

AN ACT TO IMPLEMENT THE CONSTITUTIONAL PROVISIONS ON PRESIDENTIAL SUCCESSION, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

BATAS PAMBANSA BLG. 231, September 11, 1982

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Be it enacted by the Batasang Pambansa in session assembled:

SECTION 1. Exercise of presidential powers by the Executive Committee.— (1) If, at the time fixed for the beginning of his term, the President-elect shall have died or shall have failed to qualify or if the President shall not have been chosen, the Executive Committee, headed by the Prime Minister, shall exercise the powers and discharge the duties of the President until a President shall have been elected and qualified. If the Batasang Pambansa withdraws its confidence in the Prime Minister, the Speaker shall preside over the Executive Committee.

(2) In case of permanent disability, death, removal from office or resignation of the President, the Executive Committee, headed by the Prime Minister, shall exercise the powers of the President until a President shall have been elected and qualified.

SEC. 2. Exercise of presidential powers by the Speaker.—In the absence of an Executive Committee, the Speaker of the Batasang Pambansa shall act as President until a President shall have been elected and qualified.

As used in this section, absence of an Executive Committee means that said body has not been constituted; or if constituted, it is no longer existing; or if existing, it cannot for any reason discharge its functions.

SEC. 3. Batasang Pambansa to call special election and to fix date thereof.— (1) In the event of death, before the beginning of his term or failure of the President-elect to qualify, the Batasang Pambansa shall, within thirty days from the time the vacancy occurs, call a special election to elect a President on a date which shall not be earlier than forty-five days nor later than sixty days from such call.

(2) If the permanent disability, death, removal from office or resignation of the President occurs earlier than eighteen (18) months before the expiration of his term, the Batasang Pambansa shall, within thirty days from the time the vacancy occurs, call a special election to elect a President on a date which shall not be earlier than forty-five days nor later than sixty days from such call.

SEC. 4. Convening of the Batasang Pambansa.—On the third day after the vacancy occurs, the Batasang Pambansa shall convene in accordance with its rules without need of a call to enact a law providing for the holding of a special election in accordance with Section three hereof.

SEC. 5. Policy during transition.—In the event of vacancy in the office of President, the Batasang Pambansa, the Executive Committee, and the Commission on Elections, in the exercise of their respective functions, shall take the necessary steps to insure the holding of an election for President.

SEC. 6. Permanent disability.— (1) If in his own judgment the President has become incapacitated or suffers from actual disability by reason of which he can no longer exercise the powers and discharge the duties of his office,

and such incapacity or disability is permanent, the President may transmit simultaneously to the Executive Committee through the Prime Minister, and the Batasang Pambansa through, the Speaker, a written declaration informing them of such fact.

The position of President shall be deemed vacant upon the transmittal of such written declaration.

(2) In the event the President has become incapacitated as provided for in the preceding paragraph, and is unable or unwilling to declare himself incapacitated or to transmit a written declaration of such incapacity, such declaration and transmittal shall be made upon a vote of at least three-fourths of all the members of the Cabinet as constituted. The Office of the President and the Batasang Pambansa shall be furnished immediately with official copies of such declaration.

(3) In the event the President, being able to do so, disagrees with the declaration of his incapacity by the Cabinet as constituted, the Batasang Pambansa shall, upon a vote of two-thirds of all its Members, declare his incapacity.

In subparagraph (2) hereof, the position of President shall be deemed vacant upon the submission of the written declaration, and in subparagraph (3) above, upon the vote by the Batasang Pambansa.

SEC. 7. Resignation of the President.—The President shall submit his resignation to the Batasang Pambansa through the Speaker, furnishing a copy to the Prime Minister as Chairman of the Executive Committee. The resignation becomes immediately effective and the position of President shall be deemed vacant from the time the Speaker receives it.

SEC. 8. Removal by impeachment.—If a judgment of conviction is rendered by the Batasang Pambansa in impeachment proceedings against the President, the Speaker shall certify to the entry of judgment, sending copies of the certification to the President and the Prime Minister as Chairman of the Executive Committee. The position of President shall be deemed vacant from the date and time of such certification.

SEC. 9. Rules of the Executive Committee.—When exercising the powers of President, unless otherwise provided in rules adopted by it, the following rules shall be observed by the Executive Committee:

- Except when the Batasang Pambansa has withdrawn its confidence, when the Prime Minister cannot preside over the meetings of the Executive Committee, the Deputy Prime Minister shall preside over it.
- A majority of all the members of the Executive Committee as constituted shall compose a quorum to do business. In the absence of a quorum, the members present may compel the attendance of absent members in such manner and under such penalties as the Executive Committee may provide.
- The majority vote of all the members of the Executive Committee as constituted shall be necessary for the approval of any resolution, order or decision of the said body.
- The chairman or presiding officer, or any other member upon express authority granted him by said body, shall sign all orders, resolutions, decisions and other official papers of the Executive Committee.
- In case of permanent disability, death or resignation of the Prime Minister, the Deputy Prime Minister shall exercise the powers of the Prime Minister until a Prime Minister shall have been elected and qualified. If the disability occurs when the Executive Committee is exercising the powers of the Presidency pursuant to Section one above, the procedure prescribed by Section six above shall apply with regard to the determination of the existence of permanent disability of the Prime Minister.

SEC. 10. Conduct and supervision of election for President.—The special or regular election for President shall be conducted and supervised by the Commission on Elections and shall be governed by the applicable provisions of

subsisting election and other pertinent laws.

SEC. 11. Appropriations.—The cost of any special election to be held pursuant to a call by the Batasang Pambansa under the provisions of this Act shall be funded out of such appropriations as shall be provided in the law to be enacted under Section four hereof.

SEC. 12. Separability clause.—If for any reason any section or provision of this Act, or any portion thereof, or the application of such section, provision or portion to any person, group or circumstance is declared invalid or unconstitutional, the rest of the provisions of this Act or the application of such provision to other persons, groups or circumstances which are not affected by such infirmity, shall remain in full force and effect.

SEC. 13. Repealing Clause.—Presidential Decree Numbered One thousand five hundred and fourteen, dated June 11, 1978, and other laws on presidential succession are hereby totally repealed.

SEC. 14. Effectivity.—This Act shall take effect upon its approval.

Approved, September 11, 1982.

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