


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



15 FEB -2 P5:31

SENATE
S.B. No. 2605

RECEIVED BY: 

Introduced by Senator Ramon Bong Revilla, Jr.

AN ACT PROHIBITING CITY MAYORS, MUNICIPAL MAYORS AND PROVINCIAL GOVERNORS FROM MAKING APPOINTMENT TWO (2) MONTHS IMMEDIATELY BEFORE THE NEXT LOCAL ELECTIONS AND PENDING ASSUMPTION TO OFFICE OF THEIR SUCCESSORS AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Our Constitution, in its Sec 15 of Article VII prohibits midnight appointments to be made by the President or the Acting President. Based on the Supreme Court ruling on Hon Mateo A. Valenzuela ad Hon. Placido B. Vallarta (298 SCRA 408), this prohibition targets two types of appointments which are "(1) those made for buying votes and (2) those made for partisan consideration."

There is no law prohibiting local executives from making such appointments. Although the Omnibus Election Code regulates local executive appointing power, it does not ban it.

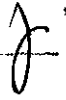
Admittedly, the two types of appointments for which the Presidential appointive power is banned are also present in the local setting. In this light, this proposal extends the restriction of appointments to local executives. Partisan consideration and electioneering are also problems faced by the local government, thus, same prohibition on appointments must also be imposed.

Approval of this bill earnestly sought.


RAMON BONG REVILLA, JR.

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

1 **SECTION 1. Proscribed Appointments.** – Two (2) months immediately before
2 the next local elections and up to the end of their terms, city mayors, municipal mayors
3 and provincial governors or those in an acting capacity shall not make appointments,
4 either casual, contractual, temporary or permanent, except temporary appointments to
5 executive positions where continued vacancies therein will prejudice public service or
6 endanger safety.

7
8 **SEC. 2. Outgoing Local Executives.** – Outgoing city mayors, municipal mayors
9 and provincial governors shall not make appointments, either casual, contractual,
10 temporary or permanent, after the local elections and pending the assumption to office
11 of their respective successors, except temporary appointments to executive positions
12 where continued vacancies therein will prejudice public service or endanger safety.

13
14 **SEC. 3. Automatic Expiration.** – All temporary appointments made pursuant to
15 the two (2) preceding sections shall ipso facto expire on July 1 following the elections,
16 subject to the renewal of the appointment upon the discretion of the duly authorized
17 appointing authority.

18
19 **SEC. 4. Separability Clause.** – If any part, section or provision of this Act is held
20 invalid or unconstitutional, other provisions not affected thereby shall remain in full force
21 and effect.

22

1 **SEC. 5. Repealing Clause.** – All other laws, decrees, orders, issuances, rules
2 and regulations contrary to or inconsistent with the provisions of this Act are hereby
3 repealed, amended or modified accordingly.

4

5 **SEC. 6. Effectivity.** – This Act shall take effect fifteen (15) days after its
6 publication in the Official Gazette.

Approved,