

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Eighteenth Congress
First Regular Session

HOUSE BILL NO. 1480



Introduced by Honorable Joaquin M. Chipeco, Jr.

EXPLANATORY NOTE

Time was when an elective official running for a different office was faced with only two (2) possibilities – either he wins or he loses in the election. It was a simple zero-sum scenario, that is, whether he wins or he loses in the election, he forfeits his old post – a rule which makes sense since the official has decided to risk what he has for what he could gain.

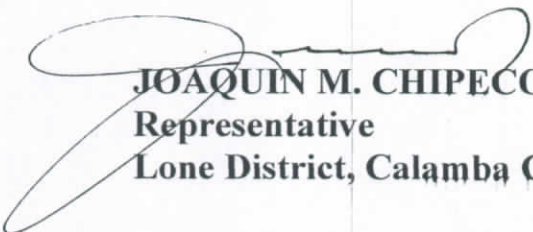
The current political landscape, however, presents a “nuanced” meaning of losing in an election. Upon the effectivity of Section 67 of Batas Pambansa Blg. 881 (otherwise known as the Omnibus Election Code), any elective official, running for President and Vice-President, is not considered ipso facto resigned from office upon filing his certificate of candidacy. Hence, a Senator, who is still halfway through his six-year term of office, may decide to run for President or Vice President without forfeiting his seat. If he loses, he would merely continue being a Senator and finish his original term. We would expect, however, such a person to spend the remaining half of his term excoriating his rival who beat him in the presidential or vice-presidential race.

There is, however, a sense of unfairness in giving senators (and other elective officials who might be similarly situated) this special treatment. For, it might be asked, why senators only or why selectively choose to grant this privilege only to those running for President and Vice President? Treating them as a special class of elective officials could run afoul of the due process and equal protection clause since other elective officials are denied the special privilege. The usual “constitutional” argument that these senators have a term of office to finish appears to be a lame excuse. For, if indeed, these senators have a constitutional obligation to finish their terms, why allow them in the first place to abbreviate their terms by running for a different office (i.e., President or Vice-President)? Certainly, shortening their term of office in the Senate would be the effect if these aspirants win any of the two (2) highest elective positions in the land. As the saying goes, “the sauce for the goose should be the sauce for the gander.”

Although Sec. 67 of BP 881 was explicitly repealed by Sec. 14 of R. A. No. 9006 (or the Fair Election Act), the law as it now stands is still to the effect that elective officials running for an office different from the one he is presently holding would not forfeit his post.

This bill is being filed to put all elective officials on an equal footing and thus should be viewed as another vital step towards electoral reforms.

In view of the foregoing, the approval of this bill, at the earliest possible time, is most earnestly sought.



JOAQUIN M. CHIPECO, JR.
Representative
Lone District, Calamba City

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AN ACT
MANDATING THAT ANY ELECTIVE OFFICIAL RUNNING
FOR ANY OFFICE OTHER THAN THE ONE HE IS
CURRENTLY HOLDING SHALL BE CONSIDERED *IPSO*
***FACTO* RESIGNED FROM OFFICE UPON THE FILING OF HIS**
CERTIFICATE OF CANDIDACY

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

SECTION 1. *Candidates Holding Elective Office.* – Any elective official, whether national or local, running for any office other than the one which he is currently holding shall be considered *ipso facto* resigned from his office upon the filing of his certificate of candidacy.

SEC. 2. *Repealing Clause.* - All laws, decrees, orders, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed 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,