

HOUSE OF REPRESENTATIVES

House Bill No. **889**

Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

The Judicial and Bar Council (JBC) of the Philippines is a Constitutional body whose primary task is to recommend to the President possible appointees for vacancies that may come up in the Supreme Court and other lower courts.

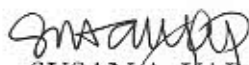
The Constitution further provides for the composition of the (JBC). According to Article VIII, Section 8 (1), it shall be composed of the Chief Justice as ex officio Chairman; the Secretary of Justice and a representative of the Congress as ex officio Members; a representative of the Integrated Bar, a professor of law, a retired Member of the Supreme Court, and a representative of the private sector. Paragraph 2 of the same section goes on to qualify the membership of the aforementioned such that they would have to be appointed by the President, with the consent of the Commission on Appointments, for differing tenures. In this regard, this bill desires to intervene.

This bill primarily seeks to ban reappointments in the Council as it is quite probable that in a member's desire to be reinstated in the JBC, s/he would give in to the pressure induced by the executive to nominate individuals based on political considerations instead of their actual merits. This clearly undermines the independence and status of the judiciary as a whole.

Moreover, reappointments limit the opportunities of other equally qualified lawyers and legal experts to serve in the Council and the chance for the Council to benefit from the talent of other individuals and learn anew from that.

As its vision-mission statement says, the Council envisions itself to be "... independent, efficient and a proactive sentinel of judicial service, guided only by the principles of integrity, excellence and competence; unfettered by the shackles of friendship, relationship, or other considerations, thus vesting the cloak of Magistracy on those who will best dispense justice for all." If enacted, this bill would further enhance the independence of the JBC particularly in providing equal opportunity to hold public office in the judiciary and thereby, promote better administration of justice in the country.

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


SUSANA A. YAP

Representative, Second District of Tarlac

1 FIFTEENTH CONGRESS)
2 OF THE REPUBLIC OF THE PHILIPPINES)
3 First Regular Session)
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6 HOUSE OF REPRESENTATIVES

7 CCL 889
8 House Bill No. _____
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11 Introduced by Representative Susan A. Yap
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14 AN ACT
15 BANNING THE RE-APPOINTMENT OF A REGULAR MEMBER OF
16 THE JUDICIAL AND BAR COUNCIL (JBC) WHO HAS ALREADY
17 SERVED THE FULL TERM.
18

19 *Be it enacted by the Senate and the House of Representatives of the Philippines in Congress*
20 *assembled*
21

22 SECTION 1. *Short Title.* This Act shall be known as the "*Judiciary Independence*
23 *Enhancing Act of 2010*".
24

25 SEC.2. *Declaration of Policy.* - It is hereby declared the policy of the State to
26 enhance the independence of the judiciary by insulating it from political pressure.
27

28 SEC.3. *Definition.* - For purposes of this Act and pursuant to Section 8 (2),
29 Article VII of the 1987 Constitution, the following are the regular members of the
30 Judicial and Bar Council, appointed by the President for a term of four years with the
31 consent of the Commission on Appointments:
32

- 33 a. Representative of the Integrated Bar of the Philippines;
34
35 b. Professor of Law;
36
37 c. Retired Member of the Supreme Court; and
38
39 d. Representative of the Private Sector.
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41 SEC.4. *Persons Covered* - A regular member of the Judicial and Bar Council
42 who has completed the service of his/her term of office shall be *totally* disqualified
43 from being re-appointed to the same position in any capacity.
44

45 SEC.5. *Separability Clause.* - If any provision of this Act shall be declared
46 unconstitutional, any other provision not affected thereby shall remain in full force
47 and effect.
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49 SEC.6. *Repealing Clause.* - All laws, decrees, orders, rules and regulations, or
50 parts thereof inconsistent with this Act are hereby repealed or amended accordingly.
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52 SEC.7. *Effectivity.* - This Act shall take effect fifteen (15) days after its
53 publication in at least two (2) newspapers of general circulation.
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55 Approved,
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