

MALACAÑANG
Manila

ADMINISTRATIVE ORDER NO. 100

**PRESCRIBING GUIDELINES TO FILL TEMPORARY VACANCIES IN
LOCAL ELECTIVE OFFICES IN CERTAIN AREAS TO PREVENT
PARALYZATION OF LOCAL GOVERNMENT OPERATIONS IN
SAID AREAS**

WHEREAS, the term of office of local elective officials elected during the May 14, 2001 elections will expire at noon of June 30, 2004;

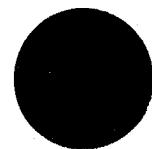
WHEREAS, some local elective offices will become temporarily vacant in the event that by noon of June 30, 2004, the Commission on Elections will not proclaim the winning candidates in the May 10, 2004 elections for these local elective offices or declare a failure of elections in some local government units;

WHEREAS, these temporary vacancies in local elective offices will disrupt the delivery of basic services and may paralyze local government operations in said areas, yet neither the existing election laws nor the Local Government Code of 1991 provide guidelines for filling said temporary vacancies;

WHEREAS, in order to avoid the disruption of the delivery of basic services and the paralysis of local government operations in said areas, there is an urgent need for the President to exercise her constitutional powers of appointment and general supervision over local government units;

WHEREAS, similar threats of disruption of the delivery of basic services and paralysis of local government operations after the May 8, 1995, May 11, 1998 and May 14, 2001 elections were remedied by filling temporary vacancies in local elective offices in accordance with Memorandum Circular No. 123 dated June 30, 1995, Administrative Order No. 2 dated July 6, 1998 and Administrative Order No. 12 dated June 29, 2001, respectively;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and law, hereby promulgate the following guidelines:



SECTION 1. Non-Proclamation or Declaration of Failure of Election.—

In the event that the Commission on Elections has not proclaimed by noon of June 30, 2004 the winning candidates for all the local elective offices of a local government unit (LGU) or has declared a failure of election in said LGU, the President may designate Officers-In-Charge (OICs) for the offices of the governor, vice-governor, mayor, vice-mayor and the members of the *sangguniang panlalawigan*, *sangguniang panlungsod* and *sangguniang bayan*; *Provided*, that the OIC must possess all the qualifications and none of the disqualifications prescribed for the corresponding elective office.

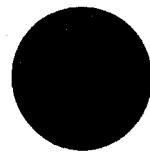
SECTION 2. Partial Proclamation. – In the event that the Commission on Elections has proclaimed by noon of June 30, 2004 some, but not all, of the winning candidates for the local elective offices of an LGU, the vacant local elective offices in said LGU shall be filled in accordance with the rule on automatic succession as provided under Chapter 2, Title II, Book I of the Local Government Code of 1991.

SECTION 3. LGU's Within ARMM. – (a) In the event that the Commission on Elections has not proclaimed by noon of June 30, 2004 the winning candidates for all the local elective offices of an LGU within the Autonomous Region of Muslim Mindanao (ARMM), the ARMM Regional Governor shall designate OIC's for the Offices of the governor, vice-governor, mayor, vice-mayor and the members of the *sangguniang panlalawigan*, *sangguniang panlungsod* and *sangguniang bayan* in accordance with Section I, Muslim Mindanao Autonomy Act No. 40, amending Section 41, ARMM Local Government Code.

(b) In the event that the Commission on Elections has proclaimed by noon of June 30, 2004 some, but not all, of the winning candidates for the local elective offices of an LGU within the ARMM, the vacant local elective offices in said LGU shall be filled in accordance with the rule on automatic succession as provided under Section 41, Chapter 2, Title II, Book I of the ARMM Local Government Code.

SECTION 4. General Guidelines. – (a) The OIC shall hold office until the Commission on Elections shall have proclaimed the winning candidate for the local elective office and until such winning candidate shall have qualified.

(b) The OIC in the office of the local chief executive shall perform all the regular duties and responsibilities of such office as provided by law, except the following:



1. Appointment of local government officials and employees; *Provided*, that he may temporarily designate OICs to the existing offices of the provincial/city/municipal administrator and the provincial/city/municipal legal officer, where the terms of the incumbents shall expire, as provided by law, at noon of June 30, 2004; *Provided further*, that the temporary designation of such OICs shall be coterminous with that of the OIC designated by the President to the office of the local chief executive;
2. Suspension or dismissal of local government officials and employees;
3. Creation and filling of positions whether regular, contractual or casual;
4. Reorganization of local government offices;
5. Solemnization of marriages;
6. Revision of duly approved local development plans; and
7. Approval of contracts other than those needed to keep the day-to-day operations going.

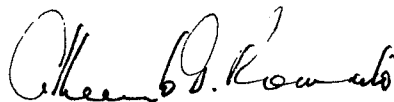
(c) The OICs shall act with the highest degree of integrity, impartiality and fairness at all times.

SECTION 5. Effectivity. – This Administrative Order shall take effect immediately.

DONE in the City of Manila, June 24 , 2004.



By the President:


ALBERTO G. ROMULO
Executive Secretary



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