

SENATE

SENATE BILL NO. 1676

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Introduced by **SENATOR LEILA M. DE LIMA**

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**AN ACT**  
**AMENDING SECTION 73 OF REPUBLIC ACT NO. 7160, ALSO KNOWN**  
**AS THE LOCAL GOVERNMENT CODE**

**EXPLANATORY NOTE**

Section 69 of the Local Government Code (LGC) provides for recall, a mode of removal of local elective officials “for loss of confidence” which may be exercised by registered voters of a local government unit.

In *Garcia v. Comelec*<sup>1</sup>, the Supreme Court ruled that recall is “a fundamental right of the people in a representative democracy.” However, the people’s will to exercise the power of recall largely depends on the availability of funds of the Commission on Elections (COMELEC), as Section 75 of the LGC provides that all expenses incident to recall elections shall be borne by the COMELEC.

For instance, in 2014, COMELEC issued Resolution No. 9882 suspending all proceedings for recall petitions due to lack of funds.

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.


This bill aims to protect an important facet of democracy enshrined in the Constitution and to provide for a cheaper alternative to recall – by allowing the voluntary resignation of an elected local official while the recall process is in progress, which is initially prohibited by Section 73 of the LGC.

Under this proposal, an official subject to recall proceedings who voluntarily resigns will be automatically succeeded, based on the rule of succession provided in Sections 44 and 45 of the LGC.

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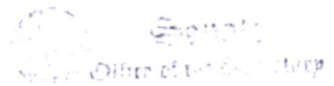
<sup>1</sup> G.R. No. 111511 October 5, 1993

This measure was previously filed by Senator Miriam Defensor-Santiago during the 13<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> Congresses. Being convinced of its rationale and practical wisdom, I opted to adopt as I now hereby adopt, this proposed measure.

  
LEILA M. DE LIMA

SENATE

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**AN ACT**  
**AMENDING SECTION 73 OF REPUBLIC ACT NO. 7160, ALSO KNOWN**  
**AS THE LOCAL GOVERNMENT CODE OF 1991**

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

1           **SECTION 1.** Section 73 of Republic Act No. 7160, also known as the Local  
2 Government Code of the Philippines, as amended, is hereby amended to read as  
3 follows:

4           **Section 73. Resignation of Officials Being Recalled.** – The elective  
5 local official sought to be recalled [shall not be allowed to] MAY  
6 resign while the recall process is in progress.

7           **Sec. 2. Repealing Clause.** - All laws, executive orders, presidential decrees,  
8 presidential proclamations, letters of instruction, rules and regulations or parts  
9 thereof inconsistent with the provisions of this Act are hereby repealed or modified  
10 accordingly.

11           **Sec. 3. Effectivity.** - This Act shall take effect upon its approval fifteen (15)  
12 days following its publication in the Official Gazette or in two (2) newspapers of  
13 general circulation in the Philippines.

14           *Approved,*