

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

8 MAY 21 10:31

SENATE

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S. NO. 2302

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

Article VII, Section 16 of the Constitution provides that there shall be a Commission on Appointments composed of members of the Senate and the House of Representatives which shall act on all appointments referred thereto. The Commission, being part of our republican system of checks and balances, shall act as a restraint against abuse of the appointing authority, to the end that the power of disapproval should be exercised to protect and enhance the public interest.¹

However, the Commission is usually indisposed to exercise its power of disapproval, and reluctant to outrightly reject the presidential nominees thus, it would sit on the appointment resulting to bypass. Thereafter, instead of reconsidering the appointments withdrawn, the President consistently reappoints the same nominees who will occupy key positions in the government reserved only for those deserving and approved by the Commission.

This vicious cycle of simply reappointing the nominees who have been consecutively bypassed by the Commission defeats the system of checks and balances between the two co-equal branches of government concerned. It effectively leaves the Congress with no teeth in the determination of the fitness of nominees seeking for confirmation.

This bill seeks to put a halt to the aforementioned abuse of Executive power and to strengthen the constitutional mandate of the Commission on Appointments by providing limits on the power of the President to reappoint bypassed nominees. Nominees who have been bypassed twice shall no longer be eligible for reappointment by the President.

In view of the foregoing, the passage of this bill is earnestly sought.



ANTONIO "SONNY" F. TRILLANES IV
Senator

¹ Rules of the Commission of Appointments. Statement of Policy. Chapter 1.

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AN ACT
SETTING LIMITS ON THE POWER OF THE PRESIDENT TO REAPPOINT
BYPASSED NOMINEES

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

1 **SECTION 1. Title.** This Act shall be known as the "*Appointments Confirmation Act*
2 *of 2008*".
3

4 **SEC. 2. Declaration of Policy.** It is the policy of the state to subject certain
5 appointments by the President to a confirmation process in Congress to ensure that the persons
6 appointed have integrity and proven track record and are not disqualified to such positions.
7

8 **SEC. 3. Presidential Appointments subject to Confirmation by the Commission on**
9 *Appointments.* The President shall nominate and with the consent of the Commission on
10 Appointments, the heads of the executive departments; ambassadors, or other public ministers
11 and consuls and officers of the armed forces from the rank of colonel or naval captain.

12 **SEC. 4. Presidential Appointments during recess of the Congress.** The President
13 shall have the power to make appointments during the recess of the Congress, whether voluntary
14 or compulsory, but such appointments shall be effective only until disapproval by the
15 Commission on Appointments or until the next adjournment of the Congress.
16

17 **SEC. 5. Duty of the Nominees.** The nominees shall submit to the Commission on
18 Appointments the documentary requirements within thirty (30) days from receipt of his
19 nomination or appointment. Failure to submit the same within the required period is equivalent

1 to one (1) bypass. Failure to submit the said requirements within sixty (60) days shall cause the
2 disapproval of said nomination or appointment.

3

4 **SEC. 6. *Effect of Two (2) Bypasses.*** Nominees who have been bypassed twice shall
5 no longer be eligible for reappointment by the President.

6

7 **SEC. 7. *Effect of Disapproval by the Commission on Appointments.*** Nominees who
8 have been disapproved by a vote of the Commission on Appointments shall no longer be eligible
9 for reappointment by the President.

10

11 **SEC. 8. *Separability Clause.*** If any provision or part hereof is held invalid or
12 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
13 valid and subsisting.

14 **SEC. 9. *Repealing Clause.*** Any law, presidential decree or issuance, executive order,
15 letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the
16 provisions of this Act, is hereby repealed, modified, or amended accordingly.

17

18 **SEC. 10. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its
19 complete publication in at least two (2) newspapers of general circulation.

Approved,