

J. Y. Interpretation No.31 (January 29, 1954) *

ISSUE: While reelection of the second-term Members of both Legislative and Control Yuans is de facto impossible due to the severe calamity, shall the first-term Members of both Yuans be allowed to remain in their offices after expiration of their respective terms as provided in Articles 65 and 93 of the Constitution?

RELEVANT LAWS:

Articles 65 and 93 of the Constitution (憲法第六十五條、第九十三條).

KEYWORDS:

Legislative Yuan (立法院), Control Yuan (監察院), Five-Yuan System (五院制度), re-election (再選舉). **

HOLDING: Article 65 of Constitution provides that Members of the Legislative Yuan shall serve a term of three years; and Article 93 provides that Members of the Control Yuan shall serve a term of six years. Terms shall start from the date when those Members take office, and expire at the end of the term as provided in the Constitution. However, our

解釋文：憲法第六十五條規定立法委員之任期為三年；第九十三條規定監察委員之任期為六年。該項任期本應自其就職之日起至屆滿憲法所定之期限為止，惟值國家發生重大變故，事實上不能依法辦理次屆選舉時，若聽任立法、監察兩院職權之行使陷於停頓，則顯與憲法樹立五院制度之本旨相違，故在第二屆委員，未能依法選出集會與召

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state has been undergoing a severe calamity, which makes re-election of the second term of both Yuans de facto impossible. It would contradict the purpose of the Five-Yuan system as established by the Constitution, if both the Legislative and Control Yuans ceased to exercise their respective powers. Therefore, before the second-term Members are elected, convene and are convoked in accordance with the laws, all of the first-term Members of both the Legislative and Control Yuans shall continue to exercise their respective powers.

集以前，自應仍由第一屆立法委員，監察委員繼續行使其職權。