

FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
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SENATE

S. NO. 405

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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**EXPLANATORY NOTE**

When a candidate offers himself as the people's representative and is subsequently elected, a covenant is forged between him and the people which is in the nature of a contract.

Thus, the elected public official is duty-bound to serve his term efficiently and with integrity. Where there is breach of trust and confidence by the elected public official, he may be subject to removal or recall. On the other hand, an elected public official having voluntarily sought the elective post could only resign upon valid grounds such as sickness or physical disabilities which prevent him from the performance of this public functions.

There are certain instances however where elective public officials resign in order to accept appointive positions in government. This pernicious practice has not only led to a perversion of the political will, but has also resulted in inordinate expenses on the part of the government, as when a special election is called to fill the vacancy created by the resignation. In instances where the law does not provide for succession to the vacant position and no special election is called, the people are deprived of their political representation.

It is for the purpose of discouraging the pernicious practice of resigning elective positions in order to accept appointive positions in the government that passage of this measure is earnestly sought.



ANTONIO "SONNY" F. TRILLANES IV  
Senator

JUL -6 1952

SENATE

S. NO. 405

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT

**PROHIBITING AN ELECTIVE PUBLIC OFFICIAL FROM RESIGNING FROM HIS ELECTIVE OFFICE TO ACCEPT AN APPOINTMENT TO ANY GOVERNMENT OFFICE AND PROVIDING PENALTIES THEREFOR**

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

1           **SECTION 1. Declaration of Policy.** - It is the declared policy of the state to maintain  
2 inviolate and preserve the integrity of the covenant between the electorate and an elective  
3 official. An elected official must serve his term of office except when removed for causes  
4 recognized under the law. For this reason, the resignation by a duly elected public official of his  
5 elective post is declared to be against both the law and public policy.

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7           **SEC. 2. Definition of Terms.** - For purposes of this Act, the following terms shall mean:

8           a) *Elective public official* shall refer to any official or officer of the national government,  
9 region, province, municipality or city who was elected to any position in an election called for  
10 the purpose, the term of office being prescribed by the Constitution or statutes.

11           b) *Government position* refers to any position in any of the various units of the  
12 government, including a department, a bureau, office, instrumentality, government-owned or  
13 controlled corporation, or a local government or a district unit thereof. It also includes any  
14 position in the legislative and/ or judicial branch of the government, the constitutional  
15 commissions, state universities and colleges, and offices created under the Constitution.

16           Positions in an acquired asset corporation are likewise considered as government for  
17 purposes of this Act.

18           c) *A government-owned or controlled corporation* is a stock or non-stock corporation,  
19 which is directly chartered by special law or, if otherwise formed, is owned or controlled by the  
20 government directly or indirectly through a parent or subsidiary corporation, or by holding the  
21 majority of its voting members, in the case of a non-stock corporation.

1 d) An *acquired asset corporation* is a corporation which is:

2 Under private ownership, at least the majority of whose outstanding capital stock has  
3 been –

4 (i) conveyed to the government or any of its agencies or instrumentalities, including  
5 government-owned or controlled corporations, in satisfaction of debts whether by  
6 foreclosure or otherwise; or

7 ii) duly acquired by the government through final judgment in sequestration  
8 proceeding.

9 (2) A subsidiary of a government-owned or controlled corporation formed exclusively to own  
10 and manage, or lease, or operate specific physical assets acquired by a government financial  
11 institution in satisfaction of debts incurred therewith; which under (1) or (2), by law or policy, is  
12 required to be disposed of to private ownership within a specified period of time.

13  
14 **SEC. 3. *Disqualification.*** - An elective public official who resigns his elective office  
15 shall be disqualified from being appointed to any government position during the unexpired term  
16 of his election post.

17  
18 **SEC. 4. *Penalties.*** - Any person, whether the appointing authority or the appointed,  
19 found guilty of violating this Act shall be penalized with perpetual absolute disqualification as  
20 defined in Article 30 of the Revised Penal Code.

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22 **SEC. 5. *Implementing Rules.*** - The Civil Service Commission shall issue the necessary  
23 rules and regulations for the proper implementation of this Act.

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25 **SEC. 6. *Repealing Clause.*** - All laws, decrees, executive orders, rules and regulations or  
26 parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified  
27 accordingly.

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29 **SEC. 7. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in  
30 the Official Gazette or in two (2) national newspapers of general circulation.

Approved,