

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

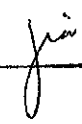


Senate
Office of the Secretary

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SENATE

Senate Bill No. 1287

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

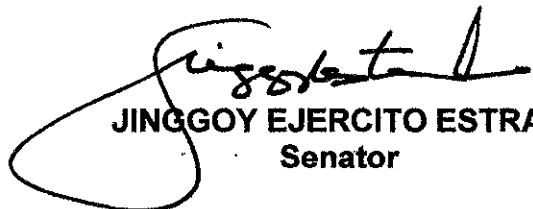
Section 8, Article VII of the Constitution provides for the creation, composition, and function of the Judicial and Bar Council (JBC). The JBC members are appointed by the President for a term of four (4) years, without prohibition for re-appointment. The JBC has the primary function of recommending appointees to the Judiciary, which do not require the confirmation of the Commission on Appointments.

The nature of the composition and power of the JBC does not only highlight its important role in shaping the Judiciary, it also spells out the dangers that may be brought about by abuse and selfish motives. Re-appointment of JBC members deprive the other lawyers and legal experts who are equally or even more qualified than the incumbent members, the opportunity to contribute to the Council. The more frightening danger is, in their interest to be re-appointed, the possibility of the members to succumb to the pressures from the Executive to nominate the latter's preferred candidates, the basis of which is mere political consideration instead of the person's merits and qualifications.

This measure seeks to limit the term of the members of the JBC by prohibiting re-appointment to the said position. Such limitation will address all the aforementioned concerns and will, in turn, strengthen the independence and integrity of the Judiciary.

This bill was filed by the Committee on Justice and Human Rights during the Fifteenth Congress but was overtaken by events that it did not prosper into law.

The immediate passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
LIMITING THE TERM OF OFFICE OF THE REGULAR MEMBERS OF THE
JUDICIAL AND BAR COUNCIL (JBC)

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

1 **SECTION 1. Declaration of Policy.** – It is hereby declared the policy of the State
2 to enhance the independence of the judiciary by insulating it from political
3 pressure and influence, especially in the nomination and selection of appointees
4 to the judiciary.
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7 **SEC. 2. Regular Members.** – For purposes of this Act and pursuant to Section 8
8 (2), Article VIII of the 1987 Constitution, the following are the regular members of
9 the Judicial and Bar Council, appointed by the President for a term of four (4)
10 years with the consent of the Commission on Appointments:
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- 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

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18 **SEC. 3. Limitation.** – A regular member of the Judicial and Bar Council who has
19 completed the service of his/her term of office shall no longer be eligible for re-
20 appointment to the same position in whatever capacity.
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23 **SEC. 4. Separability Clause.** – If any provision of this Act shall be declared void
24 or unconstitutional, any other provisions not affected thereby shall remain in full
25 force and effect.
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28 **SEC. 5. Repealing Clause.** – All laws, decrees, orders, rules and regulations or
29 parts thereof inconsistent with this Act are hereby repealed or amended
30 accordingly.
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1 **SEC. 6. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation.

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8 *Approved,*