

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 1379



Introduced by Representative Fredenil H. Castro


AN ACT
PROVIDING FOR THE DISQUALIFICATION OF ANY PERSON HOLDING A PUBLIC
APPOINTIVE OFFICE WHO FAILS TO VACATE A PUBLIC APPOINTIVE OFFICE ON
THE DAY OF FILING OF THE CERTIFICATE OF CANDIDACY FOR ANY ELECTIVE
POSITION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8436, AS
AMENDED

EXPLANATORY NOTE

The 1987 Constitution guarantees the equal access to opportunities for public service. To this end, Congress has then strived to enact laws to ensure that the political playing field is levelled. Hence, laws ensuring fair elections have been passed, while bills prohibiting political dynasties have been aggressively pushed, among others. While it has been a long standing policy that appointed public officials are considered automatically resigned from their appointive positions when they run for a public office, yet, there has been confusions on the exact date when an appointed public official is deemed resigned from his appointive position.

It is the intention of this bill to prevent appointed public officials who run for public elected office from utilizing government resources for their political advantage. This bill aims to further strengthen and clarify the long established policy that appointed public officials are automatically deemed resigned from their office upon filing of their certificate of candidacy for any elective position.

Accordingly, the passage of this bill is imperative.


FREDENIL H. CASTRO
Representative, 2nd Dist. Capiz

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

SECTION 1. Section 11 of Republic Act No. 8436, as amended, is hereby further amended to read as follows:

“SECTION 11. **Official Ballot.** - The Commission shall prescribe the format of the electronic display and/or the size and form of the official ballot, which shall contain the titles of the positions to be filled and/ or the propositions to be voted upon in an initiative, referendum or plebiscite. Where practicable, electronic displays must be constructed to present the names of all candidates for the same position in the same page or screen, otherwise, the electronic displays must be constructed to present the entire ballot to the voter, in a series of sequential pages, and to ensure that the voter sees all Of the ballot options on all pages before completing his or her vote and to allow the voter to review and change all ballot choices prior to completing and casting his or her ballot. Under each position to be filled, the names of candidates shall be arranged alphabetically by Surname and uniformly indicated using the same type size. The maiden or married name shall be listed in the official ballot, as preferred by the female candidate. Under each proposition to be voted upon, the choices should be uniform indicated using the same font and size.

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For this purpose, the Commission shall set the deadline for the filing of certificate of candidacy/ petition of

registration/manifestation to participate in the election. Any person who files his certificate of candidacy within this period shall only be considered as a candidate at the start of the campaign period for which he filed his certificate of candidacy: Provided, That, unlawful acts or omissions applicable to a candidate shall take effect only upon the start of the aforesaid campaign period: *Provided, [finally]* **FURTHER**, That any person holding a public appointive office or position, including active members of the armed forces, and officers and employees in government-owned or -controlled corporations, shall be considered *ipso facto* resigned from [his/ her] **THE** office and must vacate the same at the start of the day of the filing of [his or her] **THE** Certificate of candidacy: **PROVIDED, FINALLY, THAT ANY APPOINTIVE OFFICIAL WHO FAILS TO VACATE THE OFFICE ON THE DAY OF FILING THE CERTIFICATE OF CANDIDACY SHALL BE AUTOMATICALLY DISQUALIFIED AS CANDIDATE FOR THE ELECTIVE POSITION AND SHALL NOT, BE ELIGIBLE TO ASSUME THE FUNCTIONS OF THE ELECTIVE OFFICE**

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SEC. 2. All laws, decrees, executive orders; rules and regulations or parts thereof inconsistent with the provisions of this Act are. hereby repealed or modified accordingly.

SEC. 3. If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SEC. 4. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,