

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 2

GUIDELINES IN FILLING UP TEMPORARY VACANCIES IN LOCAL ELECTIVE OFFICES WHERE ALL OR SOME OF THE WINNING CANDIDATES IN THE MAY 11, 1998 ELECTIONS HAVE NOT YET BEEN PROCLAIMED AND/OR A FAILURE OF ELECTIONS WAS DECLARED BY THE COMMISSION ON ELECTIONS

WHEREAS, in the May 11, 1998 elections, the winning candidates for several local elective offices have not been proclaimed, either totally or partially, due to pre-proclamation controversies, or a failure of elections had been declared by the Commission on Elections;

WHEREAS, pursuant to Section 16 of Republic Act No. 7166, otherwise known as the Synchronized Elections Law of 1991, in meritorious cases, the COMELEC continued to take cognizance of pre-proclamation cases even beyond June 30, 1998;

WHEREAS, the consequential effect of the non- or partial proclamation of all the winning candidates in the elective offices as well as the declaration of a failure of elections in the local government units affected is the occurrence of temporary vacancies therein;

WHEREAS, neither the existing election laws nor the Local Government Code of 1991 (RA 7160) provide for contingencies of this nature;

WHEREAS, to prevent hiatus in and paralyzation of local government operations, there is an urgent need to provide a legal remedy therefor, pursuant to the President's constitutional powers of appointment and general supervision over local governments vis-a-vis his residual powers (Sec. 16, Art. VII and Sec. 4, Art. X, 1987 Constitution; Sec. 20, Chap. 7, Title II, Administrative Code of 1987);

NOW, THEREFORE, I, JOSEPH E. ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby promulgate the following guidelines:

SECTION 1. No Proclamation/Failure of Election. (a) In LGUs where all of the local elective officials have not been proclaimed or where a failure of election had been declared by the Commission on Elections, the President of the Philippines shall designate Officers-in-Charge for the offices of the governor, vice-governor, mayor, vice-mayor and the

members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan: *Provided*, however, That any designee has not been a candidate for any elective position during the recently concluded elections; and *Provided*, further, That the OIC-designate possesses all the qualifications and none of the disqualifications prescribed for elective offices.

SEC. 2. Partial Proclamation. - In LGUs where the newly elected local officials have partially been proclaimed, the rule on automatic succession provided for under Chapter 2, Title II, Book I of the Local Government Code of 1991 (RA 7160) shall strictly be observed in filling-up any temporary vacancy arising therefrom.

SEC. 3. For LGUs Within The Autonomous Region in Muslim Mindanao. - (a) In case the temporary vacancy in the local elective offices is brought about by a failure of election declared by the Commission on Elections or where all of the local elective officials have not been proclaimed, the ARMM Regional Governor shall designate officers-in-charge for the offices of the governor, vice governor, mayor, vice mayor, and members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan upon the recommendation of the Regional Secretary of the Department of the Interior and Local Government, ARMM: *Provided*, however, That any designee has not been a candidate for any elective position during the recently concluded elections: and *Provided*, further, That the OIC-designate possesses all the qualifications and none of the disqualifications prescribed for an elective office (Sec. 1, Muslim Mindanao Autonomy Act No. 40, amending Sec. 41, ARMM LGC).

(b) In case the temporary vacancy is due to a partial proclamation, the rule on automatic succession prescribed under Section 41, Chapter 2, Title II, Book I of the ARMM Local Government Code shall be strictly observed in filling up any temporary vacancy arising therefrom (Article 537 (g) (3), Rules and Regulations Implementing the ARMM Local Government Code)

SEC. 4. General Guidelines. - (a) The Officers-in-Charge designated pursuant to this Administrative Order shall hold office until such time that the duly local elected officials shall have been proclaimed and have qualified.

(b) The designated OICs in the office of the local chief executive shall perform all the regular duties and responsibilities of their respective offices, as provided for by law, except the following:

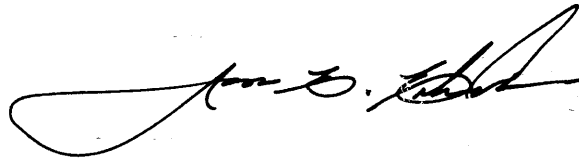
- b.1 appointment, suspension or dismissal of local government officials and employees;
- b.2 creation and filling-up of positions whether regular, contractual or casual;
- b.3 reorganization of local government offices;
- b.4 solemnization of marriages;
- b.5 revision of duly approved local development plans; and
- b.6 approval of contracts other than those needed to keep the day-to-day operations going.

(c) The OICs designated pursuant to this Administrative Order shall act with the highest degree of integrity, impartiality and fairness at all times.


Be guided accordingly.

SEC. 5. Effectivity. - This Administrative Order shall take effect immediately.

DONE in the City of Manila, this **6th** day of **July** in the year of Our Lord, Nineteen Hundred and Ninety-Eight.



By the President:


RONALDO B. ZAMORA
Executive Secretary