

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 1854



Introduced by HON. DANTON Q. BUESER

EXPLANATORY NOTE

This bill seeks to disqualify from seeking any elective office all persons charged with and detained for or convicted of offenses which are non-bailable under existing laws.

Constituencies have suffered enough from deprivation of representation in government due to the detention of their elective public officials as a consequence of the latter's being charged with and detained for non-bailable offenses. It is submitted that this piece of legislation will prevent the recurrence of similar incidents in the future.

The recent minute resolution of the Supreme Court in the case of People of the Philippines vs. Hon. Bonifacio Sanz Maceda, Presiding Judge of Branch 12, RTC of the Province of Antique and Avelino T. Javellana, G.R. No. 895-91-96, all the more makes imperative the disqualification of persons charged with or detained for non-bailable offenses from filing their certificates of candidacy for any position in any local or national elections. Said the High Tribunal in the landmark ruling:

“ Let it be stressed that all prisoners, whether under preventive detention or serving final sentence, cannot practice their profession or engage in any business or occupation, **or hold office, elective or appointive, while in detention. This is a necessary consequence of arrest and detention.**”

Thus, while the law does not bar from seeking elective public office a person charged with or detained for a non-bailable offense but who has not been convicted yet by final judgment, said person if elected could not discharge the duties of his office to the prejudice of his constituency, in the light of the aforecited holding of the High Court. Sound reason and discretion therefore dictate that a law providing for such proscription be enacted by Congress to spare the public from deprivation of representation in the proper organs of government.

In view of the foregoing, the passage of this proposed bill is most respectfully urged of the Members of the House of Representatives and the Senate.


DANTON Q. BUESER
Representative
3rd District Laguna

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**AN ACT DISQUALIFYING FROM FILING A CETIFICATE OF CANDIDACY
FOR ANY POSITION IN ANY NATIONAL OR LOCAL ELECTON PERSONS
CHARGED WITH AND DETAINED FOR OR CONVICTED OF NON-BAILABLE
OFFENSES.**

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

Section 1. Article I, Section 12, First Paragraph of Batas Pambansa
Bldg. 881, otherwise known as the Omnibus Election Code of the Philippines is
hereby amended to read as follows:

Section 2. *Disqualifications* – Any person who has been declared by
competent authority insane or incompetent, or has been sentenced by final
judgment for subversion, insurrection, rebellion or for any offense for which he
has been sentenced to a penalty of more than eighteen months or for a crime
involving moral turpitude, shall be disqualified to be a candidate and to hold any
office, unless he has been given plenary pardon or granted amnesty: ***Provided,***
that if a person seeking elective office has been charged with and detained
for or convicted of an offense which is not bailable under existing laws, he
shall ipso facto be disqualified from filing a certificate of candidacy for any
office, notwithstanding the pendency of the case or any appeal from the
judgment of conviction before any court of competent jurisdiction.

Approved.