

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



House of Representatives
House Bill No. 183

Introduced by Congressman GUSTAVO S. TAMBUNTING

EXPLANATORY NOTE

"It is the policy of the State to promote a high standard of ethics in public service. Public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest." Section 2, Republic Act No. 6713

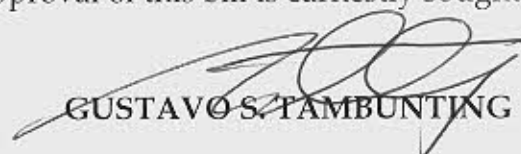
Public Office is a Public Trust.

This oft quoted adage is a cornerstone of the Civil Service. Every citizen who wishes to dispense a Public Office must remember that he or she must at all times, act in a manner that preserves and promotes the Public Trust. This duty is incumbent upon every civil servant, not just because it is his or her duty as an individual actor in Government, but because he or she is part of a bigger system upon which the people have resided great confidence.

Too often however, this duty has been relegated to a mere footnote. Public office has in most cases in the past been seen as an instrument of self aggrandizement and gain. This is especially true for Presidential appointees who sit in executive positions with access to the vast resources of Government. That there are government officials who use and abuse these resources is a well known fact. The vigorous *Anti-Epal* campaigns from civil society groups during the recent elections bear testament to this.

And while there are measures in place to prevent losing candidates from assuming executive positions, at least for some time after the election where they participated, there are no direct checks for executive officials who may use the resources of their offices in preparing for their political ambitions. This measure is envisioned to close this gap. As stated in the Declaration of Policy of Republic Act No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, every civil servant is expected to "uphold public interest over personal interest".

It is for this reason that the timely approval of this bill is earnestly sought.


GUSTAVO S. TAMBUNTING

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**AN ACT
PRESCRIBING A BAN ON PRESIDENTIAL APPOINTEES
FROM SEEKING ANY ELECTIVE POSITION
IMMEDIATELY AFTER THEIR TERMS OF OFFICE**

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

1 **SECTION 1. Short Title.** This Act shall be known as "The Executive Election
2 Ban Act of 2013".
3

4 **SECTION 2. Declaration of Policy.** The State subscribes to the principle that
5 Public Office is a Public Trust. The high degree of transparency, honesty and
6 fidelity to the Public Interest that is inherent in any position in Government,
7 whether elective or appointive, behoves all civil servants to observe this
8 principle in all their dealings. As such, all civil servants must act in a manner
9 which upholds the Public Interest at all times. For appointed officials who
10 wish to seek elective posts, it is in the Public Interest for them to show that
11 they will not use the power, perquisites, resources and influence of their
12 appointive positions to their advantage in their preparations for seeking such
13 elective post. Thus persons who accept these appointments must be
14 prevented from seeking elective positions in any general election after their
15 completion of their terms of office.
16

17 **SECTION 3. Coverage.** This Act shall cover all persons who hold executive
18 positions in Government based on a Presidential appointment, who serve
19 either at the pleasure of the President of the Republic or upon a specified term
20 of office.
21

22 **SECTION 4. Extent of Ban.** In order to ensure that appointive officials shall
23 not use and abuse the power, perquisites, resources and influence of their
24 appointive positions to advance their political ambitions, it shall be deemed
25 unlawful for such appointive officials to seek an elective position for a period
26 which shall not be less than twelve (12) months from the time that their term
27 of office for the appointive position ends, whether by operation of law, by
28 reason of the expiration of such term or upon a voluntary resignation
29 therefrom.

1 **SECTION 5.** The Commission on Elections, (COMELEC) is hereby directed
2 to include in the Certificate of Candidacy for all elective positions a
3 certification to be executed under oath by the person filing such certificate
4 that he or she has not held any appointive position within the twelve (12)
5 months prior to the filing of such Certificate of Candidacy.
6
7 **SECTION 6.** Any appointive official covered by this Act who shall file a
8 certificate of candidacy in violation of the proscription herein shall be
9 immediately disqualified by the COMELEC upon presentation of sufficient
10 proof that said person, at the time of the filing of his or her Certificate of
11 Candidacy, is holding or has held an appointive position in Government
12 within the twelve (12) month period described in Section Four of this Act .
13 Such disqualification shall be without prejudice to the filing and prosecution
14 of any administrative or criminal case or cases for perjury and/or violation of
15 the oath prescribed in the immediately preceding Section.
16
17 **SECTION 7. Separability Clause.** In the event that any provision of this Act
18 is declared unconstitutional, the validity of the other provisions shall not be
19 affected by such declaration.
20
21 **SECTION 6. Effectivity.** This Act shall take effect after its complete
22 publication in the Official gazette or at least two (2) newspapers of general
23 circulation.

Approved,