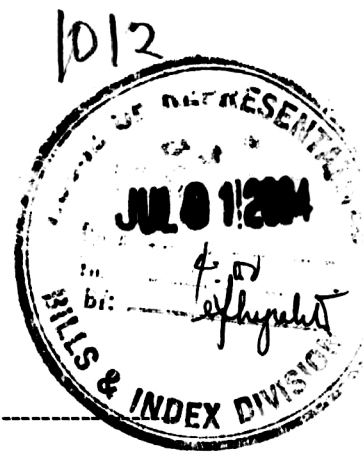


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
1st Regular Session

House Bill No. 1012



Introduced by **RODRIGUEZ D. DADIVAS**

Explanatory Note

Section 67 of Batas Pambansa Bilang 881, otherwise known as the Omnibus Election Code provides that any elective official running for public office other than the one he is currently holding in a permanent capacity is considered resigned from office upon the filing of his certificate of candidacy, except for the positions of President and Vice-President.

The said law was criticized for its unequal treatment of candidates as it only accommodates Senators who aspire for the two highest positions in the land -- the Presidency and the Vice-Presidency. It denies the same privilege to aspirants for other positions.

Thus, in 2001 or a few weeks before the 11th Congress adjourned its session, Republic Act No. 9006, otherwise known as the Fair Elections Practices Act was passed. This law repealed Section 67 of BP 881 and it gives way to any elective public official to run for any other public office other than the one he is currently holding. The irony of this law is that only senators, barangay chairmen, and barangay kagawads can avail of this privilege specially those who aspire for higher office. This is so because Senators have a six-year-term in office while the barangay chairmen and kagawads although have a three-year-term, its election doesn't coincide with the local and national election. We have elections every three years and any barangay elected official could run as mayor, congressman, senator or president without the risk of losing his office.

We have several elections in the past and we saw a number of Senators seeking for Presidency and Vice Presidency positions then reclaimed back their positions after losing.

RA 9006 abets the promotion of nuisance candidates and encourages incumbent senators, barangay chairmen and kagawads to run for higher office knowing that that they have ~~no chance~~ of winning at all but the thought of making it through plain luck or "tsamba" is still there. Otherwise, nothing would be lost anyway.

In view of the foregoing, passage of this bill is earnestly sought.

RODRIGUEZ D. DADIVAS

Representative
1st District, Capiz
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AN ACT
DECLARING AN ELECTIVE OFFICIAL IPSO FACTO RESIGNED FROM HIS
ELECTIVE 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 elective position 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.* – All laws, presidential decrees, executive orders, rules and regulations, and parts thereof, which are inconsistent with the provision of this Act, are hereby repealed or modified accordingly.

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

Approved,