

Presidential Succession

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The Article is an examination of the Philippine Law on presidential succession, focusing on the clause which provides that the Vice-President may succeed in case of the President's inability to discharge the powers and duties of his office. The Article also gives recommendations as to what circumstances shall constitute "inability" and who shall determine it.

Before examining the presidential succession law in the Philippines, the said law is first distinguished from American Law on the same subject. After this, the Author discusses the history of presidential succession in the Philippines and in the United States.

With this, the Author discusses the concept of "inability." He cites the different interpretations of well-respected names in the field such as Senator Lorenzo Tanada, Senator Claro M. Recto, Manila Mayor Arsenio Lacson, Judge Jesus Barrera, leaders of the Democratic Party and several American personalities. As for the question of who shall determine the "inability," the Author also cites different names and different views.

In his conclusion, the Author admits that all the conflicting views only create confusion. He suggests that to avoid such a confusion, the law on presidential succession must be updated to conform the advancing scientific progress. As for the two questions discussed above, he submits that "inability" may be mental or physical, so long as it prevents the President from exercising his powers without endangering his life and must extend throughout the entire term. As for who shall determine such inability, he agrees with the recently developing proposal that it must involve an action by the three departments of the Government.