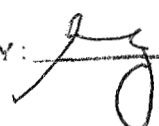


'04 JUN 30 P10:17

SENATE
S. No. 1070

RECEIVED BY: 

Introduced by Senator Edgardo J. Angara

EXPLANATORY NOTE

A public office is a public trust. The constitution mandates all public officials to be accountable at all times to the people and serve them with utmost responsibility, integrity, loyalty and efficiency.

Section 67 of Batas Pambansa Bilang 881, otherwise known as the Omnibus Election Code provides that an elective official running for a public office other than the one he is currently holding in a permanent capacity, except for the positions for President and Vice-President, is considered resigned from office upon the filing of his certificate of candidacy.

This law has been criticized for abetting the unfair and unequal treatment of candidates. The law is bias for those who aspire for the offices of Presidency and Vice-Presidency, giving losing candidates *utmost comfort and privilege* of reclaiming back their offices. On the other hand, the law denies the same benefit and privilege to aspirants for other elective positions, regarding them ipso facto resigned regardless of the outcome of the election.

More importantly, this policy has helped promote political adventurism and negates the policy against nuisance candidates. The law provides a constant source of encouragement for incumbent elective officials, who nurture the thinking that since they might have nothing to lose, they might as well aspire for the two highest offices despite knowledge that they have no chance of winning at all. This has unduly saddled the Commission on Elections with unnecessary administrative and operational burden.

This already untenable situation was further exacerbated by the passage of Republic Act No. 9006, otherwise known as the Fair Elections Practices Act, which repealed altogether Section 67 of BP 881. As the law now stands, any elective public official can run for any other public office other than the one he is holding without the risk of losing said office.

It is believed that this faulty public policy should be corrected at once by restoring back the old law. In so doing, the constitutional edict to all public officials to serve the people with utmost loyalty and not trifle with the mandate, which their constituents have entrusted to them, is preserved and honored.

For these reasons, passage of this bill is earnestly sought.

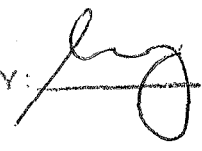

EDGARDO J. ANGARA

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

'04 JUN 30 P10:17

SENATE
S. No. 1070

RECEIVED BY: 

Introduced by Senator Edgardo J. Angara

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

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

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

SEC. 2. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations, and parts thereof, which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 3. *Effectivity.* - This Act shall take effect fifteen (15) days following its publication in three (3) newspapers of general circulation.

Approved,