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SENATE
S.B. No. 1555

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

In the history of our Republic, violence, terrorism and similar forms of criminality, which may have been orchestrated or otherwise, were used as a tool to justify the continued grip on the reins of government by an existing administration. The state of criminality in certain parts of the country such as the spate of kidnapping carried out by former Moro rebels in Mindanao may likewise be used by an administration to hold on to their position. The previous administration was even suspected to be behind the kidnappings, a way of leading toward a failure in the presidential elections that were to follow.

Under the Election Code, B.P. Blg. 881 Section 6, the Commission on Elections has to declare a failure of elections if there is violence and terrorism in a significant number of polling places. If a failure of elections is declared in areas pervaded by violence and terrorism, Congress would be unable to proclaim a President and Vice President elect in accordance with the Constitution. In such a case, the incumbent president will stay on in a holdover capacity.

This present bill seeks to make it compulsory for Congress to declare a President and Vice-President Elect even if a failure of election is declared in some polling places. Failure of election in a few polling places should not be used as an excuse for a failure to proclaim a new President. This does not, however, curtail the power of the Supreme Court, sitting en banc, as the sole judge of all contests relating to the election, returns and qualifications of the President or Vice President, to subsequently nullify the proclamation by Congress of a President or Vice-President Elect if indeed there was force majeure, violence, terrorism, fraud or other analogous cases in a number of polling places sufficient to alter the results of the election so that such election resulted in a failure to elect.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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

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SENATE
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AN ACT
AMENDING B.P. BLG. 881, ALSO KNOWN AS THE OMNIBUS ELECTION CODE, SECTION 6,
ON FAILURE OF ELECTIONS

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

Section 1. B.P. Blg. 881, Section 6 is hereby amended to read as follows:

“Sec. 6. 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, the Commission shall, on the basis of a verified petition by any interested party and after due notice and hearing, call for the holding or continuation of the election not held, suspended or which resulted in a failure to elect on a date reasonably close to the date of the election not held, suspended or which resulted in a failure to elect but not later than thirty days after the cessation of the cause of such postponement or suspension of the election or failure to elect.

IN ANY EVENT, THE RETURNS OF EVERY ELECTION FOR PRESIDENT AND VICE-PRESIDENT, DULY CERTIFIED BY THE BOARD OF CANVASSERS OF EACH PROVINCE OR CITY, SHALL BE TRANSMITTED TO CONGRESS, DIRECTED TO THE PRESIDENT OF THE SENATE. CONGRESS SHALL, THENCEFORTH, PROCLAIM THE PRESIDENT AND VICE-PRESIDENT ELECT IN ACCORDANCE WITH THE CONSTITUTION, ARTICLE 7, SECTION 4.”

SECTION 2. *Repealing Clause.*—Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 3. *Effectivity Clause.*—This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

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