

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS

First Regular Session

House Bill No. _____

488



Introduced by **Hon. Rodolfo G. Biazon**

EXPLANATORY NOTE

The 1987 Constitution provides under Article VII, Section 7, Paragraph 5, who shall act as President where no President and Vice President shall have qualified, or where both shall have died or become permanently disabled. It also provides that Congress shall, "*at ten o'clock in the morning of the third day after the vacancy in the offices of the President and Vice President occurs, convene in accordance with its rules without need of a call and within seven days, enact a law calling for a special election to elect a President and a Vice-President to be held not earlier than forty-five days nor later than sixty days from the time of such call.*" (Article VII, Section 10)

While the abovementioned provisions of the Constitution are indeed important, another measure needs to be enacted in order to ensure that the principles of democratic rule will prevail in the country. This is a law that shall provide for the manner in which one who is to act as President shall be selected until a President or a Vice-President shall have qualified, in case of death, permanent disability, or the inability of the Senate President or the Speaker of the House of Representatives to take over as Acting President.

A scenario where there is a leadership vacuum will occur due to the failure of the constitutional provision on the rule of succession to operate will be untenable for the country. This will provide an opportunity for those with selfish interests and personal agenda to forcibly take over the reins of government. It is therefore primordial and imperative that this possible leadership vacuum be addressed. A caretaker government headed by an Acting President and Acting Vice President must be established to ensure the daily administration of the government and the holding of elections for the Presidency and the Vice-Presidency.

This is the subject of this proposed measure. It is pursuant to, and in consonance with, the last paragraph of Article VII, Section 7 of the Constitution which provides that:

"The Congress shall, by law, provide for the manner in which one who is to act as President shall be selected until a President or a Vice-President shall have qualified,

in case of death, permanent disability, or inability of the officials mentioned in the next preceding paragraph."

As adherents to the principles of democratic governance, it is incumbent upon the members of this Congress to pass this piece of legislation.



RODOLFO G. BIAZON
Representative
Lone District, Muntinlupa City

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AN ACT
PROVIDING FOR THE SELECTION OF AN ACTING PRESIDENT AND ACTING
VICE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES IN CASE OF A
FAILURE OF ELECTION

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

Section 1. *Title.* – This Act shall be known as the “*Caretaker Government Act.*”

Sec. 2. *Selection of an Acting President and Acting Vice President of the Republic of the Philippines.* – When there is a failure of election such that no President and Vice-President shall have been chosen or shall have qualified in an election, or where both shall have died or become permanently disabled and the President of the Senate or, in case of his inability, the Speaker of the House of Representatives, also fail to act as President, Congress, shall, upon its occurrence, convene in accordance with its rules without need of a call, to select an Acting President and Acting Vice President. The Members of the Senate shall elect from the senators whose terms do not expire until the next elections, an Acting President: *Provided,* That senators who ran for President or Vice President in the last preceding elections shall not be included in the list from which the senators are to elect who shall be Acting President.

The Acting President shall nominate an Acting Vice President from among the Members of the Senate and the House of Representatives who shall assume office upon confirmation by a majority vote of all the Members of both Houses of the Congress, voting separately: *Provided,* That the same disqualification provided earlier in the first paragraph of this section shall also apply.

Sec. 3. *Failure of Election Defined.* – For the purpose of this Act, there is failure of election if, on account of force majeure, violence, terrorism, fraud, or other analogous causes, the election in any polling place has not been held on the date fixed, or had been suspended before the hour fixed by law for the closing of the voting, or after the voting and during the

preparation and the transmission of the election returns or in the custody or canvass thereof, such election results in a failure to elect, and in any of such cases the failure or suspension of election would affect the result of the election.

Sec. 4. Limitations on the Powers of the Acting President and Acting Vice-President.

– The Acting President and Acting Vice-President shall have all the powers and functions granted to the President and the Vice-President under the Constitution, except the power to undertake and approve any and all types of infrastructure projects during their incumbency.

Sec. 5. Separability Clause. – If any part, section or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in force and effect.

Sec. 6. Repealing Clause. – All other laws, decrees, orders, issuances, rules and regulations that are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 7. Effectivity. – This Act shall take effect upon its approval.

Approved.