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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
1st Regular Session

HOUSE BILL NO. 141



Introduced by: HON. FRANCIS GERALD A. ABAYA

EXPLANATORY NOTE

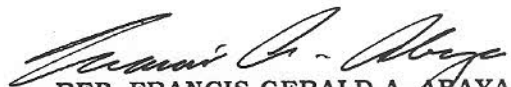
The intent of the framers of the Constitution in creating the Commission on Appointments (CA) is to provide an effective check and balance mechanism between the executive and legislative branch of government. The act of the President in successively re-appointing by-passed nominees is a clear mockery of the above mentioned principle enshrined in our fundamental law. 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 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 has been re-appointed by the 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, as the President merely re-appoints all her nominees regardless of the number of times the said nominees have been 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.

For these reasons, the approval of this bill is being earnestly requested.


REP. FRANCIS GERALD A. ABAYA
First District, Cavite

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SIXTEENTH CONGRESS
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HOUSE BILL NO. 141

Introduced by: HON. FRANCIS GERALD A. ABAYA

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 2013*".

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

1 the determination of the qualification and fitness of any presidential
2 nominee seeking confirmation.

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

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

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

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

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

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

23 Approved,