

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P5:15

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SENATE

S. No. **409**

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Article VII, Sections 7 and 8 of the Constitution provides for the order of succession to the Office of the President in case of vacancy therein, whether permanent or temporary, occurring either at the beginning of the term of the President or during his incumbency. The order of succession provided therein stops at the Speaker of the House of Representatives who is the fourth ranking official of the State. In case of inability of the latter official to act as president, the Constitution provides that Congress shall, by law, provide for the manner in which one who is to act or serve as President shall be selected until a President or vice-president shall have been chosen or elected and qualified.

A succession law is required to fill a dangerous lacuna. There should be no interruption in the exercise of executive power. The political and economic stability, as well as the security of the nation could be severely tested if certain unforeseen contingencies arose.

This bill seeks to implement the aforementioned constitutional provision on presidential succession. It is proposed that Senate President Pro Tempore shall serve as President until the President or the Vice-president shall have been elected and qualified.

It is believed that the official who is to act or serve as President under the circumstances provided in the Constitution should be an elected national official instead of an appointed one. Considering the vast powers and responsibilities vested upon the President, it is only appropriate and advisable that the one who will discharge the same even in a temporary capacity and no matter how short the period may be, should be an official who has obtained popular mandate from the people.

In view of the foregoing, the early passage of this bill is earnestly requested.

S. Osmeña III
SERGIO OSMEÑA III
Senator

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AN ACT
IMPLEMENTING THE PROVISIONS OF SECTIONS 7 AND 8 OF ARTICLE VII
OF THE CONSTITUTION ON PRESIDENTIAL SUCCESSION

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

1 SECTION 1. Where no President and Vice President shall have been
2 chosen or shall have qualified, or where both shall have died or become
3 permanently disabled, and the officials who are to act as President pursuant to
4 Section 7, Article VII of the Constitution both fail to discharge such responsibility
5 due to death, permanent disability, or inability, the Congress shall convene
6 immediately in accordance with its rules without need of a call, and shall, by
7 majority vote of all the Members of both Houses, voting separately, elect from
8 among its Members one who is to act as President until President or Vice –
9 President shall have been chosen and qualified.

10 SEC. 2. In case of death, permanent disability, removal from office, or
11 resignation of both the President and the Vice President, and the Acting
12 President referred to under the second paragraph of Section 8, Article VII of the
13 Constitution fails to discharge his responsibilities as such due to death,
14 permanent disability, or resignation, the Senate President Pro Tempore shall
15 serve as President until the President or the Vice-President shall have been

1 elected and qualified, and be subject to the same restrictions of powers and
2 disqualifications as the aforesaid Acting President.

3 SEC. 3. All laws, decrees, executive orders, rules and regulations or parts
4 thereof which are contrary or inconsistent with the provisions of this Act are
5 hereby modified or repealed accordingly.

6 SEC. 4. This Act shall take effect fifteen (15) days following its publication
7 in at least two (2) newspapers of general circulation.

8 Approved,