Republic of the Philippines

HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

3231
House Bill No. _____

Introduced by: REP. EDGAR MARY S. SARMIENTO

EXPLANATORY NOTE

In the 17th Congress and at the onset of this 18th Congress, this representation filed House Bill no. 92, or "An act amending sections 12 and 68 of Batas Pambansa Bilang 881, also known as the Omnibus Election Code, disqualifying persons convicted or sanctioned in any court, tribunal or body from being declared as a candidate or from holding any public office pending appeal of conviction, where the penalty imposed includes temporary or perpetual disqualification."

The aforementioned bill reinforces the importance of the Constitutional provision that "A public office is a public trust" and protects the sanctity of candidacy for public office and every person's right of suffrage.

This bill takes the aforementioned measure forward by applying the same notion to appointed and designated officials.

This will prevent the appointment or designation into public office of persons facing convictions with penalties including temporary or perpetual disqualification, despite pending appeals therefrom. It will prevent the appointment of any person against whom a court, tribunal or administrative body found compelling evidence to decide on his/her guilt. It will stop these people from relying further on the benefits of filing an appeal and the rule that penalties shall not be made executory pending such appeal.

1 Section 1, Article XI, 1987 Constitution
This House Bill intends to address the pressing need to amend the Revised Administrative Code (Executive Order no. 292), particularly Book V, Title I, Subtitle A, Chapter 8 to ensure that the sanctity of appointments for public office is protected and to avoid the consequences of allowing those already sentenced to be disqualified from still being appointed into public office. Hence this bill.

EDGAR MARY S. SARMIENTO
AN ACT AMENDING SECTION 54, CHAPTER 8, SUBTITLE A, TITLE I, BOOK V, OF EXECUTIVE ORDER NO. 292, ALSO KNOWN AS THE REVISED ADMINISTRATIVE CODE OF 1987, ADDING AS PROHIBITION OR DISQUALIFICATION FROM APPOINTMENT OR DESIGNATION IN ANY PUBLIC OFFICE THE CONVICTION OR SANCTION IN ANY COURT, TRIBUNAL OR BODY PENDING APPEAL OF CONVICTION WHERE THE PENALTY IMPOSED INCLUDES TEMPORARY OR PERPETUAL DISQUALIFICATION

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

SECTION 1. Section 54, Chapter 8, Subtitle A, Title I, Book V, of Executive Order no. 292, also known as the Revised Administrative Code of 1987 is hereby amended to read as follows:

"SECTION 54. Limitation on Appointment. —

(1) No elective official shall be eligible for appointment or designation in any capacity to any public office or position during his tenure.

(2) No candidate who has lost in any election shall, within one year after election, be appointed to any office in the Government or any government-owned or controlled corporations or in any of its subsidiaries.

(3) Unless otherwise allowed by law or by the primary functions of his position, no appointive official shall hold any other office or employment in the
Government or any subdivision, agency or instrumentality thereof, including
government-owned or controlled corporations or their subsidiaries.

(4) No person who has been declared by competent authority insane or
incompetent, or has been sentenced by final judgment for graft, corruption,
subversion, insurrection, rebellion or for any offense for which he has been
sentenced to a penalty of more than eighteen months or for any crime involving
moral turpitude, shall be appointed or designated to hold any office, unless he
has been given plenary pardon or granted amnesty.

Should the order or judgment imposing the sentence above mentioned be
brought up on appeal, the person so sentenced shall still be prohibited and
disqualified from appointment or designation until such time the appeal reverses
the conviction and acquits such person.

Any person convicted or sanctioned for any other offense not covered by the
preceding paragraphs in any court, tribunal or body shall likewise be
disqualified from being appointed or designated into any public office pending
appeal of such conviction or sanction, where the penalty imposed includes
temporary or perpetual disqualification.

All other disqualifications to be a candidate herein provided shall be deemed
removed upon the declaration by competent authority that said insanity or
incompetence had been removed unless within the same period he again
becomes disqualified.”

SECTION 2. Repealing Clause — All laws, presidential decrees, executive orders,
resolutions, rules and regulations or parts thereof inconsistent with the provisions of this Act
are hereby repealed or modified accordingly.

SECTION 3. Effectivity — This Act shall take effect fifteen (15) days after its
publication in a newspaper of general circulation.

Approved,