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EXPLANATORY NOTE

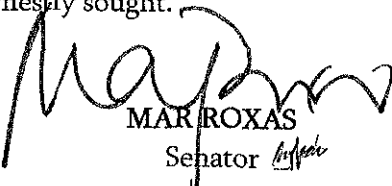
Public appointive officials have always found themselves in a unique situation during period of elections brought about by numerous legislations on the subject, starting with the laws prior to Batas Pambansa Bilang 881 (BP 881), otherwise known as the *Omnibus Election Code*, namely: (i) Section 22 of Commonwealth Act No. 357 (CA No. 357); (ii) Section 26 of Republic Act No. 180, otherwise known as the *Revised Election Code*; (iii) Section 23 of Republic Act No. 6388, otherwise known as the *Election Code of 1971*; and (iv) Presidential Decree No. 1296, otherwise known as the *1978 Election Code*. All of the said laws essentially provided the same thing: Person holding an appointive office or position is automatically resigned on the date of filing of the certificate of candidacy.

BP 881 essentially retained the rules on deemed resignations for appointive officials. Subsequent election laws, Republic Act No. 8436 (*Automated Elections Act*) and Republic Act No. 9006 (*Fair Elections Act*), were both silent on this rule, thereby making BP 881 as still the applicable law insofar as the deemed resigned provision for appointive officials is concerned. Then came Republic Act No. 9369, which amended RA No. 8436, but still retained the deemed resigned provision for appointive officials. However, since RA No. 9369 adjusted the deadline for the filing of the certificate of candidacy to an earlier date, confusions arose on the interpretation as to the exact time of the deemed resignation, whether at the time of the filing of the certificate of candidacy or during the start of the campaign period. Considering the numerous statutory amendments involving public appointive officials, specifically on when they are considered as *ipso facto* resigned, there is a need to settle, through amendatory legislation, the exact moment of such deemed resignation.

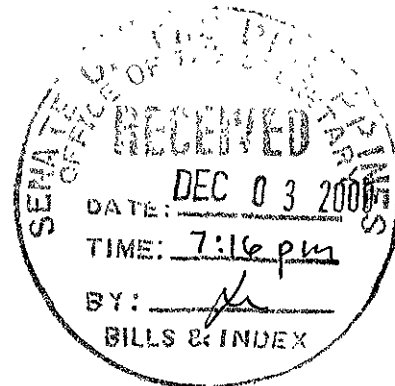
Certainly, appointive officials are placed on a different plane. Unlike their elective counterparts who have fixed terms as willed by the electorate, appointive officials are either co-terminus with, or serve at the pleasure of, their appointing authority. Those who are not co-terminus, however, such as career officials, are mandated by the Constitution not to engage in electioneering and partisan political activities. Moreover, most of these appointive officials have effective access and control over the utilization of the national budget and the execution of laws and regulations, placing them in an undue advantage during the conduct of elections, as the possibility of abuse or misuse of authority is greater with them.

Thus, for the purpose of maintaining honesty and integrity in public service, this bill mandates that all public appointive officials, regardless of rank or position, who have filed their certificates of candidacy, shall be considered automatically resigned from their offices six (6) months before the election day. Failure to vacate their offices shall automatically disqualify them and make them ineligible for the elective office they seek.

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

  
MAR ROXAS  
Senator

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



SENATE :

S. B. No. 3547

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INTRODUCED BY THE HONORABLE MAR ROXAS

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AN ACT

TO PREVENT GOVERNMENT MACHINERY ABUSE AND TO PROMOTE EQUALITY AND FAIRNESS IN LOCAL AND NATIONAL ELECTIONS, WHILE MAINTAINING HONESTY AND INTEGRITY IN PUBLIC SERVICE, BY MANDATING THAT PUBLIC APPOINTIVE OFFICIALS ARE CONSIDERED AUTOMATICALLY RESIGNED FROM THEIR OFFICES SIX MONTHS BEFORE THE ELECTION DAY, AND FOR OTHER PURPOSES.

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

CHAPTER I.

GENERAL PROVISIONS

SECTION 1. *Title.* This Act shall be known as the “*No Government Machinery Abuse During Elections Law*”

SEC. 2. *Declaration of Policy* – It is the policy of the State to ensure free, orderly, fair equal, honest, peaceful, and credible elections, while at the same time assuring and maintaining honesty and integrity in public service, in order that public service operations of appointive officials shall remain unhampered and free from any and all kinds of partisan political activities.

SEC. 3. *Candidates Holding Appointive Office* – Any person holding a public appointive office or position, regardless of rank or position, who has filed a certificate of candidacy, including active members of the Armed Forces of the Philippines, and officers and employees in government-owned or controlled corporations, shall be considered

1 automatically resigned from his/her office six (6) months before the election day.

2       SEC. 4. *Disqualification* – Any appointive official who does not vacate his/her office  
3 six (6) months before the election day shall automatically be disqualified for the elective  
4 position that he/she is seeking and shall not be eligible to assume the functions of the elective  
5 office that he/she is seeking.

6       SEC. 5. *Implementing Rules and Regulations* – The Commission on Elections shall  
7 adopt such rules and regulations for the proper and effective implementation of this Act  
8 within thirty (30) days from its effectivity.

9       SEC. 6. *Separability Clause* – Any portion or provisions of this Act that may be  
10 declared unconstitutional or invalid shall not have the effect of nullifying other portions and  
11 provisions hereof as long as such remaining portion or provision can still subsist and be given  
12 effect in their entirety.

13       SEC. 7. *Repealing Clause* – Section 15 of Republic Act No. 8436, as amended by  
14 Section 13 of Republic Act No. 9369, is hereby amended accordingly. All laws, Presidential  
15 Decrees, Executive Orders, rules and regulations or any other issuances or parts thereof  
16 inconsistent with this Act are hereby repealed or amended.

17       SEC. 8. *Effectivity* – This Act shall take effect after fifteen (15) days following its  
18 publication in the Official Gazette or in a newspaper of general circulation.

19       Approved,