


10 JUL -7 A9:22

SENATE

Senate Bill No. 535 RECEIVED BY: 

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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EXPLANATORY NOTE

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.

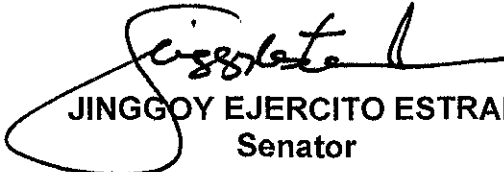
This law has been criticized for abetting the unfair and unequal treatment of candidates. The law is biased to those who aspire for the offices of Presidency and Vice-presidency, giving losing candidates utmost comfort and privilege of reclaiming back their offices. On the other hand, the law denies 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 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further exacerbated by the passage of Republic Act No. 9006, otherwise known as the Fair Elections Practices Act, which repealed altogether Section 67 of BP 881.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.

  
JINGGOY EJERCITO ESTRADA  
Senator

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

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

**SECTION 1.** *Candidates holding elective office.* – Any elective official, whether national or local, running for any public office other than the one 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.* – Certain sections of Republic Act 9006, otherwise known as the “Fair Elections Practices Act” and all laws, presidential decrees, executive orders, rules and regulations, and part thereof, which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

**SEC 3.** *Separability Clause.* – If any part or provision of this Act shall be declared as unconstitutional or invalid, other provisions hereof which are not affected shall continue to be in full force and effect.

**SEC 4.** *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in three (3) newspapers of general circulation.

*Approved,*