

DEFINING THE STATUS OF OFFICIALS OCCUPYING ELECTIVE POSITIONS WHO RUN FOR OFFICE OTHER THAN THAT WHICH THEY ARE HOLDING.

PRESIDENTIAL DECREE NO. 1659, December 29, 1979

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WHEREAS, Section 24 of the Election Code of 1971 provides as follows:

"SEC. 24. Candidate holding elective office. — Any elective provincial, sub-provincial, city, municipal, or municipal district officer running for an office other than the one which he is holding in a permanent capacity shall be considered ipso facto resigned from his office from the moment of the filing of his certificate of candidacy." (Underscoring provided);

WHEREAS, the Election Code of 1978 totally repealed all the provisions of the Election Code of 1971, including the aforementioned section, as Section 202 of said law provides as follows:

"SEC. 202. Repealing Clause. — The Election Code of 1971 is hereby repealed, and all other laws, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Code are also repealed, amended or modified accordingly."

WHEREAS, instead of the above provision of the 1971 Election Code, the Election Code of 1978 contains Section 30 which reads as follows:

"SEC. 30. Candidates holding political office. — Governors, mayors, members of the various sanggunians, or barangay official shall, upon filing of a certificate of candidacy, be considered on forced leave of absence from office."

WHEREAS, under the above quoted provision of Section 30 of the 1978 Election Code, governors, mayors, sangguniang members or barangay officials are "considered on forced leave of absence from office" upon filing of a certificate of candidacy irrespective of whether these officials are running for the same office which they are holding or for another office;

WHEREAS, it is anticipated that applying the aforequoted provision of Section 30 in the local elections on January 30, 1980, may give rise to chaos and confusion due to the difficulty of designating promptly and immediately the replacements of such officials to assure the continuity and stability of local governments;

NOW, THEREFORE, I, FERDINAND E. MARCOS, by virtue of the powers in me vested by the Constitution, hereby decree as follows:

SECTION 1. Candidate holding elective office. — Any person occupying an elective provincial, city, municipal, or municipal district position who runs for an office other than the one which he is holding shall be considered ipso facto resigned from his office upon the filing of his certificate of candidacy; Provided, however, That during the pendency of the election, the President may appoint said candidate to the office for which he filed a certificate of candidacy.

SEC. 2. Effectivity. — This Act shall take effect upon its approval.

Done in the City of Manila, this 29th day of December in the year of Our Lord, nineteen hundred and seventy-nine.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JACOBO C. CLAVE
Presidential Executive Assistant

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