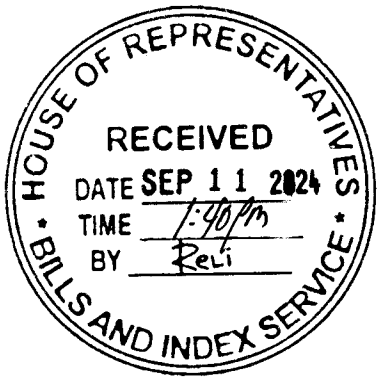
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 10896

Introduced by **Representative Jaime R. Fresnedi**

EXPLANATORY NOTE

This proposed measure provides the manner for the selection of an Acting President and Acting Vice President. It seeks to address the scenarios where there is a failure of elections for the Presidency and Vice Presidency or where both offices become vacant due to death or permanent disability and the President of the Senate, or the Speaker of the House of Representatives fail to act as President.

Article VII, Section 7 of the 1987 Constitution provides:

"*Section 7. The President-elect and the Vice President-elect shall assume office at the beginning of their terms*

If the President-elect fails to qualify, the Vice President-elect shall act as President until the President-elect shall have qualified.

If a President shall not have been chosen, the Vice President-elect shall act as President until a President shall have been chosen and qualified.

If at the beginning of the term of the President, the President-elect shall have died or shall have become permanently disabled, the Vice President-elect shall become President.

Where no President and 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 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."

If Paragraph 5 of the aforementioned provision of the constitution fails to operate, there is a danger that the country will be plunged into an untenable situation of chaos and instability because of the ensuing leadership vacuum arising therefrom. This is due to the absence of a law, as prescribed in the last paragraph of Section 7, which would prevent such a situation from obtaining.

It is in this light that this proposed measure is being submitted. This bill is an affirmation of Congress' sacred duty to ensure the stability, continuity and legitimacy of government operations, most especially during critical times.

In view of the foregoing, the immediate approval of this bill is earnestly sought.

JAIME R. FRESNEDI
Representative
Lone District, Muntinlupa City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
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AN ACT
PROVIDING FOR THE SELECTION OF AN ACTING PRESIDENT AND ACTING VICE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES

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 President and Vice President 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 the Senate and House of Representatives who shall assume office upon confirmation by a majority of all the members of both houses of Congress: *Provided,* That members who ran for President or Vice President in the last preceding elections shall not be included as among those who may be selected as Acting Vice President.

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,