

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

House Bill No. **10393**



Introduced by **REPRESENTATIVE KHYMER ADAN T. OLASO**

EXPLANATORY NOTE

The proposed bill, entitled the "*Prohibition of Appointive Officials from Running for Elective Positions Act*," seeks to address a significant loophole in the Philippines' electoral system. Appointive officials, who are appointed to their positions by the President or other appointing authorities, often wield considerable influence and power within their respective spheres of governance. However, this influence can be easily exploited for personal political gain, as appointive officials may seek to transition directly from their appointed roles to elective positions, leveraging their incumbency and resources for electoral advantage.

This bill aims to safeguard the integrity of the electoral process by imposing a three-year prohibition on appointive officials from running for any elective position immediately preceding the expiry date of their appointment or resignation. By instituting this cooling-off period, the legislation intends to mitigate the risk of conflicts of interest, abuse of power, and undue influence in the electoral arena.

The rationale behind this prohibition is multifaceted. Firstly, it aims to promote fairness and equal opportunity in elections by preventing incumbents from leveraging their positions for personal political gain. Secondly, it seeks to uphold the principles of transparency and accountability in governance, ensuring that appointive officials serve the public interest rather than their own political ambitions. Additionally, the bill aims to foster a level playing field for all candidates, free from the advantages conferred by incumbency and access to government resources.

Furthermore, the proposed legislation aligns with the broader objectives of strengthening democratic institutions and promoting good governance in the Philippines. By discouraging the seamless transition from appointed positions to elective offices, the bill aims to foster a more dynamic and competitive political

landscape, where individuals are elected based on merit, platforms, and public trust rather than incumbency advantages.

In conclusion, the "Prohibition of Appointive Officials from Running for Elective Positions Act" represents a crucial step towards enhancing the integrity, fairness, and accountability of the Philippines' electoral system. By imposing a reasonable cooling-off period for appointive officials, the bill aims to uphold the fundamental principles of democracy and ensure that electoral contests are conducted in a manner that reflects the genuine will of the people.

A handwritten signature in black ink, consisting of a stylized 'K' followed by a circle and a horizontal line.

KHYMER ADAN T. OLASO

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**AN ACT PROHIBITING APPOINTIVE OFFICIALS FROM RUNNING
FOR ELECTIVE POSITIONS ACT**

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

SECTION 1. Short Title

This Act shall be known as the "Prohibition of Appointive Officials from Running for Elective Positions Act."

SECTION 2. Prohibition

No appointive official shall be eligible to run for any elective position within three (3) years immediately preceding the expiry date of their appointment or resignation.

SECTION 3. Definition

For the purposes of this Act:

- a) "Appointive official" refers to an individual holding a position in government that is filled through appointment by the President or any appointing authority.
- b) "Elective position" refers to any public office in the Philippines for which candidates are elected by popular vote.

SECTION 4. Exceptions

This prohibition shall not apply to appointive officials who have resigned from their positions at least three (3) years prior to the date of the election in which they intend to participate as a candidate for an elective position.

SECTION 5. 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 6. Penalties

- a) Any appointive official found violating the provisions of this Act shall be disqualified from running for the elective position they seek, and their candidacy shall be declared null and void.
- b) Any appointive official who willfully violates the provisions of this Act shall be subject to appropriate administrative, civil, and criminal sanctions as provided by existing laws.

SECTION 7. Implementation

The Commission on Elections (COMELEC) shall promulgate rules and regulations necessary for the effective implementation of this Act within ninety (90) days from its effectivity.

SECTION 8. Effectivity

This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

SECTION 9. Repealing Clause

All laws, decrees, orders, rules, and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly

SECTION 10. Separability Clause

If any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

SECTION 11. Appropriations

Funds necessary for the implementation of this Act shall be sourced from the General Appropriations Act.

Approved,