

FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SENATE  
S. No. 2499

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The intent of the framers of the Constitution in creating the Commission on Appointments (CA) was to provide an effective check and balance mechanism between the executive and legislative branches of government. The act of the President in successively re-appointing bypassed nominees is a clear mockery of this principle enshrined in our fundamental law. The 1987 Constitution, Article 7, Section 16, mandates the CA to confirm all presidential nominees who will be occupying key positions in government.

Past presidents may have abused the power to appoint because of the re-appointment of some nominees who have been consecutively by-passed by the CA. The CA's constitutional mandate to serve as an effective check against the possible abuse of the President's power to appoint is thus frustrated by the current practice, as the President merely re-appoints all nominees regardless of the number of times the said nominees have been by-passed by the CA. The restraint against possible abuse of the President's appointing power is clearly rendered ineffective if not totally non-existent.

Through this proposed bill, the mandated constitutional principle of check and balance on the executive's appointing power will rightly be forced through the CA.

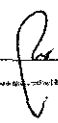
*This bill was originally filed by President Benigno S. Aquino III during the Fourteenth Congress.*

  
MIRIAM DEFENSOR SANTIAGO

OFFICE OF THE SECRETARY

16 SEP 13 1997

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Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 LIMITING THE RE-APPOINTMENT OF PRESIDENTIAL NOMINEES BY-PASSED  
3 BY THE COMMISSION ON APPOINTMENTS

*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

4 SECTION 1. *Short Title.* – This Act shall be known as the “Appointee Ineligibility Act”.

5 SECTION 2. *Declaration of Policy.* – It is the policy of any democratic State to uphold  
6 the system of checks and balances as provided by the Constitution.

7 The Constitution, Article 7, Section 16 empowers the President to nominate and, with the  
8 consent of the Commission on Appointments, appoint the heads of executive departments,  
9 ambassadors, other public ministers and consuls, or officers of the armed forces from the rank of  
10 colonel or naval captain, the regular members of the Judicial and Bar Council and the members  
11 of the Civil Service Commission, Commission on Elections and the Commission on Audit.

12 On the other hand, Article 6, Section 18 states that the Commission on Appointments  
13 shall act on all appointments submitted to it within thirty (30) session days of the Congress from  
14 their submission.

15 SECTION 3. *Statement of Objective.* – This Act seeks to apply the system of check and  
16 balance between the legislative and the executive in the determination of the qualification and  
17 fitness of any presidential nominee seeking confirmation.

18 SECTION 4. *By-passed Nominee.* – For purposes of this Act, a by-passed nominee is one  
19 whose appointment has not been favorably acted upon by the Commission on Appointments at  
20 the close of the session of Congress.

1           SECTION 5. *Ineligibility of Nominee.* – The Commission on Appointments shall declare  
2 nominees by-passed for three (3) consecutive instances as “ineligible”.

3           SECTION 6. *Effect of the Ineligibility of the Nominee.* – Any nominee declared ineligible  
4 by the Commission on Appointments under this Act shall be barred from being re-appointed or  
5 appointed by the same President to any of the positions provided under the Constitution, Article  
6 7, Section 16.

7           SECTION 7. *Separability Clause.* – If any provision of this Act shall be declared  
8 unconstitutional, any other provision not affected thereby shall remain in full force and effect.

9           SECTION 8. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or  
10 parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

11           SECTION 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication  
12 in at least two (2) newspapers of general circulation.

Approved,