

AMENDING THE 1978 ELECTION CODE BY INSERTING NEW PROVISIONS THEREIN PROVIDING FOR SUBSTITUTION OF A CANDIDATE WHO DIES, FAILS TO QUALIFY OR IS INCAPACITATED AFTER THE ELECTION B...

PRESIDENTIAL DECREE NO. 1348, April 10, 1978

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WHEREAS, the 1978 Election Code does not provide for substitution of a candidate for the interim Batasang Pambansa who dies, fails to qualify or is incapacitated after the election but before the proclamation or assumption of office;

WHEREAS, it is prudent that provision be made for the contingencies mentioned in the preceding paragraph to forestall confusion and/or deprivation of complete representation of any constituency in the interim Batasang Pambansa;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby decree as follows:

SECTION 1. Inserting Sec. 8-A and Sec. 8-B in the 1978 Election Code. — New sections to be designated as Sec. 8-A and Sec. 8-B shall be inserted between Sections 8 and 9 of the 1978 Election Code to read as follows:

"SEC. 8-A. SUBSTITUTION OF A CANDIDATE WHO DIES, FAILS TO QUALIFY OR IS INCAPACITATED BEFORE PROCLAMATION. — THE VOTES OBTAINED BY A CANDIDATE WHO DIES, FAILS TO QUALIFY OR IS INCAPACITATED AFTER THE DAY OF THE ELECTION BUT BEFORE PROCLAMATION OF THE WINNERS IN THE ELECTION FOR MEMBERS OF THE INTERIM BATASANG PAMBANSA SHALL CONTINUE TO BE CANVASSED BY THE REGIONAL BOARD OF CANVASSERS AND IF AFTER SAID CANVASS, THE CANDIDATE WHO DIED, FAILED TO QUALIFY OR WAS INCAPACITATED IS ONE OF THE WINNERS, THE SEAT FOR WHICH HE WAS A CANDIDATE SHALL BE FILLED IN THE FOLLOWING MANNER:

- IN THE CASE OF A CANDIDATE WHO WAS OFFICIALLY NOMINATED BY A POLITICAL PARTY OR GROUP, THE INTERIM BATASANG PAMBANSA SHALL APPOINT THE REPLACEMENT UPON NOMINATION OF THE POLITICAL PARTY OR GROUP WHICH NOMINATED THE DECEASED CANDIDATE.

- IN THE CASE OF A CANDIDATE WHO DID NOT BELONG TO THE OFFICIAL TICKET OF ANY POLITICAL PARTY OR GROUP, THE INCUMBENT PRESIDENT OF THE PHILIPPINES SHALL NOMINATE AND WITH THE CONSENT OF THE INTERIM BATASANG PAMBANSA, APPOINT THE REPLACEMENT OF THE DECEASED.

SEC. 8-B — REPLACEMENT OF A MEMBER-ELECT WHO DIES, FAILS TO QUALIFY OR IS INCAPACITATED BEFORE OATH-TAKING. — THE PROVISIONS OF THE PRECEDING SECTION SHALL APPLY IN THE CASE OF A MEMBER-ELECT WHO DIES, FAILS TO QUALIFY OR IS INCAPACITATED BEFORE ASSUMPTION OF OFFICE."

SEC. 2. Effectivity. — This decree shall take effect immediately.

DONE in the City of Manila, this 10th day of April, in the Year of Our Lord, nineteen hundred and seventy-eight.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JACOBO C. CLAVE
Presidential Executive Assistant

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