



Senate
Office of the Secretary

**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES)**
First Regular Session)

23 JAN 17 P4 :47

SENATE
S. No. 1683

RECEIVED BY:

Introduced by **Senator Raffy T. Tulfo**

**AN ACT DECLARING AN ELECTIVE OFFICIAL IPSO FACTO RESIGNED FROM
HIS ELECTIVE OFFICE UPON THE FILING OF HIS CERTIFICATE OF
CANDIDACY**

EXPLANATORY NOTE

A public office is a public trust. According to the constitution, all public servants must always be answerable to the people and provide for their needs with the utmost loyalty, responsibility, and efficiency.

In accordance with Section 67 of Batas Pambansa Bilang 881, also known as the Omnibus Election Code, an elective official who files a certificate of candidacy for a position in the public sector other than the one he is currently holding in a permanent capacity, with the exception of the positions of President and Vice-President, is deemed to have resigned from that office.

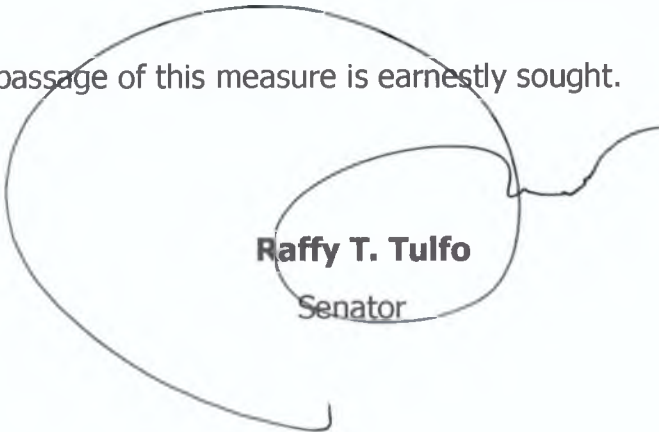
For enabling the unjust and unequal treatment of candidates, this law has drawn criticism. The legislation favors those who seek the presidency and vice presidency, offering losing candidates the greatest comfort and opportunity to restore their positions. The law, however, denies the same benefit and privilege to candidates for other elective offices, treating them as though they had already resigned regardless of the election's outcome.

More importantly, this measure undermines the prohibition on obtrusive candidates by encouraging political adventurism. The statute serves as a steady source of support for incumbent elective officials, who foster the idea that since they might have nothing to lose, they might as well run for the two highest posts even though they know they have no chance of succeeding. The Commission on Elections has been unfairly burdened with unnecessary administrative and operational work as a result.

The passing of Republic Act No. 9006, often known as the Fair Elections Practices Act, which disregarded Section 67 of BP 881, made the situation even worse. The current state of the law allows any elective public official to run for any other position than the one he or she is currently holding without running the risk of losing that office.

It is believed that this flawed public policy should be corrected immediately by restoring the old law. In doing so, the constitutional mandate to all public officials to serve the people with utmost loyalty and not jeopardize the mandate entrusted to them by their constituents is preserved and honored.

With the reasons stated, the passage of this measure is earnestly sought.



Raffy T. Tulfo
Senator



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

1 **SECTION 1. Candidates holding elective office.** - Any elective official,
2 whether national or local, running for any public office other than the elective
3 position which he is holding in a permanent capacity shall be considered ipso
4 facto resigned from his office upon the filing of the certificate of candidacy.
5

6 **SEC. 2. Repealing Clause.** - All laws, presidential decrees, executive
7 orders, rules and regulations, and parts thereof, which are inconsistent with the
8 provisions of this Act, are hereby repealed or modified accordingly.
9

10 **SEC. 3. Effectivity.** - This Act shall take effect fifteen (15) days following its
11 publication in three (3) newspapers of general circulation.

Approved,