

# 'GMA can't be compelled to quit presidency if she runs'

President Arroyo cannot be compelled to step down if she decides to seek a congressional post in 2010, two lawyer-legislator allies said yesterday.

Reps. Simeon Datumanong of Maguindanao and Mauricio Domogan of Baguio City said the law does not require a sitting president to quit if she or he decides to run for a lower elective position.

Datumanong and Domogan issued the clarification in response to a petition filed by Mrs. Arroyo's critic Henry Giron with the Supreme Court requiring the Commission on Elections to disqualify her if she runs.

"The President's term will end on June 30, 2010. She cannot be compelled to resign even if she files her certificate of candidacy to run for a congressional seat in the May 2010 polls," Datumanong said.

By DELON PORCALLA

He said Mrs. Arroyo's seeking a congressional post in the second district of her home province in Pampanga, whose current representative is her son Juan Miguel (Mikey), is "not tantamount to her abandonment of the presidency."

"President Arroyo, if she will run for other elective position, will not be deemed resigned from her position as president. That is the law," Datumanong, a former justice secretary, said.

Article VII Section 4 of the 1987 Constitution provides that the President shall have a six-year term "which shall begin at noon on the 30th day of June next following the day of the election and shall end at noon of the same date, six years thereafter."

"To say that GMA will be abandoning her post and her mandate to the people

once she files her COC is totally wrong and distorted. The law is clear on this," Domogan, for his part said.

Domogan, a vice chairman of the House committee on justice, said that in the past an incumbent who ran for another position was considered resigned under Section 67 of the Omnibus Election Code.

But with the enactment of Republic Act 9006 or the Fair Election Act in February 2001, the President is no longer required to resign if he or she aspires for another post.

"If she runs for a legislative post that would mean she no longer wants to be in the executive department. That is a case of abandonment of people's mandate, and this is why many people are saying that she would already forfeit her seat if she pursues that plan," Giron earlier told the SC.

- With Jess Diaz