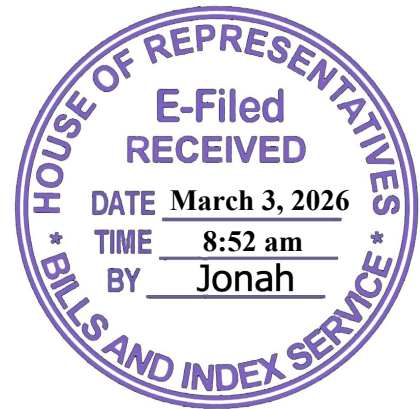


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 8238



Introduced by the Honorable Richard I. Gomez, DPA

EXPLANATORY NOTE

Under Section 67 of the Omnibus Election Code (Batas Pambansa Blg. 881), “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.”

However, the automatic resignation upon filing of a certificate of candidacy of any elective incumbent running for a different position had been repealed by Sec. 14 of the “Fair Election Act” (Republic Act No. 9006).

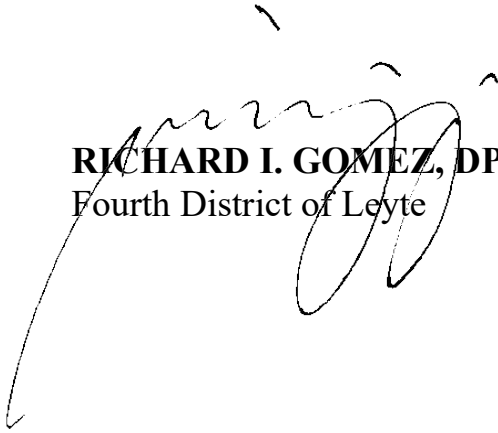
As a result of the repeal, elective officials, more particularly and almost singularly incumbent Senators, could vie for different positions in presidential or mid-term elections during their term of office without forfeiting their position as Senator in the eventuality of a lost bid. Except also for elective barangay officials who now have a four-year term of office by virtue of R. A. No. 12232 (2025), incumbents in other elective positions whose term of office are for three (3) years could not avail of the benefits of the “non-forfeiture” clause because their incumbency ends shortly after the concerned presidential or midterm elections, for which reason they have no position to return to in the event of electoral defeat.

This practice of allowing defeated candidates to reassume their position after the election must be deemed repugnant to the Constitution for being a class legislation. It violates the equal protection clause since only a group of elected officials (mainly Senators and to a limited extent barangay officials) are benefited.

Further, running for another position during one's incumbency must be deemed an abandonment of the current elective position.

This bill is in alignment with similar proposals in previous Congresses, the latest iteration of which was House Bill No. 1476 of then Rep. Edcel C. Lagman in the Nineteenth Congress.

In view of the foregoing compelling reasons, the approval of this measure, at the earliest possible time, is strongly recommended.



RICHARD I. GOMEZ, DPA
Fourth District of Leyte

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
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House Bill No. 8238

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AN ACT
DECLARING AN ELECTIVE OFFICIAL *IPSO FACTO* RESIGNED FROM
HIS OFFICE UPON FILING OF HIS CERTIFICATE OF CANDIDACY
FOR A POSITION OTHER THAN THE ONE FOR WHICH HE HAS BEEN
ELECTED OR IS HOLDING IN A PERMANENT CAPACITY

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

SECTION 1. *Ipso Facto Resignation of Elective Officials.* – Any elective official, whether national or local, running for any office other than the one for which he has been elected or is holding in a permanent capacity shall be considered *ipso facto* resigned from his office upon the filing of his certificate of candidacy.

SEC. 2. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations and other issuances, or any part thereof, inconsistent with this Act are hereby repealed, modified, or amended accordingly.

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

Approved,