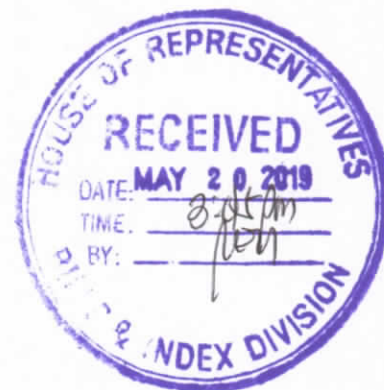


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. **9191**

Introduced by: **REP. EDGAR MARY S. SARMIENTO**

EXPLANATORY NOTE

"A public office is a public trust."¹ Thus, the sanctity of candidacy for public office should always be protected as much as one's right of suffrage.

In recent years, this sanctity has been undermined, if not mocked, by many who presented themselves as candidates for public office despite the fact that a court, tribunal or administrative body found compelling evidence to decide on their guilt and impose upon them the corresponding penalties including perpetual or temporary disqualification from holding any public office. These people have relied on the benefits of filing an appeal and the rule that penalties shall not be made executory pending such appeal.

This rule of law has already resulted in some dire consequences for legal precedence and government flow in general.

Allowing persons sentenced to penalties involving disqualification pending appeal to run for public office paved the way for the (now overturned) Condonation Doctrine. Under this theory, the re-election of an official makes him no longer accountable for his previous misconducts and faults.² In relation to the present matter, when persons convicted of prior misconduct are allowed to run pending appeal of their convictions, it allows said persons to be rid of accountabilities for their past transgressions both in and out of public office.

¹ Section 1, Article XI, 1987 Constitution

² *Aguinaldo v. Santos* (1992)

In the instance where such candidate won the election but lost his/her appeal for his/her conviction, there's the untimely and inconvenient vacancy in office of such candidate. This necessarily disrupts government flow and the rendering of services to the affected constituents.

Furthermore, allowing a person convicted to be a candidate despite pending appeal results in the absurd situation where such candidate vies for public office despite a tribunal's finding of guilt beyond reasonable doubt and casting doubt on such person's integrity and qualification to hold something as important as public trust.

Thus, there is a need to amend the Omnibus Election Code to ensure that the sanctity of candidacy for public office is protected and to avoid the consequences of allowing those already sentenced to be disqualified from still running for office.



EDGAR MARY S. SARMIENTO

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Introduced by: **REP. EDGAR MARY S. SARMIENTO**

**AN ACT AMENDING SECTIONS 12 AND 68 OF BATAS PAMBANSA BILANG 881,
ALSO KNOWN AS THE OMNIBUS ELECTION CODE, DISQUALIFYING
PERSONS CONVICTED OR SANCTIONED IN ANY COURT, TRIBUNAL OR
BODY FROM BEING DECLARED AS A CANDIDATE OR FROM HOLDING ANY
PUBLIC OFFICE PENDING APPEAL OF CONVICTION, WHERE THE PENALTY
IMPOSED INCLUDES TEMPORARY OR PERPETUAL DISQUALIFICATION**

1 *Be it enacted by the Senate and the House of Representative of the Philippines in*
2 *Congress assembled:*

3
4 **SECTION 1.** Section 12 of the Omnibus Election Code is hereby amended to read as
5 follows:

6
7 “Sec. 12. Disqualifications. - Any person who has been declared by competent
8 authority insane or incompetent, or has been sentenced by final judgment for
9 subversion, insurrection, rebellion or for any offense for which he has been
10 sentenced to a penalty of more than eighteen months or for a crime involving moral
11 turpitude, shall be disqualified to be a candidate and to hold any office, unless he
12 has been given plenary pardon or granted amnesty.

13
14 *Should the order or judgment imposing the sentence above mentioned be brought*
15 *up on appeal, the person so sentenced shall still be disqualified until such time the*
16 *appeal reverses the conviction and acquits such person.*
17

Any person convicted or sanctioned for any offence in any court, tribunal or body shall likewise be disqualified from being declared a candidate or, if elected, from holding public office pending appeal of such conviction or sanction, where the penalty imposed includes temporary or perpetual disqualification.

All other disqualifications to be a candidate herein provided shall be deemed removed upon the declaration by competent authority that said insanity or incompetence had been removed or after the expiration of a period of five years from his service of sentence, unless within the same period he again becomes disqualified.”

SECTION 2. Section 68 of the Omnibus Election Code is hereby amended to read as follows:

“Sec. 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.

Any person convicted of the above enumerated offences shall likewise be disqualified from being declared a candidate or, if elected, from holding public office pending appeal of such conviction.

61 **SECTION 3.** Repealing Clause — All laws, presidential decrees, executive orders,
62 resolutions, rules and regulations or parts thereof inconsistent with the provisions of this Act
63 are hereby repealed or modified accordingly.
64

65 **SECTION 4.** Effectivity — This Act shall take effect fifteen (15) days after its
66 publication in a newspaper of general circulation.
67

68 *Approved,*