

13<sup>TH</sup> CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

204 JUN -6 10 109

SENATE

RECEIVED BY:         

S. BILL NO. 1321

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Introduced by Senator Ralph G. Recto

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**EXPLANATORY NOTE**

The May 2004 national elections has been concluded after more than a month of heated debates and accusations of massive fraud, cheating and tampering of votes by both the opposition and the administration parties. Philippine campaign politics have always been criticized for not being mature, a very young democracy. As such, there have been charges of the administration candidates using public funds for their campaign and political gains.

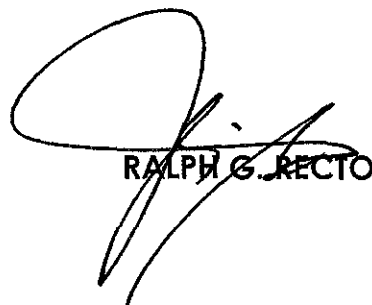
This bill seeks to amend Section 66 of Batas Pambansa Bilang 881 otherwise known as, "The Omnibus Election Code" by mandating Cabinet members and other members of the Executive department to tender their resignation and actually leave government service at least one year before elections.

The existing law provides that persons holding public appointive office or position, including active members of the Armed Forces of the Philippines, and officers and employees in government-owned or controlled corporations, shall be considered *ipso facto* resigned from his office upon the filing of his certificate of candidacy.

Cabinet members and other members of the Executive department have available at their disposal government resources to prepare for their election campaign. This bill is sought to lessen, if not eliminate, graft and corruption in the government. Resigning one year before the election would help avoid the situation where government officials use their offices for their personal political aspirations.

They have to devote their time to their work and not undertake campaign activities while performing their duties as appointed government officials. After all, civil servants are expected to be non-partisan.


In light of the foregoing, the approval of this bill is earnestly requested.

  
RALPH G. RECTO

13<sup>TH</sup> CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

04 JUL -6 11:09

SENATE

RECEIVED BY: 

S. BILL NO. 1321

Introduced by Senator Ralph G. Recto

**AN ACT**  
**AMENDING SECTION 66 OF BATAS PAMBANSA BILANG 881 OTHERWISE**  
**KNOWN AS, "THE OMNIBUS ELECTION CODE," AND FOR OTHER PURPOSES**

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

1        **SECTION 1.** Section 66 of Batas Pambansa Bilang 881, otherwise  
2 known as the "Omnibus Election Code of the Philippines," is hereby  
3 amended to read as follows:

4                "SEC. 66. Candidates Holding Elective Office. – Any person  
5 holding a public appointive office or position, including active  
6 members of the Armed Forces of the Philippines, and officers and  
7 employees in government-owned or controlled corporations, shall  
8 [be considered *ipso facto* resigned from his office upon the filing of  
9 his certificate of candidacy] **TENDER HIS RESIGNATION AND LEAVE**  
10 **GOVERNMENT SERVICE ONE (1) YEAR PRIOR TO THE FILING OF HIS**  
11 **CERTIFICATE OF CANDIDACY."**

12        SEC. 2. *Repealing Clause.* – All laws or parts thereof, decrees,  
13 orders, rules and regulations inconsistent with the provisions of this  
14 Act are hereby repealed or modified accordingly.

15        SEC. 3. *Separability Clause.* – If any provision of this Act is declared  
16 unconstitutional or invalid, the other provisions not affected thereby  
17 shall remain in full force and effect.

1            *SEC. 5. Effectivity Clause.* – This Act shall take effect immediately  
2 following its publication in a newspaper of general circulation or in  
3 the *Official Gazette*, whichever comes first.

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*Approved,*