

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

Senate
Office of the Secretary

731 JUL -8 AM 59

SENATE
S. No. 581

RECEIVED BY: *ju*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Recent history has proven to us that the judiciary is truly the last bulwark of constitutional rights and liberties. In a fledgling democracy like ours, the judiciary is a beacon of light when darkness looms and our right as a people is violated by the high and the mighty. The judiciary as an interpreter of laws and in some cases, the arbiter between the branches of our government should be peopled with men and women of integrity, independence, loyalty to our Constitution and above all efficient public servants whose morality and integrity are beyond reproach and should not be beholden to any powers that be in order for them to perform their functions with zeal and excellence.

The composition of the Judicial and Bar Council (JBC) is provided for under the Constitution, Article 8, Section 8. 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. The regular members of the JBC as provided for under Article 8, Section 8 (2) 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.¹

acs.
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAÑO

¹ This bill was originally filed by President Benigno S. Aquino III.



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1 AN ACT
2 BANNING THE RE-APPOINTMENT OF A REGULAR MEMBER OF THE
3 JUDICIAL AND BAR COUNCIL WHO HAS ALREADY SERVED THE FULL TERM

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 “JBC Independence Act”.

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

7 SECTION 3. *Definition.* – For purposes of this Act and pursuant to the Constitution,
8 Article 8, Section 8 (2), the following are the regular members of the Judicial and Bar Council
9 (JBC), appointed by the President for a term of four (4) years with the consent of the
10 Commission on Appointments:

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

15 SECTION 4. *Persons Covered.* – Any regular member of the JBC who has completed
16 the service of his/her term of office shall be totally disqualified from being re-appointed to the
17 same position in any capacity.

1 SECTION 5. *Separability Clause.* – If any provision or part hereof is declared invalid or
2 unconstitutional, any other provision not affected thereby shall remain in full force and effect.

3 SECTION 6. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or
4 parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

5 SECTION 7. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication
6 in at least two (2) newspapers of general circulation.

Approved,