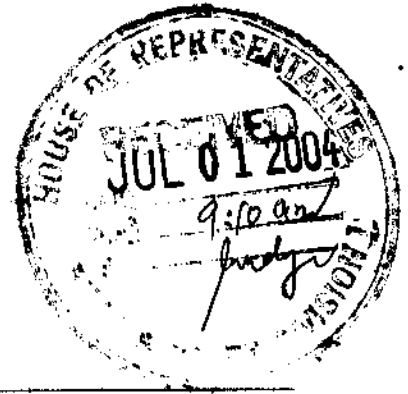


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 44



Introduced By: REPRESENTATIVE EMILIO C. MACIAS II

EXPLANATORY NOTE

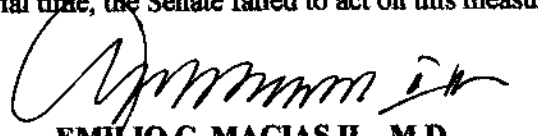
The Local Government Code, in pursuance of an explicit Constitutional mandate, prohibits local elective officials to serve for more than three (3) consecutive terms. However, this express mandate providing for term limits may be considered vague and therefore susceptible to various interpretations when the issue of succession is brought to the fore.

Section 44 of the Local Government Code delineates the line succession in case of vacancy in the offices of the governor or mayor, the vice-governor or vice-mayor and the sanggunian member. It is however, silent as to whether the official, who is next in the line of succession, can fill the very same vacant position he is prohibited by law to serve beyond three (3) consecutive term limits. This situation may sow confusion if not chaos in some areas where intense political rivalry is prevailing among opposing camps.

This bill seeks to amend the aforementioned provision in the Local Government Code to provide a crystal clear mandate on succession. This is to avert a possible scenario wherein the governor or mayor, after completing three (3) consecutive terms, will support a next of kin or a protégé and settle for the second top post in the hope of regaining his old seat via the back door through succession circumventing in the process the Constitutional mandate on term limits.

Considering the political practices of some politicians in the Philippines, there is a great possibility that should the next of kin or protégé of the governor or mayor win the elections with them, the said next of kin or protégé may yield the post either to honor the previous agreement, to succumb to pressure or worst, their political patron may initiate recall proceedings just to create a vacancy to serve their personal ends.

The House of Representatives of the Twelfth Congress had stamped its approval on this bill. However, for lack of material time, the Senate failed to act on this measure.


EMILIO C. MACIAS II, M.D.

Representative
2nd Dist., Negros Oriental

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
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HOUSE BILL NO. 44

Introduced by: REPRESENTATIVE EMILIO C. MACIAS II

AN ACT
PROHIBITING CERTAIN LOCAL OFFICIALS TO FILL THE VACANCY IN
THE OFFICES OF THE GOVERNOR OR MAYOR AND VICE-GOVERNOR OR
VICE-MAYOR, AMENDING FOR THE PURPOSE SECTION 44 OF REPUBLIC
ACT NO. 7160 OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE
OF 1991

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

SECTION 1. Section 44 of Republic Act No. 7160 otherwise known as the Local Government Code of 1991 is hereby amended to read as follows:

"SEC. 44. Permanent Vacancies in the Offices of the Governor, Vice-Governor, Mayor and Vice-Mayor. – (a) If a permanent vacancy occurs in the office of the governor or mayor, the vice-governor or vice-mayor concerned shall become the governor or mayor. If a permanent vacancy occurs in the offices of the governor, vice-governor, mayor or vice-mayor, the highest ranking sanggunian member or, in case of his permanent disability, the second highest ranking sanggunian member, shall become the governor, vice-governor, mayor or vice-mayor, as the case maybe.

PROVIDED, HOWEVER, THAT IN NO CASE SHALL, THE ELECTED LOCAL OFFICIAL CONCERNED, WHO IS DISQUALIFIED BY LAW TO SERVE DURING THE PROHIBITIVE TERM, BE ALLOWED TO SUCCEED UNDER THIS SECTION. Subsequent vacancies in the said office shall be filled automatically by other sanggunian members according to their ranking as defined herein.

(b) If a permanent vacancy occurs in the office of the punong barangay, the highest ranking sanggunian barangay member or, in case of his permanent disability, the second highest ranking sanggunian member, shall become the punong barangay.

(c) A tie between or among the highest ranking sanggunian members shall be resolved by the drawing of lots.

(d) The successors as defined herein shall serve only the unexpired terms of their predecessors.

AS USED IN THIS ACT, THE TERM "PROHIBITIVE TERM" SHALL MEAN THE TERM OF OFFICE IMMEDIATELY AFTER THE THIRD CONSECUTIVE TERM.

For purposes of this Chapter, a permanent vacancy arises when an elective local official fills a higher vacant office, refuses to assume office, fails to qualify, dies, is removed from office, voluntarily resigns, or is otherwise permanently incapacitated to discharge the functions of his office.

For purposes of succession as provided in this Chapter, ranking in the sanggunian shall be determined on the basis of the proportion of votes obtained by each winning candidate to the total number of registered voters in each district in the immediately preceding local election."

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

Approved,