

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

15 AUG 10 1992

SENATE

S. No. 2366

IN REPLY TO

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

The composition of the Judicial and Bar Council (JBC) is provided for under Section 8, Article VIII of the 1987 Constitution. The function of the JBC is to recommend to the President appointees to the Judiciary and from among the nominees, the President appoints judges and justices without need for confirmation by the Commission on Appointments. Note should also be taken that the regular members of the JBC as provided for under Section 8 (2), Article VIII are also appointed by the President.

This bill seeks to ban reappointments to the JBC in order to avoid the possibility of instances where its members, in their desire to be reappointed to the Council, succumb to pressure from the executive to nominate individuals based on political considerations instead of their actual merits and qualifications, seriously undermining the quality of judicial appointments and the independence of the judiciary as a whole.

Moreover, reappointments to the JBC may also result in a loss of opportunity for other lawyers and legal experts to serve in the council, limiting the number of potentially talented individuals who might inform and enlighten the Council with their views and insights.

In the end, enhancing the independence of the JBC by avoiding political considerations and providing equal access and opportunity to public office will strengthen the independence of our judiciary, ultimately promoting the fair administration of justice in this country.

For the foregoing reasons, the approval of this bill is earnestly sought.

FRANCIS G. ESCUDERO

1987

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S. No. 2366

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AN ACT
BANNING THE RE-APPOINTMENT OF A REGULAR MEMBER OF THE
JUDICIAL AND BAR COUNCIL (JBC) WHO HAS ALREADY SERVED THE
FULL TERM

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

1 **SECTION 1. Short Title.** This Act shall be known as the "*Judiciary*
2 *Independence Enhancing Act*".

3
4 **SEC.2. Declaration of Policy.** - It is hereby declared the policy of the State to
5 enhance the independence of the judiciary by insulating it from political
6 pressure.

7
8 **SEC.3. Definition.** - For purposes of this Act and pursuant to Section 8 (2),
9 Article VII1 of the 1987 Constitution, the following are the regular members of
10 the Judicial and Bar Council, appointed by the President for a term of four years
11 with the consent of the Commission on Appointments:

- 12
13 a. Representative of the Integrated Bar of the Philippines;
14 b. Professor of Law;
15 c. Retired Member of the Supreme Court; and
16 d. Representative of the Private Sector.

17
18 **SEC.4. Persons Covered** - A regular member of the Judicial and Bar Council
19 who has completed the service of his/her term of office shall be *totally*
20 *disqualified* from being re-appointed to the same position in any capacity.

21
22 **SEC.5. Separability Clause.** - If any provision of this Act shall be declared
23 unconstitutional, any other provision not affected thereby shall remain in full
24 force and effect.

25
26 **SEC.6. Repealing Clause.** - All laws, decrees, orders, rules and regulations,
27 or parts thereof inconsistent with this Act are hereby repealed or amended
28 accordingly.

29 **SEC.7. Effectivity.** - This Act shall take effect fifteen (15) days after its
30 publication in at least two (2) newspapers of general circulation.

31
32 *Approved,*