

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
First Regular Session

HOUSE BILL NO. **5877**



Introduced by Honorable Deogracias Victor "DV" B. Savellano

EXPLANATORY NOTE

Article VII Section 15 of the 1987 Constitution provides that two months immediately before the next presidential elections and up to the end of his term, a President or Acting President shall not make appointments, except temporary appointments to executive positions when continued vacancies therein will prejudice public service or endanger public safety.

As can be inferred from the preceding paragraph, the highest law of the land mandates the proscription of appointments to political offices made during the last two months of the term of office of the person in whom the right of making such appointment is vested. Unfortunately, there is no law yet that proscribes appointive officials from seeking public posts immediately after the expiration of their appointments.

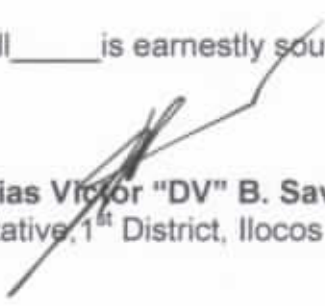
In line with the development plan of the current administration, particularly, to curb the incidents of corruption, this bill will necessarily curtail one of the avenues of corruption by cutting short the dreams of aspiring albeit unscrupulous public officials who accumulated ill-gotten wealth from their political positions.

Needless to say, the prevalent trend in the political spectrum is constructing confidential positions as a catapult for appointive officials to hoist them to target elective positions. As a consequence, such officials abuse their positions to acquire tangible and intangible resources to place them in a better footing in the elections immediately after the expiration of their respective appointments.

Such unwarranted footing is comprehensive enough to assure the departing appointive official a seat in the national or local elections. The ill-gotten wealth is just one of the factors which make the passage of this bill imperative. Of equal importance is the familiarity the appointive position clothes the aspiring candidate and the undue influence he or she may exert in order gain advantage from other candidates.

Lastly, the lack of statute promotes the unconscionable concentration of powers in an individual as the void allows appointive officials to run without any convenience, likewise, after the cessation of their respective appointments.

In view of the foregoing, the passage of house bill _____ is earnestly sought.


Hon. Deogracias Victor "DV" B. Savellano
Representative, 1st District, Ilocos Sur

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AN ACT PROHIBITING APPOINTIVE OFFICIALS FROM RUNNING FOR ELECTIVE POSITIONS WITHIN THREE YEARS IMMEDIATELY PRECEDING THE EXPIRY DATE OF THEIR APPOINTMENT

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

SECTION 1. Short Title - This Act shall be known as the "MIDNIGHT ELECTIONS" of 2017."

SECTION 2. Declaration of Policy - The State recognizes the proscription on the part of the President or Acting President to make appointments two months immediately before the next presidential elections and up to the end of his term, except temporary appointments to executive positions when continued vacancies therein will prejudice public service or endanger public safety.

SECTION 3. Definition of Terms – As used in this Act:

- a.) **"Government Agency"** shall include the executive, legislative and judicial branches, as well as, the constitutional bodies of the Republic of the Philippines, including but not limited to, the national government and all its agencies, departments, bureaus, offices and instrumentalities, constitutional commissions and constitutionally mandated bodies, local governments and all their agencies, regulatory agencies, chartered institutions, government owned and/or controlled corporations, wholly-owned or controlled subsidiaries, government financial institutions, state universities and colleges.
- b.) **"Coordinating Office"** shall mean the agency duty-bound to facilitate the processing of requirements and handle administration duties as

may be required by the agency mandated to enforce and implement the objectives stated herein.

SECTION 4. Implementation – There shall be established implementing rules and regulations, taking into account relevant government agencies and instrumentalities, particularly those with regulatory powers, to effectuate the objectives expressed herein, as well as, integration of the Midnight Elections ban in the internal rules of affected agencies.

SECTION 5. Supervision – There shall be established government agencies in charge of enforcing pertinent laws, rules and regulations to accomplish the purposes stated herein, which shall be under the supervision and control of the Commission on Elections (COMELEC).

Section 6. Coordination - The Office of the President (OP) shall furnish COMELEC, with respect to its appointees, any written communication or documents necessary to accomplish the objectives set forth herein, as well as, aid the latter with whatever requirements found to be indispensable for carrying out the provisions, likewise stated herein.

SECTION 7. Funding – The COMELEC shall include in the Commission's annual budget a fund dedicated to cover the expenses incurred by OP in furnishing pertinent documents and aiding the former in administration and facilitation duties, the funding of which shall be included in the annual General Appropriations Act.

SECTION 8. Keeping of Records – The day to day operations, with respect to those appointees that may fall under the proscription and any other transactions relevant to this act, of COMELEC AND OP shall be recorded.

SECTION 9. Exemption from Compliance – Government Agencies not exercising regulatory functions or those agencies that may be considered as insignificant in regard to duties and annual income generated or with regard to the objectives of this bill, are exempted from this Act.

SECTION 10. Separability Clause – If any section or part of this Act is held unconstitutional, no other section or provision shall be affected.

SECTION 11. Repealing Clause – All laws, decrees, executive orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Act, are deemed repealed.

SECTION 12. Effectivity - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.