

Proposal for New Succession Law Based on Illusory Assumptions - MabuhayRadio

Written by Senator Pimentel's Press Office

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Senate Minority Leader Aquilino Q. Pimentel, Jr. (PDP-Laban) today said the September 10 ruling of the Supreme Court upholding the legality of the P7.2 billion poll automation contract should convince lawmakers that there is no need for a new presidential succession law supposedly intended to avoid a leadership vacuum in case of failure of the 2010 elections.

Senator Pimentel noted that the SC accepted the assurance of the implementors of the automation project and information technology experts that a failure of elections is very unlikely to happen because there are adequate safeguards and fallback schemes to forestall such extreme situation.

“Weighing all factors together, it is clear that the proposal to modify the existing succession law is based on the paranoia of doomsayers in our midst. It is based on imaginary fears comparable to the exaggerated warning over a looming widespread power outage that could derail the elections on May 11, 2010,” he said.

Citing the explanation of the Commission on Elections and Smartmatic International, the project contractor, the high tribunal said if the automated voting machines malfunction in certain areas, there are about 2,000 spare machines that can be deployed on top of 80,000 machines assigned to the voting centers all over the country.

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As stated in the SC decision, even if all the 82,000 voting machines break down, manual count and transmission could still be resorted to. With these backup plans, the tribunal said "failure of elections consequent to voting machine failure would, in fine, be a very remote possibility."

Senator Pimentel argued that there is no need to change the succession process in the 1987 Constitution which provides that in case of a vacancy in the presidency and the vice presidency, the Senate president will automatically serve as acting President. Next in the line of succession is the speaker of the House of Representatives.

Based on the proposals filed with Congress, the 12 non-reelectionist senators (those whose term of office is good until 2013) will elect from among themselves a new Senate president who will be the acting or interim President if no new President of the republic is proclaimed before President Gloria Macapagal Arroyo's term expires on June 30, 2010.

This succession scheme was crafted because Senate President Juan Ponce Enrile will step down upon the end of his six-year term on June 30. Enrile is planning to run for reelection next year.

Another proposal provides that the senator who obtained the highest vote in the 2007 senatorial elections will automatically serve as acting President. Still another proposal will revive the old scheme of putting the Chief Justice of the Supreme Court in the line of presidential succession.

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Senator Pimentel opined that since all these proposals deviate from the procedures laid down in the Constitution, they should be in the form of amendments to the Constitution and instead of changes by Congress in the form of ordinary bill or resolution.

“Taking all things under consideration, prudence dictates that we should refrain from debating about changes in the presidential succession, which may be intellectually stimulating but in reality, an exercise in futility,” he said. # # #

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