

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

Seventeenth Congress
First Regular Session

HOUSE BILL no. **5680**



Introduced by Representative Geraldine B. Roman

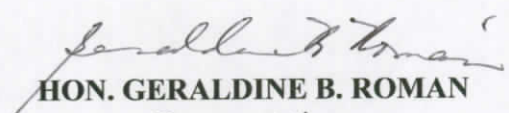
EXPLANATORY NOTE

The all-out war on drugs led by Philippine President Rodrigo Duterte made us realize that there are millions of drug addicts in our country. We now know why heinous crimes have been so rampant in the past few years and its connection with the rampant sale and distribution of illegal drugs in our society. We now know that illegal drugs diminish the brain functions of its users and that led to many heinous crimes like the rape and murder of thousands of our citizens, including babies and the elderly, in the past years. With that, we must now help President Rodrigo Duterte in creating a drug-free society so that we can also create a crime-free society for our countrymen.

In consonance with his anti-drug agenda, government officials, especially individuals who are prospective to assume political leadership positions in the Philippine government should be tested first if they themselves are illegal drug users. As persons of authority, being engaged in drug use or drug trade results to conflict of interest and might lead to an increased drug use and drug sale in his area because their incoming political leader also uses or sells illegal drugs.

Republic Act No. 881 or the Omnibus Election Code does not require candidates for elective positions to undergo drug tests first. It is high time that its provisions be amended such that individuals seeking to file their certificates of candidacy (COC) are obliged to undergo drug tests administered by the Philippine Drug Enforcement Agency (PDEA). With this, the citizenry is assured that their prospective leaders are not only treading the path of service, but also the path of uprightness, and will become model servant-leaders for their constituents and for our country.

For the reasons stated above, the passage of this bill is earnestly sought.


HON. GERALDINE B. ROMAN
Representative
First District, Bataan

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

Seventeenth Congress
First Regular Session

HOUSE BILL no. **5680**

Introduced by Representative Geraldine B. Roman

AN ACT
AMENDING THE OMNIBUS ELECTION CODE TO INCLUDE THE MANDATORY
DRUG TESTING BY THE PHILIPPINE DRUG ENFORCEMENT AGENCY (PDEA)
FOR ALL CANDIDATES AS A PREREQUISITE FOR THE FILING OF
THEIR CERTIFICATES OF CANDIDACY

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

Section 1. Section 63 of Republic Act no. 881 or the Omnibus Election Code, as amended, is hereby amended to read as follows:

“Section 63. Qualifications for President and Vice-President of the Philippines. No person may be elected President unless he is a natural-born citizen of the Philippines, a registered voter, able to read and write, at least forty years of age on the day of election, **tested negative from the use of illegal drugs as certified by the Philippine Drug Enforcement Agency (PDEA) at least two weeks or at the most two days prior to the filing of certificate of candidacy**, and a resident of the Philippines for at least ten years immediately preceding such election.”

Section 2. Section 64 of Republic Act no. 881 or the Omnibus Election Code, as amended, is hereby amended to read as follows:

“Section 64. Qualifications for Members of the Batasang Pambansa. No person shall be elected Member of the Batasang Pambansa as provincial, city or district representative unless he is a natural-born citizen of the Philippines and, on the day of the election, is at least twenty-five years of age, able to read and write, a registered voter in the constituency in which he shall be elected, **tested negative from the use of illegal drugs as certified by the Philippine Drug Enforcement Agency (PDEA) at least two weeks or at the most two days prior to the filing of certificate of candidacy**, and a resident thereof for a period of not less than six months immediately preceding the day of the election.”

Section 3. Section 65 of Republic Act no. 881 or the Omnibus Election Code, as amended, is hereby amended to read as follows:

“Section 65. Qualifications of elective local officials. The qualifications for elective provincial, city, municipal and barangay officials shall be those provided for in the Local Government Code, **to include proof that he or she is negative from the use of illegal drugs as certified by the Philippine Drug Enforcement Agency at least two weeks or the most two days prior to the filing of certificate of candidacy.”**

Section 4. Section 68 of Republic Act no. 881 or the Omnibus Election Code, as amended, is hereby amended to read as follows:

“Section 68. Disqualifications. Any candidate who, in an action or protest in which he is a party is declared by final decision of a competent court guilty of, or found by the Commission of having

- a. given money or other material consideration to influence, induce or corrupt the voters or public officials performing electoral functions;
- b. committed acts of terrorism to enhance his candidacy;
- c. spent in his election campaign an amount in excess of that allowed by this Code;
- d. solicited, received or made any contribution prohibited under Sections 89, 95, 96, 97 and 104; or
- e. violated any of Sections 80, 83, 85, 86 and 261, paragraphs d, e, k, v, and cc, subparagraph 6, shall be disqualified from continuing as a candidate, or if he has been elected, from holding the office. Any person who is a permanent resident of or an immigrant to a foreign country shall not be qualified to run for any elective office under this Code, unless said person has waived his status as permanent resident or immigrant of a foreign country in accordance with the residence requirement provided for in the election laws. ”
- f. Was found positive in the use of illegal drugs after at least three tests administered by the Philippine Drug Enforcement Agency. Re-testing is carried out upon appeal of an individual or a group and as approved by the Commission on Elections.**

Section 5. Section 74 of Republic Act no. 881 or the Omnibus Election Code, as amended, is hereby amended to read as follows:

“Section 74. Contents of certificate of candidacy. The certificate of candidacy shall state that the person filing it is announcing his candidacy for the office stated therein and that he is eligible for said office; if for Member of the Batasang Pambansa, the province, including its component cities, highly urbanized city or district or sector which he seeks to represent; the political party to which he belongs; civil status; his date of birth; residence; his post office address for all election purposes; his profession or occupation; that he will support and defend the Constitution of the Philippines and will maintain true faith and allegiance thereto; that he will obey the laws, legal orders, and decrees promulgated by the

duly constituted authorities; that he is not a permanent resident or immigrant to a foreign country; that the obligation imposed by his oath is assumed voluntarily, without mental reservation or purpose of evasion; and that the facts stated in the certificate of candidacy are true to the best of his knowledge.

...

The person filing a certificate of candidacy shall also affix his latest photograph, passport size; a statement in duplicate containing his bio-data, **a certification from the Philippine Drug Enforcement Agency declaring the person as negative of illegal drug use**, and program of government not exceeding one hundred words, if he so desires."

Section 5. *Repealing Clause* – Republic Act no. 881; and all laws, presidential decrees, executive orders, rules and regulations, and parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 6. *Separability Clause* – If, for any reason, any section or provision of this Act, or any portion thereof, or the application of such section, provision, or portion to any person, group, or circumstance is declared invalid or unconstitutional, the remainder of this Act or the application of such section, provision, or portion thereof to other persons, groups, or circumstances shall not be affected by such declaration.

Section 7. *Effectivity* – This Act shall take effect fifteen (15) days following its publication in three (3) newspapers of general circulation.

Approved,