

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6365



Introduced by Hon. ANGELO B. PALMONES

EXPLANATORY NOTE

The 1987 Philippine Constitution vested upon the President the power of appointing the heads of the executive departments and other key leaders of the country with the end goal of protecting the interest and welfare of the public. Moreover, the Constitution created the Commission on Appointments to confirm all Presidential nominees who will occupy key positions in government.

The power to scrutinize, validate qualifications and confirm Presidential nominations is a mechanism to ensure that nominees or appointees possess the qualifications required by the positions. It thus serves as an effective check against possible abuse of the presidential authority. This upholds the Commission's policy statement that "the powers vested in it by the Constitution shall be discharged with only one compelling motive, which is the efficient and harmonious functioning of the government."

However, it has been observed that nominees or appointees by-passed by the Commission were again re-appointed by the President and allowed to continue performing functions which should be carried out by officials whose appointments were confirmed by the Commission on Appointments. This practice is almost synonymous to abuse of Presidential authority, and indirectly mocks the purpose for which the Commission was created partly because of lack of a clear policy.

Hence, this bill which was originally filed by then Senator Benigno S Aquino III during the 14th Congress, proposes to limit to three times the re-appointment of Presidential nominees by-passed by the Commission. The bill shall uphold and put into practice the Constitutional principle of check and balance to restraint abuse of authority.

In view thereof, approval of this bill is earnestly requested.


ANGELO B. PALMONES

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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 2012”.

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 the 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,