

FIFTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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10 JUL -7 P2:23

SENATE

Senate Bill No. 673

RECEIVED BY



INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The intent of the framers of the Constitution in creating the Commission on Appointments was to provide an effective check and balance mechanism between the executive and legislative branch of government. The 1987 Constitution, particularly Article VII, Section 16, mandates the Commission on Appointments (CA) to confirm all Presidential nominees who will occupy key positions in government.

The former President has abused her power to appoint because of her consistent re-appointment of her nominees who have been consecutively by-passed by the Commission on Appointments. In fact, a Cabinet official who has been successively by-passed for fifteen (15) times in a span of three (3) years have been re-appointed by the former President and allowed to continue performing the functions reserved only to those officials whose nominations have been confirmed by the CA.

The CA's constitutional mandate to serve as an effective check against the possible abuse of the President's power to appoint is thus frustrated by the current practice of re-appointing nominees who have been consecutively by-passed by the CA. The restraint against possible abuse of the President's appointing power is clearly rendered ineffective if not totally non-existent.

Through this proposed bill, the mandated constitutional principle of check and balance on the executive's appointing power will rightly be enforced through the Commission on Appointments.

The approval of this bill is being earnestly requested.



JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
LIMITING THE RE-APPOINTMENT OF PRESIDENTIAL NOMINEES BY-
PASSED BY THE COMMISSION ON APPOINTMENTS (CA)

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

SECTION 1. This Act shall be known as the "**Appointee Ineligibility Act of 2010**".

SEC. 2. Declaration of Policy -It is the policy of any democratic State to uphold the system of checks and balances as provided by the Constitution.

Article VII, Section 16 of the Constitution empowers the President to nominate and, with the consent of the Commission on Appointments, appoint the heads of executive departments, ambassadors, other public ministers and consuls, or officers of the armed forces from the rank of colonel or naval captain, the regular members of the Judicial and Bar Council and the members of the Civil Service Commission, Commission on Elections and the Commission on Audit.

On the other hand, Article VI, Section 18 states that the Commission on Appointments shall act on all appointments submitted to it within thirty session days of the Congress from their submission.

SEC. 3. Statement of Objectives - This law seeks to apply the system of check and balance between the legislative and the executive in the determination of the qualification and fitness of any presidential nominee seeking confirmation.

SEC. 4. Bypassed Nominee - For purposes of this Act, a by-passed nominee is one whose appointment has not been favorably acted upon by the Commission on Appointments at the close of the session of Congress.

SEC.5. Ineligibility of Nominee. -Nominees by-passed for three (3) consecutive instances shall be declared as "ineligible" by the Commission on Appointments.

SEC.6. Effect of the Ineligibility of the Nominee. - Any nominee declared Ineligible by the Commission on Appointments under this Act shall be barred from being re-appointed or appointed by the same President to any of the positions provided under Article VII, Section 16 of the Constitution.

SEC.7. Separability Clause. -If any provision of this Act shall be declared unconstitutional, any other provision not affected thereby shall remain in full force and effect.

SEC. 8. *Repealing Clause.* -All laws, decrees, orders, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 9. *Effectivity.* -This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,