SENATE

Senate Bill No. __500__ RECEIVED BY:

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

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 case, the incumbent President will stay on in a hold-over capacity.

The present bill seeks to make it compulsory for Congress to declare a President and Vice-president Elect even if 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 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.

Immediate enactment of this bill is earnestly sought.

JINGGOY EJERCITO ESTRADA
Senator

OFFICE OF THE SECRETARY

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S E N A T E

Senate Bill No. 500

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

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

SECTION 1. B.P. No. 881, Section 6, is hereby mended 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 an 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 by 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 RETURN OF EVERY ELECTION FOR PRESIDENT AND VICE-PRESIDENT, DULY CERTIFIED BY THE BOARD OF CANVASSERS OF EACH PROVINCE OR CITY, SHALL BE TRANSMITTED TO THE CONGRESS, DIRECTED TO THE PRESIDENT OF THE SENATE. CONGRESS SHALL, HENCEFORTH, PROCLAIM THE PRESIDENT AND VICE-PRESDIENT ELECT IN ACCORDANCE WITH THE CONSTITUTION, ARTICLE 7, SECTION 4."

SEC. 2. *Separability Clause.* - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 3. *Repealing Clause.* - All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders or rules and regulations, which may be inconsistent with this Act, shall be deemed repealed, amended or modified accordingly.

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

Approved,