

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



Senate  
Office of the Secretary

13 JUL -4 AB 09

SENATE

S. B. No. 434

RECEIVED BY: *ji*

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Introduced by Senator FRANCIS G. ESCUDERO

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#### 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.

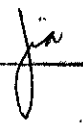
For the foregoing reasons, the approval of this bill is earnestly sought.

FRANCIS G. ESCUDERO

'13 JUL -4 A8 :09

SENATE

S. B. No. 434

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Introduced by Senator FRANCIS G. ESCUDERO

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 Independence  
2 *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 pressure.  
6

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

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

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

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

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26 parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

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

30           *Approved,*  
31