

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3444**

HOUSE OF REPRESENTATIVES	
RECEIVED	
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Introduced by Representative MARLYN L. PRIMICIAS-AGABAS

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

Elections in the Philippines comes every three (3) years. It gives the electorate time to choose and elect their respective leaders and to validate the election of public officials every three (3) years. It also allows anybody, otherwise not disqualified, equal access to public office the opportunity to serve the people.

Under the Philippine laws, a public official or employee appointed to office is deemed resigned from his post upon filing of his or her certificate of candidacy. But the term "deemed resigned" draws confusion as to whether when an official or employee will actually file his resignation and the actual date of effectivity of vacating his post. Besides, the advantage of still in the office even after the filing of certificate of candidacy is not in accord with the principles of fair elections.

This bill aims to put to rest the issue as to whether or not an appointed official or employee need to file his resignation when he files his certificate of candidacy. Also, the non-resignation from an appointive post will result to non-qualification to the elective post and to assume the office if ever elected.

For these reasons, approval of this proposal is earnestly requested.



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HOUSE BILL NO. 3444

Introduced by **Representative MARLYN L. PRIMICIAS-AGABAS**

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

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 construed 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, 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/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 a national newspaper of general circulation.

Approved,