

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 10381

EXPLANATORY NOTE

Section 67 of the Omnibus Election Code provides that:

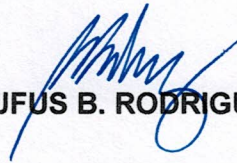
Sec. 67. Candidates holding elective office. - Any elective official, whether national or local, running for any office other than the one which he is holding in a permanent capacity, except for President and Vice-President, shall be considered ipso facto resigned from his office upon the filing of his certificate of candidacy.

This provision was repealed by Republic Act No. 9006 otherwise known as the "Fair Election Act". Further, the Supreme Court has already ruled and upheld the doctrine it laid down in *Fariñas vs. Executive Secretary* (G.R. No. 147387, 10 December 2003) that, "substantial distinctions clearly exist between elective officials and appointive officials" to warrant a different treatment between the two.

With this, the rule now is that appointive government officials who file their Certificates of Candidacy are deemed resigned while elective officials who file their Certificates of Candidacy are not.

However, it is high time to reinstate the repealed provision on elective officials being deemed resigned once they file their Certificates of Candidacy, but only if they file for another position different from the ones they are currently holding. This would force aspirants to take running for higher office seriously and to stop manipulating and mocking the electoral process. It would also make more people believe in the integrity of our elections.

In view of the foregoing, immediate approval of this measure is earnestly requested.


RUFUS B. RODRIGUEZ

EIGHTEENTH CONGRESS)
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AN ACT

**REINSTATING AND AMENDING SECTION 67 OF BATAS PAMBANSA BILANG 881
OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE OF THE PHILIPPINES**

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

SECTION 1. Section 67 of Batas Pambansa Bilang 881 otherwise known as the Omnibus Election Code of the Philippines is hereby reinstated and amended to read as follows:

Sec. 67. Candidates holding elective office. - Any elective official, whether national or local, running for any office other than the one which he is holding in a permanent capacity[, except for President and Vice-President,] shall be considered ipso facto resigned from his office upon the filing of his certificate of candidacy.

SEC. 2. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

SEC. 3. Effectivity Clause. - This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or a newspaper of general circulation.

Approved,