

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

13th Congress

FIRST REGULAR SESSION

HOUSE BILL NO. 4274



Introduced by Rep. HERMILANDO I. MANDANAS
2nd District, Batangas

EXPLANATORY NOTE

This bill seeks to give total effect to the independence granted by the 1987 Constitution to the three Constitutional Commissions, namely, the Civil Service Commission, the Commission on Elections and the Commission on Audit.

The 1987 Constitution, under Section 5, Article XI-A thereof, provides that *"The Commissions shall enjoy fiscal autonomy. Their approved annual appropriations shall be automatically and regularly released."* The Supreme Court, in *Bengzon vs. Drilon* (208 SCRA 150), interpreted fiscal autonomy as guaranteeing full flexibility of said Constitutional Commissions to allocate and utilize their resources with the wisdom and dispatch that their needs require in the course of the discharge of their functions.

The foregoing notwithstanding, the Constitutional Commissions cannot be said to enjoy full fiscal autonomy, relative to the approval and release of their respective shares. It is a sad spectacle to see the heads and officials of the three Constitutional Commissions lining up before Congressional hearings every year, to defend their respective shares in the national budget. It is degrading for these officials and the Constitutional Commissions they represent, to be seen begging for approval of their budgetary allocations. Thus, the fiscal autonomy given by the Constitution to these Commissions is reduced to nothing but an empty and illusory platitude.

This sad spectacle should be put to an end by enacting a law exempting the Constitutional Commissions from the rigorous Congressional hearings concerning the approval and release of their annual budgetary shares. Instead, the Constitutional Commission shall be entitled to a share in the national internal revenues. Thereby, their fiscal autonomy is respected. Further, such a law would also preserve the objectivity and independence of the Constitutional Commissions.

In view of all the foregoing, approval of this bill is earnestly sought.


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**AN ACT PROVIDING FISCAL INDEPENDENCE TO THE
CONSTITUTIONAL COMMISSIONS,
THROUGH THE AUTOMATIC RELEASE OF THEIR RESPECTIVE SHARE
IN THE NATIONAL INTERNAL REVENUES**

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

SECTION 1. ALLOCATION TO CONSTITUTIONAL COMMISSIONS – The share in the Annual General Appropriations Act of each Constitutional Commission shall be based on the national internal revenue collections of the third fiscal year preceding the current fiscal year, as follows:

<i>Constitutional Commission</i>	<i>Percentage Share</i>
Civil Service Commission	0.15%
Commission on Audit	1.20%
Commission on Elections	0.40%

SECTION 2. AUTOMATIC RELEASE OF SHARES- The share in the General Appropriation Act of each Constitutional Commission in the national internal revenues shall be released within the first five (5) days of each month, without need of any further action, directly to them and which shall not be subject to any lien or holdback that may be imposed by the National Government for whatever purpose.

SECTION 3. All laws, presidential decrees, executive orders, letters of instruction, rules and regulations or parts thereof inconsistent with this provisions of this Act are hereby repealed or modified accordingly.

SECTION 4. This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation.

APPROVED.