

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City



**EIGHTEENTH CONGRESS**  
First Regular Session

**3231**  
House Bill No. \_\_\_\_\_

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

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**EXPLANATORY NOTE**

In the 17<sup>th</sup> Congress and at the onset of this 18<sup>th</sup> Congress, this representation filed House Bill no. 92, or “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.”

The aforementioned bill reinforces the importance of the Constitutional provision that “A public office is a public trust”<sup>1</sup> and protects the sanctity of candidacy for public office and every person’s right of suffrage.

This bill takes the aforementioned measure forward by applying the same notion to appointed and designated officials.

This will prevent the appointment or designation into public office of persons facing convictions with penalties including temporary or perpetual disqualification, despite pending appeals therefrom. It will prevent the appointment of any person against whom a court, tribunal or administrative body found compelling evidence to decide on his/her guilt. It will stop these people from relying further on the benefits of filing an appeal and the rule that penalties shall not be made executory pending such appeal.

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<sup>1</sup> Section 1, Article XI, 1987 Constitution

This House Bill intends to address the pressing need to amend the Revised Administrative Code (Executive Order no. 292), particularly Book V, Title I, Subtitle A, Chapter 8 to ensure that the sanctity of appointments for public office is protected and to avoid the consequences of allowing those already sentenced to be disqualified from still being appointed into public office. Hence this bill.



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**AN ACT AMENDING SECTION 54, CHAPTER 8, SUBTITLE A, TITLE I, BOOK V,  
OF EXECUTIVE ORDER NO. 292, ALSO KNOWN AS THE REVISED  
ADMINISTRATIVE CODE OF 1987, ADDING AS PROHIBITION OR  
DISQUALIFICATION FROM APPOINTMENT OR DESIGNATION IN ANY  
PUBLIC OFFICE THE CONVICTION OR SANCTION IN ANY COURT,  
TRIBUNAL OR BODY 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:*

4       **SECTION 1.** Section 54, Chapter 8, Subtitle A, Title I, Book V, of Executive Order  
5 no. 292, also known as the Revised Administrative Code of 1987 is hereby amended to read  
6 as follows:

8       **“SECTION 54. Limitation on Appointment. —**

10      (1) No elective official shall be eligible for appointment or designation in any  
11 capacity to any public office or position during his tenure.

13      (2) No candidate who has lost in any election shall, within one year after  
14 election, be appointed to any office in the Government or any government-  
15 owned or controlled corporations or in any of its subsidiaries.

17      (3) Unless otherwise allowed by law or by the primary functions of his position,  
18 no appointive official shall hold any other office or employment in the

1 Government or any subdivision, agency or instrumentality thereof, including  
2 government-owned or controlled corporations or their subsidiaries.  
3

4 (4) No person who has been declared by competent authority insane or  
5 incompetent, or has been sentenced by final judgment for graft, corruption,  
6 subversion, insurrection, rebellion or for any offense for which he has been  
7 sentenced to a penalty of more than eighteen months or for any crime involving  
8 moral turpitude, shall be appointed or designated to hold any office, unless he  
9 has been given plenary pardon or granted amnesty.

10  
11 Should the order or judgment imposing the sentence above mentioned be  
12 brought up on appeal, the person so sentenced shall still be prohibited and  
13 disqualified from appointment or designation until such time the appeal reverses  
14 the conviction and acquits such person.

15  
16 Any person convicted or sanctioned for any other offence not covered by the  
17 preceding paragraphs in any court, tribunal or body shall likewise be  
18 disqualified from being appointed or designated into any public office pending  
19 appeal of such conviction or sanction, where the penalty imposed includes  
20 temporary or perpetual disqualification.

21  
22 All other disqualifications to be a candidate herein provided shall be deemed  
23 removed upon the declaration by competent authority that said insanity or  
24 incompetence had been removed unless within the same period he again  
25 becomes disqualified."

26  
27  
28 **SECTION 2.** Repealing Clause — All laws, presidential decrees, executive orders,  
29 resolutions, rules and regulations or parts thereof inconsistent with the provisions of this Act  
30 are hereby repealed or modified accordingly.

31  
32 **SECTION 3.** Effectivity — This Act shall take effect fifteen (15) days after its  
33 publication in a newspaper of general circulation.

34  
35 Approved,