

SENATE  
S. NO. 294

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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**Explanatory Note**

Article VII, Section 16 of the Constitution provides:

*"The President shall nominate and, with the consent of the Commission on Appointments, appoint the heads of the executive departments, ambassadors, other public ministers and consuls, or officers of the armed forces from the rank of colonel or naval captain, and other officers whose appointments are vested in him in this Constitution. He shall also appoint all other officers of the Government whose appointments are not otherwise provided for by law, and those whom he may be authorized by law to appoint. The Congress may, by law, vest the appointment of other officers lower in rank in the President alone, in the courts, or in the heads of departments, agencies, commissions, or boards.*

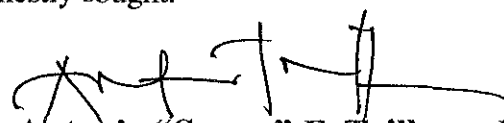
*"The President shall have the power to make appointments during the recess of the Congress, whether voluntary or compulsory, but such appointments shall be effective only until disapproval by the Commission on Appointments or until the next adjournment of the Congress."*

The Commission on Appointments is usually reluctant to reject outright the presidential nominees, hence, would not confirm the appointment resulting to bypass. Conversely, despite being bypassed, the President oftentimes reappoints the same nominees.

This practice of simply reappointing the nominees even after several bypasses subverts the principle of confirmation mandated by our Constitution. Further, this situation makes a mockery of the constitutional duties of the Commission on Appointments to confirm and reject presidential appointees on the basis of the check and balance powers of the legislative branch of the government.

This bill seeks to uphold the constitutional duties of the Commission on Appointments by setting limits on the power of the President to reappoint bypassed nominees.

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

  
Antonio "Sonny" F. Trillanes IV  
Senator

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

OFFICE OF THE SECRETARY

JUL 16 11:03

SENATE

S. NO. 294

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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**AN ACT**  
**SETTING LIMITS ON THE POWER OF THE PRESIDENT TO REAPPOINT**  
**BYPASSED NOMINEES**

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

1           **SECTION 1. Title.-** This Act shall be known as the "Appointments Confirmation Act  
2 of 2010".

4           **SEC. 2. Declaration of Policy.-** It is the policy of the state to subject certain  
5 appointments by the President to a confirmation process in Congress to ensure that the persons  
6 appointed have integrity and proven track record and are not disqualified to such positions.

8           **SEC. 3. Presidential Appointments subject to Confirmation by the Commission on**  
9 **Appointments.-** The President shall nominate and with the consent of the Commission on  
10 Appointments, the heads of the executive departments; ambassadors, or other public ministers  
11 and consuls and officers of the armed forces from the rank of colonel or naval captain.

1           **SEC. 4. *Presidential Appointments during recess of the Congress.***- The President  
2 shall have the power to make appointments during the recess of the Congress, whether voluntary  
3 or compulsory, but such appointments shall be effective only until disapproval by the  
4 Commission on Appointments or until the next adjournment of the Congress.

5  
6           **SEC. 5. *Duty of the Nominees.***- The nominees shall submit to the Commission on  
7 Appointments the documentary requirements within thirty (30) days from receipt of his  
8 nomination or appointment. Failure to submit the same within the required period is equivalent  
9 to one (1) bypass. Failure to submit the said requirements within sixty (60) days shall cause the  
10 disapproval of said nomination or appointment.

11  
12           **SEC. 6. *Effect of Two (2) Bypasses.***- Nominees who have been bypassed twice shall  
13 no longer be eligible for reappointment by the President.

14  
15           **SEC. 7. *Effect of Disapproval by the Commission on Appointments.***- Nominees who  
16 have been disapproved by a vote of the Commission on Appointments shall no longer be eligible  
17 for reappointment by the President.

18  
19           **SEC. 8. *Separability Clause.***- If any provision or part hereof is held invalid or  
20 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
21 valid and subsisting.

1           **SEC. 9. *Repealing Clause.***- Any law, presidential decree or issuance, executive order,  
2 letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the  
3 provisions of this Act, is hereby repealed, modified, or amended accordingly.

4  
5           **SEC. 10. *Effectivity Clause.***- This Act shall take effect fifteen (15) days after its  
6 complete publication in at least two (2) newspapers of general circulation.

Approved,