

THIRTEENTH CONGRESS
REPUBLIC OF THE PHILIPPINES
FIRST REGULAR SESSION



HOUSE OF REPRESENTATIVES

H.B. No. 2959

Introduced by Representative Lorenzo R. Tañada III

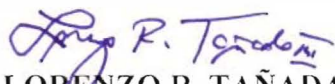
EXPLANATORY NOTE

When a candidate offers himself for selection by the people as their representative to discharge sovereign functions and his offer is accepted by the electorate, a covenant is forged between them which is in the nature of a contract which must be observed by both.

Thus, the elected public official is duty-bound to serve his term, efficiently and with integrity. The severance of the relation occurs only in extraordinary situations where there is a severe breach of the obligations due from each party. 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 like sickness or physical disabilities in the performance of public functions.

There are however certain instances 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 likewise resulted to inordinate expenses on the part of the government, where 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 often deprived of the desired 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.


LORENZO R. TAÑADA III

THIRTEENTH CONGRESS
REPUBLIC OF THE PHILIPPINES
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H.B. No. **2959**

Introduced by Representative Lorenzo R. Tañada III

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

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

SECTION 1. *Declaration of Policy.* - It is the declared policy of the State to maintain, inviolate and preserve the integrity of the covenant between the electorate and an elective official for the latter to serve the term for which he was elected except when removed involuntarily for valid causes recognized under the law. For this reason, the resignation by a duly elective public official of his elective post is declared to be both against the law and public policy.

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

- a) *Elective public official* shall refer to any official or officer of the national government, region, province, municipality or city who was elected to any position in an election called for the purpose, the term of office being prescribed by the Constitution or statutes.
- b) *Government position* refers to any position in any of the various units of the government, including a department, a bureau, office, instrumentality, or government-owned or controlled corporation, or a local government or a district unit thereof. It also includes any position in the Legislative and/or Judicial Branch of the Government, the Constitutional Commissions, state universities and colleges and offices created under the Constitution.

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

- c) A *government-owned or controlled corporation* is a stock or non-stock corporation, which is directly chartered by special law or, if otherwise formed, is owned or controlled by the government directly or indirectly through a parent corporation or subsidiary corporation, or by being, or through the representation by, at least the majority of its voting members, in the case of a non-stock corporation.
- d) An *acquired asset corporation* is a corporation which is:
 - (1) Under private ownership, at least the majority of whose outstanding capital stock has been -
 - aa) conveyed to the government or any of its agencies or instrumentalities, including government-owned or controlled corporations, in satisfaction of debts whether by foreclosure or otherwise; or
 - bb) duly acquired by the government through final judgment in sequestration proceeding.
 - (2) A subsidiary of a government-owned or controlled corporation formed exclusively to own and manage, or lease, or operate specific physical assets acquired by a government financial institution in satisfaction of debts incurred therewith; which under (1) or (2), by law or policy, is required to be disposed to private ownership within a specified period of time.

SECTION 3. *Disqualification.* - An elective public official who resigns his elective office shall be disqualified from being appointed to any government position during the unexpired term of the office he resigned.

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

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

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

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

Approved,