

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



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SENATE
S. No. 2287

RECEIVED BY: *fi*

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING REPUBLIC ACT NO. 7160, ALSO KNOWN AS
THE LOCAL GOVERNMENT CODE OF 1991, SECTION 73 ON THE
PROHIBITION AGAINST RESIGNATION OF OFFICIALS BEING RECALLED¹

EXPLANATORY NOTE

Recall is a mode of removal of a public officer by the people before the end of his term of office. It made its maiden appearance in our 1973 Constitution. Today, the constitutional provision on recall can be found in Article 10, Section 3, which provides that:

The Congress shall enact a local government code which shall provide for a more responsive and accountable local government structure instituted through a system of decentralization **with effective mechanisms** of recall, initiative, and referendum, allocate among the different local government units their powers, responsibilities, and resources, and provide for the qualifications, election, appointment and removal, term, salaries, powers and functions and duties of local officials, and all other matters relating to the organization and operation of the local units. (Emphasis supplied.)

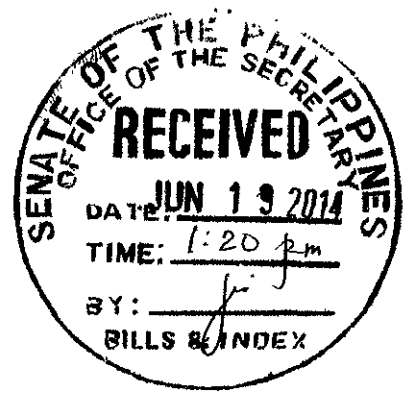
¹ This bill was first filed in the Second Regular Session of the 13th Congress.

In response to this constitutional mandate, Congress enacted Republic Act No. 7160, also known as the Local Government Code of 1991, which provided the guidelines for recalling elective local officials.

The Local Government Code, in Section 75, states that all expenses incident to recall elections shall be borne by the Commission on Elections. Section 73 of the same Code, however, prohibits the resignation of an elective local official while the recall process is in progress. Given the fact that the government would have to shoulder the expenses of the recall elections and in light of the fiscal crisis that our country is experiencing, it would be more practical to allow the official whose recall is sought to voluntarily resign in order to avoid incurring additional expenses necessarily connected with the recall process.

Mrs. Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



SENATE
S. No. **2287**

Introduced by Senator Miriam Defensor Santiago

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

1 AN ACT
2 AMENDING REPUBLIC ACT NO. 7160, ALSO KNOWN AS THE LOCAL
3 GOVERNMENT CODE OF 1991, SECTION 73 ON THE PROHIBITION AGAINST
4 RESIGNATION OF OFFICIALS BEING RECALLED

5 SECTION 1. Section 73 of Republic Act No. 7610, also known as the Local
6 Government Code of 1991 is hereby amended to read as follows:

7 "Section 73. *RESIGNATION OF OFFICIAL BEING RECALLED.* –
8 The elective local official sought to be recalled [shall not be allowed to
9 resign] **SHALL BE ALLOWED TO VOLUNTARILY RESIGN** while
10 the recall process is in progress.

11 SECTION 2. *Repealing Clause.* - Any law, presidential decree or issuance,
12 executive order, letter of instruction, administrative order, rule or regulation contrary to
13 or inconsistent with the provisions of this Act is hereby repealed, modified or amended
14 accordingly.

15 SECTION 3. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after
16 its publication in at least two (2) newspapers of general circulation.

Approved,