

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 2138

Introduced by Reps. NERI JAVIER COLMENARES, TEODORO A. CASIÑO,
RAFAEL V. MARIANO, LUZVMINDA C. ILAGAN, RAYMOND V. PALATINO,
EMERENCIANA A. DE JESUS and ANTONIO L. TINIO

AN ACT
PROVIDING FOR A SYSTEM OF INTERIM SUCCESSION FOR THE POSITION
OF PRESIDENT IN THE EVENT THAT THERE IS FAILURE OF ELECTIONS
FOR THE POSITION OF PRESIDENT AND VICE-PRESIDENT AND THE SENATE
AND THE HOUSE OF REPRESENTATIVES HAVE YET TO ELECT THEIR
PRESIDENT AND SPEAKER, RESPECTIVELY, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Just like nature, power hates a vacuum, and, as in natural vacuum, once a power vacuum exists a host of power-seeking forces will rush in to fill the void.

There is a possible vacuum in the Office of the President should the automation project administered by the Comelec result in a failure to elect the President, Vice President and Members of Congress. Article VII, Section 7 of the 1987 Constitution provides for the succession of the Senate President and the Speaker of the House of Representatives in that order, in case there is failure to elect the President or Vice-President, to wit:

Where no President or Vice President shall have been chosen or shall have qualified or where both shall have died or become permanently disabled, the President of the Senate or, in case of his inability, the Speaker of the House of Representatives, shall act as President until a President or a Vice President shall have been chosen and qualified.

The above provision, however, does not contemplate a situation where there is a general failure of the national elections. Should there be massive and national brown outs, or a debilitating and fatal virus attack on or widespread hacking of the automation system, or a complete breakdown of the automated national elections, there is that realistic possibility that no President, Vice President or member of Congress is elected in the 2010 elections. Even if the Senate is "continuing body" the twelve remaining senators cannot elect the President of the Senate as they no longer constitute the majority of the members of the Senate thereby creating a vacuum that could lead the country into an abyss of darkness and destruction.

The Administrative Code cannot be the source of guidance since it does not contemplate a grant of authority to the incumbent President to rule the country in a holdover capacity. *up*

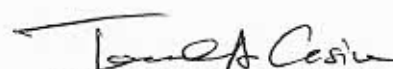
is more particularly emphasized when the incumbent president happens to be the second longest reigning and the most unpopular president in the history of the country. The people will not allow the perpetuation of President Arroyo's term to power beyond the end of her term on June 30, 2010.

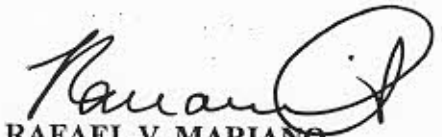
It is, therefore, imperative on the part of Congress to make sure that no such vacuum exist should there be failure to elect national officials in 2010 in any national election.

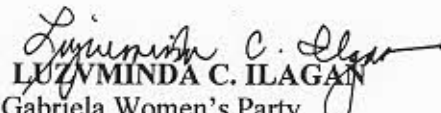
The urgent and immediate passage of this bill is therefore earnestly sought.

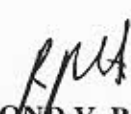
Approved,


NERI JAVIER COLMENARES
Bayan Muna Party-List


TEODORO A. CASIO
Bayan Muna Party-List


RAFAEL V. MARIANO
Anakpawis Partylist


LUZVIMINDA C. ILAGAN
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ANTONIO L. TINIO
ACT Teachers Partylist

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AN ACT
PROVIDING FOR A SYSTEM OF INTERIM SUCCESSION FOR THE
POSITION OF PRESIDENT IN THE EVENT THAT THERE IS FAILURE OF
ELECTIONS FOR THE POSITION OF PRESIDENT AND VICE-PRESIDENT
AND THE SENATE AND THE HOUSE OF REPRESENTATIVES HAVE YET
TO ELECT THEIR PRESIDENT AND SPEAKER, RESPECTIVELY, AND
FOR OTHER PURPOSES

Article 1. Title. – This Act shall be known as the “Interim Succession Act”.

Article 2. Declaration of Policy. – It is the declared policy of the State to ensure the smooth transition of power and to guarantee that governance is discharged orderly in the event that there is failure of electing the position of President and Vice-President or any other situation not contemplated under Article VII, Section 7, of the Constitution.

Article 3. Succession. – The Chief Justice of the Supreme Court shall act as the Interim President of the Republic of the Philippines in the event that there is failure of election for the position of President and Vice-President, and the Senate and the House of Representatives are unable to elect their President and Speaker, respectively by the time that the term of office of the incumbent President shall have ended, or in any other situation where no succession could take place as contemplated under Sections 7 and 8 of Article VII of the Constitution.

Section 4. Inapplicability of the Constitutional provision on Succession. – Should the situation referred in Article 3 of this Act take place such as the failure of elections for President, Vice-President, Senators and Congressmen, the Chief Justice, as Interim President, shall continue to serve as such until after an election is held and the President, Vice-President, Senators, and Congressmen are elected and qualified.

The Chief Justice, as Interim President, shall call for a special election not later than three (3) months for the position of President, Vice-President, Senators, and Congressmen. The incumbent President shall not be qualified to run for reelection in

the said special elections. Upon election and qualification of the President, the Chief Justice, as Interim President, shall relinquish the Presidency immediately after the President and Vice-President shall have been sworn into office and revert to his former position as Chief Justice unless his term have lapsed due to retirement.

In the event that the term of the Chief Justice lapsed during his incumbency as Interim President, he shall continue to serve as such until a President and Vice-President shall have been sworn into office.

Notwithstanding the date of his or her assumption into office, the term of office of the President elected in the special elections above-described shall be deemed to have started from the end of the term of the preceding President and shall end at noon on the thirtieth day of June six years thereafter, as provided under Section 4, Article VII of the 1987 Constitution. Thereafter, he or she shall no longer be eligible to run for reelection.

Section 5. Interim Period. – During the interim period, the Chief Justice as Interim President shall be stripped of his duties in the Judiciary. The most senior justice of the Supreme Court shall, for purposes of this Act, assume the office of the Chief Justice for the interim period. *Provided that*, in the event that the term of the Chief Justice expired during the interim period, the manner provided by the Constitution for the appointment of the Chief Justice shall apply.

Section 6. Effectivity. – This Act shall take effect upon approval.

Approved,