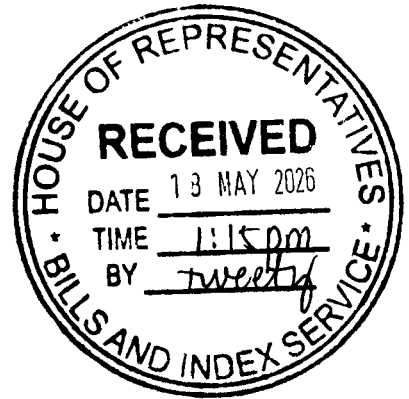


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session
House Bill No. 9293



Introduced by
Representatives HAROLD JAMES T. DUTERTE and PAOLO Z. DUTERTE

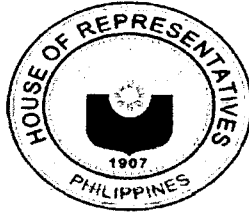
EXPLANATORY NOTE

Under the Constitution, the President's power to appoint is outlined in Section 16, Article VII. In various decisions by the Supreme Court, it has also been clarified that, in order to ensure the continuous service by the Government, even positions which require the consent of the Commission on Appointment is immediately allowed whenever the President is required to appoint such officials while Congress is not in session.

However, it is noted that this power of the President has been abused whenever the President avoids the evaluation of the Commission on Appointment by appointing officials – even the heads of the various executive departments – only in an acting capacity while Congress is in session. This is a blatant evasion of the Constitutional mandate and escapes the precise purpose of ensuring that continuous government service is provided, considering that, unlike ad interim appointments, acting capacity appointments do not allow such appointees the full range of authority of the position.


HAROLD JAMES T. DUTERTE


PAOLO Z. DUTERTE



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
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AN ACT
REQUIRING THE COMMISSION ON APPOINTMENTS TO ACT PROMPTLY ON
NOMINATIONS, AND DESIGNATING HIGHEST RANKING OFFICIAL IN ACTING
CAPACITY WHILE CONGRESS IS IN SESSION

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

SECTION 1. *Reiterating and preserving the President's power of appointment.* — Congress reiterates the constitutional policy sustaining the President's power of appointments outlined under Section 16, Article VII of the 1987 Constitution.

SEC. 2. *Clarifying the role of the Commission on Appointments.* — The Commission of Appointments shall take up and act upon, within ninety (90) days of submission by the Office of the President, any nomination for appointment requiring confirmation.

SEC. 3. *Prohibition of appointment of officials in acting capacity while Congress is in session.* — While Congress is in session, all appointments requiring Commission on Appointment consent shall be submitted to the Commission for its action as defined under Section 2 hereof. No appointments in acting capacity for such positions shall be issued by the President while Congress is in session and while the Commission of Appointments have the ability to act upon such nominations.

SEC. 4. *Designation of Career Officials in Acting Capacity While Congress in Session.* In the exigency of the service, in the event that the President has not decided to nominate any person to an office requiring the consent of the Commission on Appointments when Congress is in session, the highest ranking career official within the subject department or office where the vacancy has occurred, shall automatically be designated in the acting capacity to the subject position.

SEC. 5. *Effectivity.* — This Act shall take effect fifteen (15) days after publication in the official gazette or in newspaper of national circulation.

Approved.