

REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

FIFTEENTH CONGRESS  
Second Regular Session

COMMITTEE REPORT NO. 1506



Submitted by the Committee on Suffrage and Electoral Reforms on 18 NOV 2011

Re : House Bill No. 5481

Recommending Its Approval In Substitution of HB No. 3629

Sponsors : Representatives Elpidio F. Barzaga, Jr.,  
Rufus B. Rodriguez and Maximo B. Rodriguez

Mr. Speaker:

The Committee on Suffrage and Electoral Reforms, to which was referred House Bill No. 3629 introduced by the Honorable Representatives Rufus B. Rodriguez and Maximo B. Rodriguez, entitled:

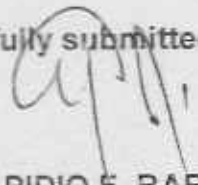
"AN ACT  
MANDATING THAT APPOINTIVE PUBLIC OFFICIALS ARE  
CONSIDERED RESIGNED FROM THEIR OFFICES UPON THEIR FILING OF  
THE CERTIFICATE OF CANDIDACY FOR ANY ELECTIVE PUBLIC POSITION"

has considered the same and recommends that the attached House Bill No. 5481 entitled:

"AN ACT  
PROVIDING FOR THE DISQUALIFICATION OF ANY PERSON HOLDING A PUBLIC  
APPOINTIVE OFFICE WHO FAILS TO VACATE A PUBLIC APPOINTIVE OFFICE ON THE  
DAY OF FILING OF THE CERTIFICATE OF CANDIDACY FOR ANY ELECTIVE POSITION,  
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8436, AS AMENDED"

with the Honorable Representatives Rufus B. Rodriguez and Maximo B. Rodriguez, as  
the authors thereof.

Respectfully submitted:

  
HON. ELPIDIO F. BARZAGA, JR.  
Chairman  
Committee on Suffrage and Electoral Reforms



Republic of the Philippines  
**House of Representatives**

Fifteenth Congress  
Second Regular Session

HOUSE BILL NO. 5481

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Introduced by Representatives Rufus B. Rodriguez and Maximo B. Rodriguez

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AN ACT  
PROVIDING FOR THE DISQUALIFICATION OF ANY PERSON  
HOLDING A PUBLIC APPOINTIVE OFFICE WHO FAILS TO VACATE A  
PUBLIC APPOINTIVE OFFICE ON THE DAY OF FILING OF THE  
CERTIFICATE OF CANDIDACY FOR ANY ELECTIVE POSITION,  
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8436, AS  
AMENDED

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

1       SECTION 1. Section 15 of Republic Act No. 8436, as amended, is hereby  
2 further amended to read as follows:

3  
4       “SECTION 15. *Official Ballot.* – The Commission shall  
5 prescribe the format of the electronic display and/or the size and form  
6 of the official ballot, which shall contain the titles of the positions to be  
7 filled and/or the propositions to be voted upon in an initiative,  
8 referendum or plebiscite. Where practicable, electronic displays must  
9 be constructed to present the names of all candidates for the same  
10 position in the same page or screen, otherwise, the electronic displays

1 must be constructed to present the entire ballot to the voter, in a series  
2 of sequential pages, and to ensure that the voter sees all of the ballot  
3 options on all pages before completing his or her vote and to allow the  
4 voter to review and change all ballot choices prior to completing and  
5 casting his or her ballot. Under each position to be filled, the names of  
6 candidates shall be arranged alphabetically by surname and uniformly  
7 indicated using the same type size. The maiden or married name shall  
8 be listed in the official ballot, as preferred by the female candidate.  
9 Under each proposition to be voted upon, the choices should be  
10 uniformly indicated using the same font and size.

11 XXX

XXX

XXX

12 For this purpose, the Commission shall set the deadline for the  
13 filing of certificate of candidacy/petition for registration/manifestation  
14 to participate in the election. Any person who files his certificate of  
15 candidacy within this period shall only be considered as a candidate at  
16 the start of the campaign period for which he filed his certificate of  
17 candidacy: *Provided*, That, unlawful acts or omissions applicable to a  
18 candidate shall take effect only upon the start of the aforesaid campaign  
19 period: *Provided, [finally.] FURTHER*, That any person holding a  
20 public appointive office or position, including active members of the  
21 armed forces, and officers and employees in government-owned or –  
22 controlled corporations, shall be considered ipso facto resigned from  
23 [his/her] office and must vacate the same at the start of the day of the  
24 filing of [his/her certification] THE CERTIFICATE of candidacy:  
25 *PROVIDED, FINALLY*, THAT ANY APPOINTIVE OFFICIAL WHO  
26 FAILS TO VACATE THE OFFICE ON THE DAY OF FILING THE  
27 CERTIFICATE OF CANDIDACY SHALL BE AUTOMATICALLY

DISQUALIFIED AS CANDIDATE FOR THE ELECTIVE  
POSITION AND SHALL NOT BE ELIGIBLE TO ASSUME THE  
FUNCTIONS OF THE ELECTIVE OFFICE.

XXX

XXX

XXX."

SEC. 2. *Repealing Clause.* – All laws, decrees, executive orders, rules and  
regulations or parts thereof inconsistent with the provisions of this Act are hereby  
repealed or modified accordingly.

SEC. 3. *Separability Clause.* – If, for any reason, any part or provision of this  
Act is declared invalid or unconstitutional, the remaining parts or provisions not  
affected thereby shall remain in full force and effect.

SEC. 3. *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,

## FACT SHEET

House Bill No. 5481  
(In substitution of HB No. 3629)

AN ACT  
PROVIDING FOR THE DISQUALIFICATION OF ANY PERSON HOLDING A PUBLIC  
APPOINTIVE OFFICE WHO FAILS TO VACATE A PUBLIC APPOINTIVE OFFICE  
ON THE DAY OF FILING OF THE CERTIFICATE OF CANDIDACY FOR ANY  
ELECTIVE POSITION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8436,  
AS AMENDED

*Introduced by: HON. RUFUS B. RODRIGUEZ and  
HON. MAXIMO B. RODRIGUEZ, JR.*

*Committee Referral: Committee on Suffrage and Electoral Reform;  
Committee Chairperson: HON. ELPIDIO F. BARZAGA, JR.*

### OBJECTIVE:

- To ensure that appointive officials do not use the power and resources of their office in campaigning for elective positions.

### KEY PROVISIONS:

- Mandates that any appointive official who fails to vacate the office on the day of filing the certificate of candidacy shall be automatically disqualified as candidate for the elective position and shall not be eligible to assume the functions of the elective office.

### RELATED LAWS:

- Republic Act No. 8436 (Automated Election Act)
- Republic Act No. 9006 (Fair Elections Act)
- Republic Act No. 9369 (amending R.A. No. 8436)