

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4356



Introduced by REP. ELPIDIO F. BARZAGA, JR.

EXPLANATORY NOTE

The independent constitutional commissions include the Civil Service Commission, the Commission on Elections and the Commission on Audit as provided for by Section 1 of Article IX-A of the 1987 Philippine Constitution. The following are safeguards which ensure the independence of the constitutional commissions: (1) They are constitutionally created hence they cannot be abolished by mere statute; (2) They are conferred certain powers and functions which cannot be reduced by mere statute; (3) Its chairmen and members cannot be removed except by impeachment; (4) Its chairmen and members are given a fixed term of office of seven years; (5) Its chairmen and members may not be reappointed or appointed in an acting capacity; (6) Its chairmen and members are subject to certain disqualifications calculated to strengthen their integrity; (7) The salaries of the chairmen and members may not be diminished or reduced during their continuance in office; (8) They are given power to appoint their own officials and employees but in accordance with law; (9) Each commission enjoys fiscal autonomy; and (10) Each commission may promulgate its own procedural rules, provided they do not diminish, increase or modify substantive rights. (*Justice Antonio E.B. Nachura, Outline Reviewer in Political Law 2009*).

Section 2 of said Article IX-A provides disqualifications or prohibitions on members against engaging in activities which can distract them from their

responsibilities or create uncertainty with their integrity such as engaging in the practice of any profession or active management of any business which may be affected by the functions of their office or be financially interested in any contract or franchise granted by the government.

The constitutional commissions were created as independent bodies unlike any other offices since they perform vital functions in the government particularly the Civil Service Commission which served as the personnel office of government, the Commission on Audit which served as the central auditing arm of the government, and the Commission on Elections which is charged with the administration of the electoral process in the country.

To further enhance the independence of the said constitutional commissions, it is essential that its chairmen and members must be able to fully serve their seven-year term of office with their respective commission without any external influence being exerted such as appointment in any other government office. This bill aims to prevent members of constitutional offices from resigning and accepting any government appointment during their term of office so as to uphold the stability and continuity in the office for which they have sworn to serve for the full seven years.

Hence, the chairmen and members of constitutional commissions must not be allowed to resign and be appointed to any other government office during their term of office. If successfully removed from office thru impeachment, they may not also accept any government position until the expiration of their seven-year term of office.

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



ATTY. ELPIDIO F. BARZAGA, JR.

Representative

Lone District of the City of Dasmariñas

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4356

Introduced by REP. ELPIDIO F. BARZAGA, JR.

**AN ACT PROHIBITING MEMBERS OF THE CONSTITUTIONAL
COMMISSIONS FROM RESIGNING FROM THEIR OFFICE TO
ACCEPT AN APPOINTMENT TO ANY GOVERNMENT POSITION**

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

SECTION 1. Declaration of Policy. - It is the declared policy of the state to maintain and preserve the independence of the constitutional commissions. The chairmen and members of the constitutional commissions must fully serve their term of office except when removed thru impeachment and for causes recognized under the law. For this reason, the resignation by a chairman or a member of constitutional commission during his term of office to accept another appointment in any government position is declared to be against both the law and public policy.

SEC. 2. Definition of Terms. - For purposes of this Act, the following terms shall mean:

- a) Constitutional Commissions shall refer to offices created under Article IX of the 1987 Philippine Constitution which include the Civil Service Commission, the Commission on Elections and the Commission on Audit.
- b) Government position refers to any appointive position in any of the various units of the government, including a department, a bureau, office, instrumentality, government-owned or controlled corporation, or a local

government or a district unit thereof. It also includes any appointive position in the legislative and or judicial branch of the government, other constitutional commissions, state universities and colleges, and offices created under the Constitution.

c) A government-owned or controlled corporation is a stock or non-stock corporation, which is directly chartered by special law or, if otherwise formed, is owned or controlled by the government directly or indirectly through a parent or subsidiary corporation, or by holding the majority of its voting members, in the case of a non-stock corporation.

SEC. 3. Disqualification. – In addition to the disqualifications provided under the 1987 Philippine Constitution, the chairman and/or member of a constitutional commission who resigns or was removed from office by impeachment shall be disqualified from being appointed to any government position during the unexpired term of his office.

SEC. 4. Repealing Clause. - All laws, decrees, executive orders, rules and regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 5. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,