

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

17TH CONGRESS
First Regular Session

House Bill No. **4743**



Introduced by **REP. EVELINA G. ESCUDERO**

EXPLANATORY NOTE

This bill proscribes appointive officials, specifically heads of departments and agencies of government, from running in the elections immediately succeeding their incumbency.

Section 27, Article II of the Constitution declares as State policy the maintenance of honesty and integrity in the public service and to take positive and effective measures against graft and corruption. Undeniably, heads of government agencies, especially department secretaries, wield considerable political power and influence given their positions in government. The law that mandates appointive officials as automatically, or *ipso facto*, resigned upon the filing of the certificate of candidacy, should they decide to run for public office, may prove to be insufficient. The interim between the said resignation and the date of elections renders ineffective the purpose of the law to avoid the use of the authority and influence that go with the office to win an elective seat. To the contrary, such power in government can even be better positioned and planned to the detriment of public service and interest.

Moreover, Executive Order No. 292, series of 1987, or the Administrative Code of 1987, and Batas Pambansa Blg. 881, or the Omnibus Election Code, as amended, generally prohibit partisan political activity as well as the use of authority or influence to coerce the political activity of other person or body.

With these constitutional and statutory bases, it is humbly submitted that due consideration and deliberation must be had in enacting a law that can effectively address any form of abuse and peddling of power and/or influence attendant to significant appointive positions in government for the purpose of securing an elective position.


EVELINA G. ESCUDERO

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House Bill No. **4743**

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AN ACT
PROHIBITING HEADS OF DEPARTMENTS AND AGENCIES OF GOVERNMENT
FROM RUNNING FOR ANY ELECTIVE POSITIONS IN THE ELECTIONS
IMMEDIATELY SUCCEEDING THEIR INCUMBENCY AND FOR OTHER
PURPOSES

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

SECTION 1. Declaration of State Policy. – It is hereby declared a policy of the State to equalize the playing field in the elections. Toward this end, securing the mandate of the people shall be on the basis of, among others, qualification and merit.

SEC. 2. Prohibited Act. – It shall be unlawful for any head of agencies of government to run for any elective positions in the elections immediately succeeding their incumbency regardless of tenure and severance from office.

For purposes of this Act, heads of agencies of government shall refer to the highest appointive position in a department, bureau, authority, administration or any government agency such as secretaries of departments, and heads of government agencies and instrumentalities, including government owned and controlled corporations, and government financial institutions.

SEC. 3. Exception. – This law shall not apply to the Vice-President.

SEC. 4. Separability Clause. – If any part or provision of this Act is held unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby, shall continue to be in full force and effect.

SEC. 5. Repealing Clause. – All laws, decrees, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 6. Effectivity. – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,