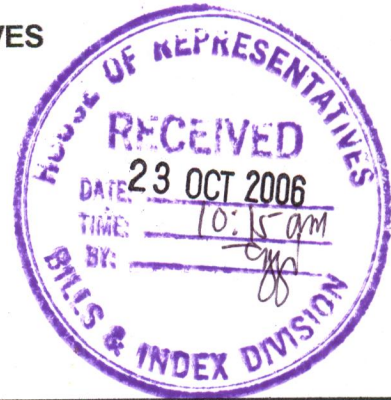


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
Second Regular Session

House Bill No. 5912



Introduced by Representative Imee R. Marcos

EXPLANATORY NOTE

Since 1992, the Congress of the Philippines has enacted quite a number of laws, which, among other things, create a Joint Congressional Oversight.

In the subject laws passed by Congress, the Oversight Committee is generally delegated the power to revise, amend, modify and approve the implementing rules and regulations formulated by administrative bodies. Furthermore, the Committee is made responsible for the monitoring and evaluation of the implementation of the law, which includes the authority to require reports from enforcement and implementing agencies.

The objective and purpose of the creation of this Committee, which is to serve as a safeguard against the irregularities and anomalies committed in the implementation of the law and the disbursement of public funds, is indisputable. The doctrine of Separation of Powers, however, should not be disregarded in attending to the concerns of the Legislature. It must be conceded that once the power to promulgate rules has been statutorily given to the agencies, these agencies are thereafter empowered to regulate and ensure that laws are properly enforced and faithfully according to legislative intent. Under the Constitution, the Executive is responsible for the enforcement and execution of all laws, and the Legislative Branch may delegate to the concerned executive office the power to fill in the details to a law as long as the law is complete in itself and contains standards to be observed by administrative bodies. Considering that the highest law of the land makes the separation of the executive and the legislative departments clear-cut, We, too, must clearly draw the line between these two (2) powers. Hence, the approval, revision or amendment of the implementing rules and regulations cannot be left to the discretion of Congress.

This bill aims to delineate the oversight powers of the Congress to ensure that the Legislature acts within the scope of its authority, without forfeiting its power to make, alter and repeal laws. It is the opinion of this author that while the Congress is mandated by law to conduct an inquiry in aid of legislation, such must be done in relation to and in furtherance of a legitimate task of Congress. We must make no delay in addressing this matter. To date, there are already approximately twenty-nine (29) laws containing oversight provisions, namely:

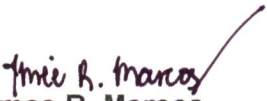
1. RA 7637 (Sept. 24, 1992)
"Pinatubo Assistance, Resettlement and Development"
2. RA 7642 (Dec. 23, 1992)
"Increasing Penalties for Tax Evasion"
3. RA 7648 (April 05, 1993)
"EPIRA"
4. RA 7650 (April 06, 1993)
"Physical Examination of Imported Articles"
5. RA 7653 (June 14, 1993)
"New Central Bank Act"

6. RA 8046 (June 07, 1995)
"ARMM Computerized Election Systems"
7. RA 8182 (June 11, 1996)
"Official Development Assistance Act of 1996"
8. RA 8424 (Dec. 11, 1997)
"Tax Reform Act of 1997"
9. RA 8435 (Dec. 22, 1997)
"Agricultural and Fisheries Modernization Act"
10. RA 8436 (Dec. 22, 1997)
"Authorizing COMELEC to use Automated Election System in the 1998 Natl. Elections"
11. RA 8747 (June 1, 1999)
"Phil. 2000 Readiness and Disclosure Act"
12. RA 8749 (June 23, 1999)
"Clean Air Act"
13. RA 8752 (Aug. 12, 1999)
"Anti-Dumping Act of 1999"
14. RA 8792 (June 14, 2000)
"E-Commerce Act"
15. RA 8800 (July 19, 2000)
"Safeguard Measures Act"
16. RA 9003 (January 25, 2001)
"Ecological Solid Waste Management"
17. RA 9160 (September 29, 2001)
"Anti-Money Laundering Act"
18. RA 9165 (June 07, 2002)
"Dangerous Drugs Act"
19. RA 9175 (Nov. 07, 2002)
"Regulating Ownership, Possession, Sale of Chain Saws"
20. RA 9182 (Dec. 23, 2002)
"Special Purpose Vehicles Act"
21. RA 9184 (Jan. 10, 2003)
"Gov't. Procurement Act"
22. RA 9189 (Feb. 13, 2003)
"Overseas Absentee Voting Act"
23. RA 9207 (May 17, 2003)
"National Government Center Housing and Land Utilization Act of 2003"
24. RA 9211 (June 23, 2003)
"Tobacco Regulations Act"
25. RA 9239 (Feb. 10, 2004)
"Optical Media Act"
26. RA 9267 (March 19, 2004)
"Revised Securitization Act"
27. RA 9275 (March 22, 2004)
"Clean Water Act"

28. RA 9285 (Feb. 2, 2004)*
"Alternative Dispute Resolution Act"

29. RA 9335 (Jan. 19, 2005)
"Lateral Attrition Act"

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


Imee R. Marcos
Representative
2nd District, Ilocos Norte

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
Second Regular Session

House Bill No. 5912

Introduced by Representative Imee R. Marcos

AN ACT
DEFINING THE CREATION OF A JOINT CONGRESSIONAL OVERSIGHT COMMITTEE

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

SECTION 1. *Declaration of Policy.* -

- (1) Legislative power, which is the power to make, alter or repeal laws, is vested in the Congress of the Philippines. However, once the power to promulgate rules has been statutorily given to the agencies, it is an executive power to regulate and ensure that laws are properly enforced and faithfully according to legislative intent.
- (2) Legislative oversight is an important part of the legislative-executive relations and is an essential and appropriate auxiliary to the legislative function. This notwithstanding, the Congress cannot act as a law enforcement or trial agency, which functions are granted to the executive and judicial departments of government.
- (3) Every exercise of the legislative oversight powers must be related to and in furtherance of a legitimate task of Congress.

SECTION 2. *Definition of Terms.* -

- (a) "Legislative oversight" refers to the power of the Legislative branch, under Section 21, Article VI of the 1987 Philippine Constitution, to conduct an inquiry or an investigation, in aid of legislation.

It provides the legislative branch with an opportunity to inspect, examine, review and check the executive branch and its agencies with the objective to prevent waste

and fraud; protect civil liberties and individual rights; ensure executive compliance with the law; gather information for making laws and educating the public; and evaluate executive performance.

(b) "Joint Congressional Oversight Committee" refers to the Committee composed of members of the Senate and the House of Representatives created pursuant to a law enacted by the Congress which shall be responsible for the study, evaluation and monitoring of the enforcement of the same law.

SECTION 3. *Exercise of Legislative Oversight Powers.* - The power of the Congress of the Philippines to exercise oversight powers pursuant to Sec. 21, Article VI of the 1987 Philippine Constitution is recognized.

Provided: However, that the exercise of oversight powers shall not be a condition precedent to the approval of any implementing rules and regulations formulated by administrative agencies tasked with the enforcement of the law.

SECTION 4. *Authority of the Congress of the Philippines to create a Joint Congressional Oversight Committee.* - The Congress of the Philippines is hereby granted the authority and power to create a Joint Congressional Oversight Committee (COMMITTEE) relative to a law enacted by it.

The Joint Congressional Oversight Committee established under a specific law shall be responsible for the review, evaluation and monitoring of the implementation of the law. The Committee may demand the submission of reports and other pertinent documents by concerned government agencies relating to the enforcement and execution of the law enacted, and perform such other duties and functions for the effective accomplishment of its responsibilities.

SECTION 5. *Limitations on the Exercise of Joint Congressional Oversight Powers.* -

- (a) The Joint Congressional Oversight Committee created by the Congress of the Philippines shall not be empowered to review, revise and amend the Implementing Rules and Regulations (IRR) promulgated by administrative agencies tasked with the enforcement of the law;
- (b) The Congress of the Philippines shall not provide in the creation of a Joint Congressional Oversight Committee that the Implementing Rules and Regulations (IRR) formulated by administrative agencies relative to a law

enacted by it shall be subject to prior approval by the Committee.

- (c) Any doubt as to the proper enforcement or effectiveness of the law following its passage and approval shall be addressed by the Congress of the Philippines through its Law-Making and Legislative Oversight Functions.

SECTION 6. *Jurisdiction of Regular Courts to Invalidate an Implementing Rules and Regulations (IRR).* – Any question on the validity of the Implementing Rules and Regulations (IRR) promulgated by an administrative agency relative to a law enacted by Congress shall be resolved by the regular courts.

SECTION 7. *Effect of Non-Observance of this Act.* – Any clause creating a Joint Congressional Oversight Committee which is inconsistent with the provisions of this act shall be void.

Provided: That, the other sections and provisions of the law enacted shall remain valid and effectual.

SECTION 8. *Repealing Clause.* - Any law, decree, Executive Order, rules and regulations, or parts thereof, inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

SECTION 9. *Separability Clause.* – If any provision or section of this Act, or the application thereof to any person or circumstance, is held to be invalid, the other provisions and sections of this Act, shall not be affected thereby.

SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.